

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY — MONDAY, MAY 11, 2009

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 696).

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

Absent, Excused — Mallory Caraway.

The invocation was offered by Lawrence Bade, senior pastor, St. Paul's Evangelical Lutheran Church, Brenham.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Orr who presented Dr. Mike White of Cleburne as the "Doctor for the Day."

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

LEAVE OF ABSENCE GRANTED

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

Mallory Caraway on motion of Kent.

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).

(Farabee in the chair)

HR 1957 - ADOPTED

(by T. King)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 1957**.

The motion prevailed.

The following resolution was laid before the house:

HR 1957, In memory of Carlos Garcia, Sr., of Hondo.

HR 1957 was read and was unanimously adopted by a rising vote.

On motion of Representative T. King, the names of all the members of the house were added to **HR 1957** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative T. King who introduced family members of Carlos Garcia, Sr.

(Speaker in the chair)

HCR 214 - ADOPTED

(by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HCR 214**.

The motion prevailed.

The following resolution was laid before the house:

HCR 214, Honoring Haven for Hope of Bexar County as it commemorates its first full year of service in San Antonio.

HCR 214 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Menendez who introduced representatives of Haven for Hope.

(Gattis in the chair)

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. 28).

CSHB 300 - RULES SUSPENDED

Representative Dunnam moved to suspend Rule 7, Section 37 of the House Rules to allow the house to reconsider the vote by which **CSHB 300**, as amended, was passed to engrossment after the motion is in order, as designated by the 10th item of Rule 6, Section 1(a) of the House Rules.

The motion prevailed.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 837 (by Hopson), Recognizing April 15, 2009, as Crockett Day at the State Capitol.

HR 1708 (by Truitt), Congratulating Dr. Angela Gardner of The University of Texas Medical Branch at Galveston on her election as president of the American College of Emergency Physicians.

HR 1727 (by Rios Ybarra), Honoring the legislative interns of State Representative Dr. Tara Rios Ybarra.

HR 1728 (by Button), Honoring Stan Luckie on being named 2009 Alumni of the Year by Leadership Garland.

HR 1729 (by Button), Commemorating the 2009 DFW Dragon Boat, Kite, and Lantern Festival in Irving.

HR 1730 (by Button), Congratulating Officer Mark White of the Garland Police Department on being named Officer of the Month for February 2009 by the Optimist Club and on his departmental commendation.

HR 1731 (by Craddick), Commending Jimmy Stallings of Martin County for his philanthropic work.

HR 1732 (by Flynn), Honoring Mercy Ships for its outstanding contributions to global health.

HR 1734 (by Shelton), Honoring Dr. Joe Kuban for his exceptional service as a longtime science teacher at Nolan Catholic High School in Fort Worth.

HR 1738 (by Farrar), Recognizing May 4-8, 2009, as Architecture Week and honoring the Texas Society of Architects.

HR 1740 (by Martinez), Congratulating Virginia Ramirez of Pharr-San Juan-Alamo High School in San Juan on winning the 2009 Texas High School Women's Powerlifting Association 5A state championship in the 123-pound weight class.

HR 1741 (by Hunter), Congratulating San Patricio County Judge Terry Simpson on his election as president of the County Judges and Commissioners Association of Texas.

HR 1742 (by Eissler), Congratulating Jerry and Nadyne Harris of The Woodlands on their 60th wedding anniversary.

HR 1745 (by Y. Davis), Commending Melvin D. Traylor for his service to Dallas ISD on the occasion of the Franklin D. Roosevelt High School auditorium being named in his honor.

HR 1746 (by Hughes), Commending retired jurist Bonnie Leggat Hagan of Marshall for her 20 years of service as judge of the 71st District Court.

HR 1748 (by Bonnen), Honoring Sergeant Monica Lin Brown of Lake Jackson for her receipt of the Silver Star Medal.

HR 1749 (by McClendon), Commending the San Antonio chapter of the Service Corps of Retired Executives for its many years of service.

HR 1753 (by Chavez), Honoring Pat Mora for her exemplary work with the YWCA El Paso del Norte Region.

HR 1756 (by Hilderbran), Congratulating the Menard Morning Glories on receiving the 2009 National Junior Master Gardener Group Service and Achievement Award.

HR 1758 (by Kent), Commending the League of Women Voters of Richardson.

HR 1760 (by Eiland), Honoring Dr. Joan Richardson, Michael Megna, and Michael Shriner of The University of Texas Medical Branch for their efforts in developing the institution's preparedness plan for Hurricane Ike.

HR 1764 (by B. Brown), Congratulating Jean Ann Ables-Flatt of Terrell on her receipt of a Best of East Texas Award from Best of East Texas Publishers.

HR 1766 (by Martinez), Congratulating Claudia Pena of Alamo on her receipt of a 2008 Milken Family Foundation National Educator Award.

HR 1767 (by Martinez), Commemorating the 15th anniversary of South Texas College.

HR 1768 (by Martinez), Congratulating Oswaldo Castaneda on his receipt of the Mercedes Chamber of Commerce Lifetime Service Award.

HR 1769 (by Martinez), Congratulating Deyanira Castillo on being named a 2009 Student of the Year by the Migrant Student Graduation Enhancement Program of The University of Texas at Austin.

HR 1770 (by Martinez), Congratulating Ismael "Mike" Gonzalez on his receipt of the Mercedes Chamber of Commerce Lifetime Service Award.

HR 1771 (by Craddick), Congratulating the Beal family of Midland on receiving the 2009 Hearst Energy Award for lifetime achievement.

HR 1772 (by Hilderbran), Commending C. J. "Jim" Brisbin of Sonora for his work as a Texas Silver-Haired Legislator and for his other outstanding civic contributions.

HR 1773 (by Hilderbran), Honoring Brigitte Rogers of Sonora for her service as a member of the Texas Silver-Haired Legislature and for her other civic contributions.

HR 1774 (by Gallego), Commemorating the 60th anniversary of the San Felipe Lions Club.

HR 1775 (by Sheffield), Congratulating Dan and Helen Wiley of Temple on their 60th wedding anniversary.

HR 1776 (by Sheffield), Congratulating Charles and Greneta Ordner of Westphalia on their 50th wedding anniversary.

HR 1777 (by Sheffield), Congratulating Bill and Dottie Kyle of Salado on their 50th wedding anniversary.

HR 1778 (by Sheffield), Congratulating Nick and Bertie Gandy of Temple on their 60th wedding anniversary.

HR 1780 (by Marquez), Honoring Juan Provencio of El Paso for his service to his country.

HR 1781 (by Marquez), Honoring Ramon M. Munoz for his valiant service in the United States Army during World War II.

HR 1782 (by Marquez), Congratulating retired Brigadier General Jose Riojas of El Paso on his nomination as assistant secretary for operations, security and preparedness of the Department of Veterans Affairs.

HR 1786 (by Gonzales), Congratulating Dr. Jerry L. Polinard on his receipt of the Liberty Bell Award from the Hidalgo County Bar Association.

HR 1787 (by Gonzales), Congratulating Judge Ernest Aliseda on his receipt of the Ethics Award from the Hidalgo County Bar Association.

HR 1788 (by Gonzales), Congratulating Ernesto J. Dominguez on his receipt of the John E. Cook Pro Bono Award from the Hidalgo County Bar Association.

HR 1789 (by Kent, Hartnett, Madden, and Button), Commending Luke Davis for his service to the Richardson ISD Board of Trustees.

HR 1790 (by Kent), Commending Dallas Area Interfaith for its goals and achievements.

HR 1791 (by Kent, Madden, Hartnett, and Button), Commending Karen Ellis for her service to the Richardson ISD Board of Trustees.

HR 1792 (by Kent, Button, Madden, and Hartnett), Congratulating Karen Holburn on her election to the Richardson ISD Board of Trustees.

HR 1793 (by Kent, Button, Madden, and Hartnett), Commending Kim Caston for her service to the Richardson ISD Board of Trustees.

HR 1795 (by Smithee), Congratulating Teresa Lyons, director of the Hereford Municipal Airport, on being named the 2009 General Aviation Airport Manager of the Year by the Aviation Department of the Texas Department of Transportation.

HR 1796 (by Maldonado), Congratulating Grace Stafford on her graduation from Southwestern University.

HR 1797 (by Anderson), Congratulating Thomas and Francis Turner of Waco on their 65th wedding anniversary.

HR 1798 (by Anderson), Congratulating James and Doris Dean of Waco on their 65th wedding anniversary.

HR 1799 (by Anderson), Congratulating Sidney and Betty Henson of Waco on their 60th wedding anniversary in 2008.

HR 1800 (by Anderson), Congratulating Jack and Frances Chandler of Crawford on their 60th wedding anniversary.

HR 1801 (by Anderson), Congratulating Elton and Esther Manthei of Robinson on their 65th wedding anniversary.

HR 1802 (by Anderson), Congratulating Raymond and Martha Johnson of Waco on their 70th wedding anniversary.

HR 1803 (by Anderson), Congratulating L. D. and Barbara Parsons of Waco on their 65th wedding anniversary.

HR 1804 (by Anderson), Congratulating Edna Bryant of Waco on her 100th birthday.

HR 1805 (by Anderson), Congratulating Leo and Rosalie Mynarcik of West on their 60th wedding anniversary.

HR 1806 (by Anderson), Congratulating Billy and Bobbie Mills of Waco on their 60th wedding anniversary.

HR 1807 (by Anderson), Congratulating Daniel and Betty Carroll of Waco on their 60th wedding anniversary.

HR 1808 (by Anderson), Congratulating Kenneth and Enelda Niles of Waco on their 60th wedding anniversary.

HR 1811 (by Craddick), Honoring David and Lisa Doherty of Houston on their 30th wedding anniversary.

HR 1812 (by Craddick), Congratulating Jack and Cheryl Burns of Midland on their 40th wedding anniversary.

HR 1813 (by Craddick), Honoring Horace and Alto West of Houston on their 70th wedding anniversary.

HR 1814 (by Craddick), Congratulating Bert and Mary Cosby of Midland on their 50th wedding anniversary.

HR 1815 (by Leibowitz), Congratulating Derrick Anthony Dunn on becoming an Eagle Scout.

HR 1816 (by Leibowitz), Congratulating Kevin James Needles on becoming an Eagle Scout.

HR 1817 (by Leibowitz), Congratulating David Robinson on his induction into the Naismith Memorial Basketball Hall of Fame.

HR 1818 (by Dunnam), Honoring Chelsea Reilly for her exemplary service as an intern with the Select Committee on Federal Economic Stabilization Funding.

HR 1819 (by Hilderbran), Commemorating the 25th anniversary of the Kerrville Performing Arts Society.

HR 1823 (by C. Turner), Congratulating Marcus Zinecker on becoming an Eagle Scout.

HR 1824 (by C. Turner), Congratulating Cahal McColgan of Arlington on becoming an Eagle Scout.

HR 1825 (by Eissler), Congratulating the gifted and talented students of Nichols Sawmill Elementary School in Magnolia for winning the Texas Grand Champion award from the TEA for their Future Problem Solving Program International entry.

HCR 182 (by S. Miller), Designating March 29, 2010, as Vietnam Veterans Day in the State of Texas.

HCR 211 was withdrawn.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 1622 (by Parker), In memory of Paisley Jae Keehn of Flower Mound.

HR 1720 (by Quintanilla, Pickett, Chavez, Marquez, and Moody), In memory of Elisa A. Flores of El Paso.

HR 1721 (by Quintanilla), In memory of Ricardo "Dicky" Estrada of El Paso.

HR 1726 (by Martinez Fischer), In memory of Alfredo Bruno Sepulveda.

HR 1735 (by Quintanilla), In memory of Maria Sixta Esquivel, the longtime attendant of former state representative Paul Moreno.

HR 1737 (by Cook), Honoring the life of Salvation Army Major Charles "Chuck" Anderson of Corsicana.

HR 1743 (by Hopson), In memory of Lewis Murl "Shorty" Allen of Jacksonville.

HR 1747 (by Bonnen), In memory of Edward L. Cole of Sweeny.

HR 1751 (by Dutton), In memory of Ulysses Jones of Houston.

HR 1752 (by Morrison), In memory of Lawrence Dunn O'Leary of Austin.

HR 1754 (by Laubenberg), Honoring the life of Mary Ellen Murphy Hall of Rockwall.

HR 1755 (by Weber), In memory of U.S. Army Corporal David McCormick.

HR 1757 (by Hilderbran), In memory of U.S. Army Sergeant First Class Lawrence David Ezell.

HR 1779 (by Marquez), In memory of Ruth Fackler Rutledge of El Paso.

HR 1783 (by Marquez, Pickett, Quintanilla, and Moody), In memory of Pablo Salcido of El Paso.

HR 1809 (by Anderson), In memory of Tori Danielle Gordon of Robinson.

HR 1826 (by Ortiz), In memory of Dr. David Berlanga, Jr., of Corpus Christi.

HCR 210 (by Smithee), In memory of Dr. Steven W. Jones, president of Amarillo College.

HCR 212 (by Homer), In memory of J. B. Lowry of Paris, Texas.

HR 1719 (by Quintanilla, Pickett, Chavez, Marquez, and Moody), In memory of J. R. Grijalva of El Paso.

The resolutions were unanimously adopted by a rising vote.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 300 ON THIRD READING
(by Isett, Pickett, and Harper-Brown)**

HB 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.

Representative Pickett moved to postpone consideration of **HB 300** until 11:45 a.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 3670 ON THIRD READING
(by Hopson, Marquez, Patrick, and Edwards)**

HB 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.

HB 3670 was passed by (Record 697): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chisum; Christian; Cohen; Coleman; Cook; 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; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; McCall; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Moody; Morrison; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Mallory Caraway.

Absent — Castro; Chavez; Corte; Hilderbran; Martinez Fischer; Miklos; Naishtat; Olivo; Villarreal.

STATEMENTS OF VOTE

When Record No. 697 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

When Record No. 697 was taken, I was in the house but away from my desk. I would have voted no.

Corte

When Record No. 697 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 697 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

HB 537 ON THIRD 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 passed by (Record 698): 141 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Phillips.

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

Absent, Excused — Mallory Caraway.

Absent — Dutton; Martinez Fischer; Naishtat; Peña; Villarreal.

HB 4360 ON THIRD READING
(by Geren)

HB 4360, A bill to be entitled An Act relating to revenue sources for certain venue projects.

Representative Geren moved to postpone consideration of **HB 4360** until the end of today's third reading calendar.

The motion prevailed.

HB 3621 ON THIRD READING
(by Solomons)

HB 3621, A bill to be entitled An Act relating to certain charges included in a motor vehicle installment agreement.

HB 3621 was passed by (Record 699): 146 Yeas, 0 Nays, 3 Present, not voting.

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

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

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

Absent, Excused — Mallory Caraway.

HB 3695 ON THIRD READING
(by McReynolds)

HB 3695, A bill to be entitled An Act relating to fees of office for directors of certain water districts.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 3695**:

Amend **HB 3695** (committee printing) by striking Section 1 of the bill and replacing with the following:

SECTION 1. Section 49.060, Water Code, is amended by adding subsection (f) to read as follows:

(f) This subsection applies only to a water control and improvement district operating under Chapter 51, Water Code, located in more than one county, the most populous of which is 100,000 or less and the least populous of which is 55,000 or more. A director is entitled to receive fees of office of not more than \$200 a day for each day the director actually spends performing the duties of a director. In this subsection, "performing the duties of a director" has the meaning provided in subsection (a). A district, by resolution of the board, shall set a limit on the fees of office that a director may receive in a year. A district may not set the annual limit at an amount greater than \$7,200.

Amendment No. 1 was adopted.

HB 3695, as amended, was passed by (Record 700): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Mallory Caraway.

Absent — Edwards.

HB 3634 ON THIRD READING
(by Geren, Rose, Callegari, Gattis, Ortiz, et al.)

HB 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.

HB 3634 was passed by (Record 701): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

HB 2438 ON THIRD READING
(by McCall)

HB 2438, A bill to be entitled An Act relating to requirements regarding motor vehicle retail installment transactions.

HB 2438 was passed by (Record 702): 144 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

Absent — Flores; Gallego.

HB 2256 ON THIRD READING
(by Hancock, Martínez Fischer, Rodriguez, T. Smith, et al.)

HB 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.

HB 2256 was passed by (Record 703): 139 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jones;

Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Fletcher; Riddle.

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

Absent, Excused — Mallory Caraway.

Absent — Chavez; Flores; Jackson; Kolkhorst; Pierson.

HB 2536 ON THIRD READING
(by Creighton)

HB 2536, A bill to be entitled An Act relating to the floodplain management account.

HB 2536 was passed by (Record 704): 142 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

Absent — Eiland; Farrar; Flores; Gallego.

HB 2456 ON THIRD READING**(by Eiland)**

HB 2456, A bill to be entitled An Act relating to insurance agent qualifications to sell certain products or product lines.

HB 2456 was passed by (Record 705): 112 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Cohen; Coleman; Cook; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; England; Farabee; Farias; Farrar; Fletcher; Frost; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Woolley.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, F.; Chisum; Christian; Corte; Crabb; Craddick; Darby; Elkins; Flynn; Geren; Harless; Hilderbran; Howard, C.; Isett; Jackson; Jones; Kolkhorst; Legler; Lewis; Parker; Phillips; Sheffield; Shelton; Weber; Zerwas.

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

Absent, Excused — Mallory Caraway.

Absent — Eiland; Flores; Gallego; McReynolds; Patrick; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 705. I intended to vote no.

Callegari

I was shown voting no on Record No. 705. I intended to vote yes.

Craddick

I was shown voting yes on Record No. 705. I intended to vote no.

S. Miller

HB 431 ON THIRD READING**(by Lucio, Alvarado, Kent, et al.)**

HB 431, A bill to be entitled An Act relating to design, construction, and renovation standards for state buildings and facilities.

Amendment No. 1

Representative Madden offered the following amendment to **HB 431**:

Amend **HB 431** on third reading as follows:

(1) In SECTION 1 of the bill, at the end of added Section 2166.409(a), Government Code (page 1, line 17, second reading engrossment), insert "This section does not apply to a facility under the charge and control of the Texas Department of Criminal Justice or the Texas Youth Commission.".

(2) In SECTION 1 of the bill, in added Section 2166.409(c)(2), Government Code (page 2, line 20, second reading engrossment), strike "six individuals" and substitute "seven individuals".

Amendment No. 1 was adopted.

HB 431, as amended, was passed by (Record 706): 118 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook; Crabb; Creighton; Crownover; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Jackson; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Button; Callegari; Chisum; Christian; Corte; Craddick; Darby; Davis, J.; Flynn; Hancock; Hilderbran; Howard, C.; Legler; Lewis; Merritt; Miller, S.; Parker; Phillips; Sheffield; Shelton; Weber.

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

Absent, Excused — Mallory Caraway.

Absent — Gallego; Isett; Jones.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 706. I intended to vote no.

Cook

When Record No. 706 was taken, I was in the house but away from my desk. I would have voted yes.

Jones

HB 2559 ON THIRD 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 passed by (Record 707): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

Absent — Alvarado; Dutton; Farrar; Isett; Jackson; Kent.

HB 692 ON THIRD READING
(by Solomons)

HB 692, A bill to be entitled An Act relating to the jurisdiction of statutory county courts.

HB 692 was passed by (Record 708): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt;

Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Lewis.

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

Absent, Excused — Mallory Caraway.

Absent — Dutton; Eiland; Farrar.

HB 4037 ON THIRD 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 by (Record 709): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

Absent — Dutton; Farrar; Pierson.

HB 1357 ON THIRD READING
(by Isett, Rios Ybarra, Laubenberg, et al.)

HB 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.

Amendment No. 1

Representative Isett offered the following amendment to **HB 1357**:

Amend **HB 1357** (House committee printing) on page 3, line 8, between "dentist," and "or", by inserting "optometrist,".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Isett offered the following amendment to **HB 1357**:

Amend **HB 1357** (House committee printing) as follows:

(1) On page 5, line 15, strike "and".

(2) On page 5, line 16, strike the period and substitute the following:

; and

(11) transfer protocols for patients requiring advanced medical care at a hospital.

(3) On page 6, line 11, between "REQUIREMENTS." and "A", insert "(a)".

(4) On page 6, between lines 16 and 17, insert the following:

(b) Before a facility accepts any patient for treatment or diagnosis, the facility shall enter into a referral, transmission, or admission agreement with a hospital licensed in this state that has an emergency room.

Amendment No. 2 was adopted.

HB 1357 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE D. HOWARD: Just as we talked, a couple of clarifying questions if I could, please, for intent. This bill contains a dual licensure system, and I wanted to ask you to clarify why we have a dual licensure system.

REPRESENTATIVE ISETT: Yes, ma'am. This is an emerging market. These are beginning to spring up as entrepreneurial docs—the idea is that these can actually lower the cost of healthcare. They are cheaper to operate, can do the same things as a full service in a tertiary, but they're still an emerging market. So, by having a two-tier system, it differentiates between those that are open 24-7 and those that aren't. And the second piece is to give the market time to mature and get to a 24-7 so that they all are 24-7.

D. HOWARD: And there is a phase-in period for this?

ISETT: Yes, ma'am, I believe that the bill specifies that they have to be that by September 1, 2012.

D. HOWARD: And because one set is open 24-7 and one is 12-7, could you explain to me the manner in which these two different types of emergency clinics present themselves to the public so that the public is aware of the hours of operation?

ISETT: Yes, ma'am. **HB 1357** allows a 12-7 freestanding emergency clinic to hold itself out in signage marketing advertising in the same manner as an FEC open 24-7. In fact, it states specifically that an FEC open less than 24-7 is not required to comply—I don't know that this is true.

D. HOWARD: Okay.

ISETT: With the bill's prohibition, in the use of the term "emergency" until potentially as late as 12-1, which means that—I don't know that this printed answer is exactly correct. The idea was that there would be a differentiation in nomenclature between the two.

D. HOWARD: So that the consumer would be aware of the different hours that these different clinics have?

ISETT: Yes, ma'am, the difference between an emergency clinic and an emergency room, I think, was contemplated in the bill.

D. HOWARD: Okay.

ISETT: Dr. Zerwas and I worked on this, and the problem is that this was an LBB recommendation to bring these under licensure, and so the question was, are they emergency rooms or not, when they're not open 24-7. We would like them to all move that way, and this bill envisions—gives them that time to mature as an industry and move that direction.

D. HOWARD: So that eventually they will be open 24-7?

ISETT: Yes, ma'am.

REMARKS ORDERED PRINTED

Representative D. Howard moved to print remarks between Representative Isett and Representative D. Howard.

The motion prevailed.

HB 1357, as amended, was passed by (Record 710): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.;

Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Mallory Caraway.

Absent — Edwards; Hughes.

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. 27).

HB 2013 ON THIRD READING (by Keffer, et al.)

HB 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.

Amendment No. 1

Representative Martinez offered the following amendment to **HB 2013**:

Amend **HB 2013** on third reading, on page 3, by striking lines 7 through 13.

Amendment No. 1 was adopted.

HB 2013, as amended, was passed by (Record 711): 125 Yeas, 20 Nays, 2 Present, not voting.

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

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

Nays — Anderson; Brown, B.; Brown, F.; Callegari; Cook; Crabb; Elkins; Fletcher; Flynn; Hancock; Harless; Hartnett; Isett; Madden; Merritt; Miller, S.; Riddle; Sheffield; Shelton; Woolley.

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

Absent, Excused — Mallory Caraway.

Absent — King, P.; Morrison.

STATEMENTS OF VOTE

I was shown voting no on Record No. 711. I intended to vote yes.

Callegari

I was shown voting no on Record No. 711. I intended to vote yes.

Cook

I was shown voting no on Record No. 711. I intended to vote yes.

S. Miller

HB 583 ON THIRD READING

(by Dukes)

HB 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.

HB 583 was passed by (Record 712): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Mallory Caraway.

HB 1083 ON THIRD READING
(by Elkins)

HB 1083, A bill to be entitled An Act relating to mediation orders in certain arbitration proceedings.

HB 1083 was passed by (Record 713): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

Absent — Creighton; Davis, J.; Hamilton; Pierson; Vaught; Veasey.

HB 2093 ON THIRD 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 Chisum 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 _____. Section 1702.322, Occupations Code, is amended to read as follows:

Sec. 1702.322. LAW ENFORCEMENT PERSONNEL. This chapter does not apply to:

(1) a person who is a chief of police, sheriff, constable, or other chief administrator of a law enforcement agency in this state or is appointed, elected, or employed by the chief administrator of a law enforcement agency ~~[has full time employment]~~ as a peace officer, as defined by Section 1701.001, in accordance with the licensing requirements adopted under rules of the Commission on Law Enforcement Officer Standards and Education and who receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, extra job coordinator, or watchman if ~~[the officer]~~:

(A) the officer is employed by the private employer in an employee-employer relationship or ~~[employed]~~ on an individual contractual basis;

(B) the private employment does not require the officer to be ~~[is not]~~ in the employ of another peace officer;

(C) the officer is not a reserve peace officer; and

(D) the officer works for the law enforcement agency ~~[as a peace officer]~~ on the average of at least 32 hours a week, is compensated by the state or a political subdivision of the state at least at the minimum wage, and is entitled to all employee benefits offered to a peace officer by the state or political subdivision;

(2) a reserve peace officer while the reserve officer is performing guard, patrolman, or watchman duties for a county and is being compensated solely by that county;

(3) a peace officer acting in an official capacity in responding to a burglar alarm or detection device; or

(4) a person engaged in the business of electronic monitoring of an individual as a condition of that individual's community supervision, parole, mandatory supervision, or release on bail, if the person does not perform any other service that requires a license under this chapter.

Amendment No. 1 was adopted.

HB 2093, as amended, was passed by (Record 714): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.;

Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Mallory Caraway.

Absent — Burnam; McCall; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 714. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 714. I intended to vote no.

Riddle

HB 2656 ON THIRD 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.

HB 2656 was passed by (Record 715): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

HB 2859 ON THIRD READING
(by D. Miller)

HB 2859, A bill to be entitled An Act relating to notice requirements for a county selling surplus or salvage property.

HB 2859 was passed by (Record 716): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

HB 3316 ON THIRD 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 by (Record 717): 146 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Mallory Caraway.

Absent — Cohen; Pierson.

STATEMENTS OF VOTE

When Record No. 717 was taken, my vote failed to register. I would have voted yes.

Cohen

When Record No. 717 was taken, my vote failed to register. I would have voted yes.

Pierson

HB 3499 ON THIRD 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 by (Record 718): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Aycoc; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; 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; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond;

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

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

Absent, Excused — Mallory Caraway.

Absent — Allen; Cohen; Giddings; Hochberg; Isett; Riddle; Thibaut.

STATEMENTS OF VOTE

When Record No. 718 was taken, I was temporarily out of the house chamber. I would have voted yes.

Allen

When Record No. 718 was taken, my vote failed to register. I would have voted yes.

Cohen

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 1969 ON THIRD 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 passed by (Record 719): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; 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; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield;

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

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

Absent, Excused — Mallory Caraway.

Absent — Aycock; Hancock; Kolkhorst.

SB 1540 ON THIRD 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 passed by (Record 720): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

SB 2306 ON THIRD 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 passed by (Record 721): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb;

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

Nays — Solomons.

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

Absent, Excused — Mallory Caraway.

Absent — Alvarado; Hochberg.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 721. I intended to vote no.

Rose

I was shown voting no on Record No. 721. I intended to vote yes.

Solomons

SB 2126 ON THIRD 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 passed by (Record 722): 142 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; 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.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado;

Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — King, T.; Solomons; Thibaut.

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

Absent, Excused — Mallory Caraway.

Absent — Creighton; Hochberg.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 722. I intended to vote no.

Frost

I was shown voting yes on Record No. 722. I intended to vote no.

Rose

SB 1054 ON THIRD 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 passed by (Record 723): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

Absent — Aycock; Corte.

SB 58 ON THIRD 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 passed by (Record 724): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

Absent — Alvarado; Burnam.

SB 61 ON THIRD 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 passed by (Record 725): 99 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook; Crabb; Creighton; Crownover; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Fletcher; Flores; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, S.; Kleinschmidt; Laubenberg; Leibowitz;

Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Button; Callegari; Chisum; Christian; Corte; Craddick; Darby; Davis, J.; Eissler; Elkins; Flynn; Frost; Guillen; Hamilton; Hancock; Harper-Brown; Hartnett; Hopson; Howard, C.; Hughes; Isett; King, T.; Kolkhorst; Kuempel; Legler; Lewis; Madden; Merritt; Miller, D.; Miller, S.; Phillips; Riddle; Ritter; Smith, W.; Smithee; Solomons; Swinford; Weber; Woolley.

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

Absent, Excused — Mallory Caraway.

Absent — Davis, Y.; King, P.; Peña; Taylor.

STATEMENTS OF VOTE

I was shown voting no on Record No. 725. I intended to vote yes.

Lewis

I was shown voting yes on Record No. 725. I intended to vote no.

Orr

I was shown voting yes on Record No. 725. I intended to vote no.

Otto

When Record No. 725 was taken, I was in the house but away from my desk. I would have voted no.

Taylor

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

SENATE BILLS

THIRD READING

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

SB 45 ON THIRD 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 passed by (Record 726): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Mallory Caraway.

Absent — Jackson.

RECESS

At 12:19 p.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

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

POSTPONED BUSINESS

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

HB 4360 ON THIRD READING (by Geren)

HB 4360, A bill to be entitled An Act relating to revenue sources for certain venue projects.

HB 4360 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Geren offered the following amendment to **HB 4360**:

Amend **HB 4360** on third reading as follows:

- (1) Strike page 2, line 5, through page 3, line 7.
- (2) Strike page 4, line 26, through page 6, line 11.
- (3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

HB 4360, as amended, was passed by (Record 727): 128 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; 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; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Nays — Brown, B.; Brown, F.; Callegari; Fletcher; Harper-Brown; Isett; Laubenberg; Madden; Miller, S.; Paxton; Riddle; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Mallory Caraway.

Absent — Eiland; Heflin; Hughes; King, P.; Morrison; Pierson; Rios Ybarra; Thibaut.

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, postponed until May 8, and was again postponed until 7 a.m. today.

Representative Moody moved to postpone consideration of **CSHB 2864** until 2 p.m. today.

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, postponed until May 8, and was again postponed until 7:05 a.m. today.

Representative Legler moved to postpone consideration of **CSHB 1169** until 1:50 p.m. today.

The motion prevailed.

CSHB 3390 ON SECOND READING
(by Harper-Brown, Y. Davis, et al.)

CSHB 3390, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Fire Protection.

CSHB 3390 was read second time on May 7 and was postponed until 8 a.m. today.

Representative Harper-Brown moved to postpone consideration of **CSHB 3390** until 6 a.m. tomorrow.

The motion prevailed.

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.

HB 1259 was read second time on May 8 and was postponed until 8 a.m. today.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **HB 1259**:

Amend **HB 1259** (house committee printing) on page 1, between lines 16 and 17, by inserting the following:

(c) Notwithstanding the requirement under Section 402.0212(a) that the attorney general provide legal services to a state agency if the attorney general denies approval of a contract for legal services, the attorney general shall, in a timely manner, assist the board with selecting alternative outside legal counsel if the attorney general denies approval under that section of the board's request for outside legal counsel.

Amendment No. 1 was adopted.

HB 1259, as amended, was passed to engrossment.

HB 2820 ON THIRD READING
(by Chisum and Chavez)

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

HB 2820 was read third time on May 6 and was postponed until 10 a.m. today.

Amendment No. 1

Representative W. Smith offered the following amendment to **HB 2820**:

Amend **HB 2820** on third reading as follows:

(1) Strike page 2, line 9, through page 3, line 6, and substitute the following:

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

Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, ~~OR~~ SURVEYOR, LANDSCAPE ARCHITECT, OR GEOSCIENTIST.

SECTION _____. Sections 2254.004(a) and (b), Government Code, are amended to read as follows:

(a) In procuring architectural, engineering, ~~or~~ land surveying, landscape architectural, or geoscientific services, a governmental entity shall:

(1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and

(2) then attempt to negotiate with that provider a contract at a fair and reasonable price.

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

(1) formally end negotiations with that provider;

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

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

(2) Renumber the SECTIONS of the bill accordingly.

(Kleinschmidt in the chair)

Amendment No. 1 was adopted by (Record 728): 123 Yeas, 22 Nays, 1 Present, not voting.

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

Nays — Anderson; Bonnen; Brown, F.; Christian; Cook; Crabb; Dunnam; Fletcher; Flynn; Frost; Isett; Jackson; Jones; Laubenberg; Madden; McCall; Orr; Paxton; Riddle; Ritter; Truitt; Turner, S.

Present, not voting — Mr. Speaker.

Absent, Excused — Mallory Caraway.

Absent — Gutierrez; Harper-Brown; Phillips.

HB 2820, as amended, was passed by (Record 729): 138 Yeas, 9 Nays, 1 Present, not voting.

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

Nays — Brown, F.; Christian; Crabb; Fletcher; Flynn; Isett; Laubenberg; Paxton; Riddle.

Present, not voting — Mr. Speaker.

Absent, Excused — Mallory Caraway.

Absent — Eiland.

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**:

Otto on motion of Orr.

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).

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.

HJR 112 was read third time on May 8 and was postponed until 10 a.m. today.

(Solomons in the chair)

The vote of the house was taken on **HJR 112** and the vote was announced yeas 98, nays 46.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 730): 98 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Brown, B.; Burnam; Castro; Chavez; Christian; Cohen; Coleman; Cook; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jackson; Jones; Kent; King, S.; King, T.; Kleinschmidt; Kuempel; Leibowitz; Lewis; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons(C); Strama; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Button; Chisum; Corte; Crabb; Craddick; Creighton; Driver; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Harper-Brown; Howard, C.; Hughes; Hunter; Isett; Keffer; Kolkhorst; Laubenberg; Legler; Madden; Miller, D.; Miller, S.; Parker; Paxton; Phillips; Riddle; Sheffield; Shelton; Smithee; Swinford; Taylor; Weber; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Mallory Caraway.

Absent, Excused, Committee Meeting — Otto.

Absent — Callegari; Davis, J.; King, P.; Oliveira; Thompson.

The chair stated that **HJR 112** failed of adoption (not receiving the necessary two-thirds vote) by the above vote.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 730. I intended to vote no.

Christian

I was shown voting yes on Record No. 730. I intended to vote no.

Crownover

LEAVES OF ABSENCE GRANTED

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

P. King on motion of Morrison.

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

J. Davis on motion of Hancock.

SB 257 - RECOMMITTED

Representative Gallego moved to recommit **SB 257** to the Committee on Criminal Jurisprudence.

The motion prevailed.

HB 300 ON THIRD READING (by Isett, Pickett, and Harper-Brown)

HB 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.

HB 300 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representatives Dunnam and Phillips offered the following amendment to **HB 300**:

Amend **HB 300** on third reading as follows:

(1) In Subchapter E, Chapter 223, Transportation Code, as redesignated, renumbered, and amended as Subchapter E, Chapter 371, Transportation Code, on second reading by Floor Amendment No. 134 by Phillips, following Section 223.209, Transportation Code, as redesignated, renumbered, and amended as Section 371.309, Transportation Code, add the following:

Sec. 371.310. APPLICABILITY. Notwithstanding any provision of this subchapter to the contrary, a restriction on the department in connection with a comprehensive development agreement, applies equally to a toll project entity.

(2) Amend Section 201.211, Transportation Code, as added by **CSHB 300**, on page 8, as follows:

(a) On line 12, strike "or a department employee", and substitute, "the governing body of a toll project entity, as defined by Chapter 371, or an employee of the department or a toll project entity".

(b) On line 13, between "department's" and "control", insert "or the toll project entity's".

(3) Amend Section 223.213, Transportation Code, as added by Floor Amendment No. 70 by Farrar, by redesignating that section as 371.312, Transportation Code, and amending that section to read as follows:

Sec. 371.312. PROHIBITION AGAINST NONCOMPETITION PROVISIONS. Notwithstanding Section 371.103(b), a toll project entity may not enter into a comprehensive development agreement for a toll project, including a managed lane, that contains a provision that limits or prohibits the construction, reconstruction, expansion, rehabilitation, operation, or maintenance of a nontolled highway by the toll project entity or a provision that requires the toll project entity to reimburse a private entity for the loss of toll revenue attributable to the construction of a nontolled highway.

(4) Amend Section 223.214, Transportation Code, as added by Floor Amendment No. 63 by Rodriguez, by redesignating that section as 371.311, Transportation Code.

(5) (a) Amend Section 223.0043, Transportation Code, as added by Floor Amendment No. 61 by Moody, by redesignating that section as 371.313, Transportation Code, and amending added Subsections (d), (e), and (f) to read as follows:

(d) A business entity that has not made a political contribution or a lobbying expenditure that must be disclosed under Subsection (c) shall, within the time prescribed by that subsection, deliver to the chief administrative officer of the applicable toll project entity or the that officer's designee a written statement that the business entity has not made a political contribution or lobbying expenditure that must be disclosed.

(e) On receipt of information under Subsection (c) or (d), the toll project entity shall promptly publish the information on the entity's Internet website.

(f) A toll project entity may not consider a bid submitted by a business entity that does not comply with this section.

(b) Add a new SECTION to the bill, appropriately numbered, to read as follows and renumbering sections accordingly:

SECTION _____. Section 371.313, Transportation Code, as added by this Act, applies only to a bid submitted for a contract as to which the initial notice is published on or after September 1, 2009.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KOLKHORST: Chairman Dunnam, I was looking at your amendment and I think Section 371.310 states that a restriction on the department, that would be the Texas Department of Transportation, in connection with a CDA agreement, applies to the toll project. I think that would clarify my concern of what I had originally put in the bill.

REPRESENTATIVE DUNNAM: Right, any restriction, and restriction on TxDOT in connection with a CDA is going to equally apply to a toll project entity. Toll project entities are defined in Section 371.

KOLKHORST: And that includes, in Chapter 223, the modification that I put on back in December, before we came here that—

DUNNAM: That is correct.

KOLKHORST: —has the AG and the comptroller involved in approving these half-century long, sometimes half-trillion dollar, projects.

DUNNAM: I think that where I'm missing you is Sunset, I don't understand—when you say Sunset put it in the law, well, Sunset doesn't put it in the law.

KOLKHORST: We just did a modification.

DUNNAM: We put it in the law.

KOLKHORST: That's right.

DUNNAM: And so anything that the legislature puts in the law as a restriction on the department in connection with CDAs is going to apply to a toll project entity. So to the extent that we put a restriction in law about the AGs on TxDOT, it is going to apply on CDAs regarding toll project entities that are not TxDOT.

REMARKS ORDERED PRINTED

Representative Kolkhorst moved to print remarks between Representative Dunnam and Representative Kolkhorst.

The motion prevailed.

HB 300 - REMARKS

DUNNAM: And just to be clear, one final note, this amendment on line 5 mentions and refers to Floor Amendment No. 131 by Phillips. That is the correct number under the FAS system. In the journal, at least as of yesterday, it was Amendment No. 134, and so I just want to make that very, very clear for the record.

REMARKS ORDERED PRINTED

Representative Leibowitz moved to print remarks by Representative Dunnam.

The motion prevailed.

Amendment No. 1 was adopted.

(Otto now present)

Amendment No. 2

Representative Leibowitz offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by amending Section 371.301(a), Transportation Code, as redesignated, renumbered, and amended on second reading by Floor Amendment No. 134 by Phillips, to read as follows:

(a) Subject to Section 371.302 ~~[223.202]~~, a toll project entity ~~[the department]~~ 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;

(3) [~~(4)~~] state highway improvement project in which the private entity has an interest in the project; or

(4) [~~(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.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Phillips offered the following amendment to **HB 300**:

Amend **HB 300** on third reading as amended by Floor Amendment No. 134 by Phillips by striking Subsection (a) of Section 371.301, Transportation Code (page 1, lines 4-19 of the amendment), as renumbered and amended by the amendment and substituting:

(a) Subject to Section 371.302 [~~223.202~~], a toll project entity [~~the department~~] 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) [~~(3)~~] state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;

(3) [(4)] state highway improvement project in which the private entity has an interest in the project; [~~or~~]

(4) [(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; or

(5) for a regional mobility authority, a transportation project as defined by Section 370.003.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Phillips offered the following amendment to **HB 300**:

Amend **HB 300** on third reading as amended by Floor Amendment No. 134 by Phillips by striking Subsection (f) of Section 371.301, Transportation Code (page 2, lines 21-23), as renumbered and amended by the amendment and substituting:

(f) Except as provided by Subsections (h) and (i), the authority to enter into comprehensive development agreements provided by this section expires on August 31, 2013 [~~2009~~].

Amendment No. 4 was adopted. (Kleinschmidt, Kolkhorst, and Sheffield recorded voting no.)

Amendment No. 5

Representative Phillips offered the following amendment to **HB 300**:

Amend **HB 300** on third reading as in SECTION 3.04 of the bill, in amended Section 228.201(a)(2), Transportation Code, strike "into" and substitute "in".

Amendment No. 5 was adopted.

Amendment No. 6

Representative Phillips offered the following amendment to **HB 300**:

Amend **HB 300** on third reading as amended by Floor Amendment No. 99 by Paxton to Amendment No. 54 by W. Smith in added Subdivision (9) to Section 371.105(d), Transportation Code (page 1, line 9 of the amendment to the amendment), by striking "into" and substituting "to".

Amendment No. 6 was withdrawn.

Amendment No. 7

On behalf of Representative Gallego, Representative Pickett offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by adding the appropriately numbered section to read as follows:

SECTION _____. PRESIDIO INTERNATIONAL BRIDGE. Up verification that the County of Presidio and the City of Presidio have obtained the appropriate financing, the Department shall sell and convey the Presidio International Bridge to the City and County of Presidio at cost. Such sale shall be expeditiously handled in accordance with applicable state and federal laws. The Department may maintain up to a 10% minority share of ownership so long as such ownership does not preclude the City and County from charging a toll for use of the bridge by passenger, commercial, pedestrian or other traffic.

Amendment No. 7 was adopted.

Amendment No. 8

On behalf of Representative Gallego, Representative Pickett offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by amending Section 228.201, Transportation Code, as amended by Floor Amendment No. 57 by Leibowitz, by adding Subsection (a-1) to read as follows:

(a-1) Subsection (a) does not apply to a port of entry, as defined by Section 621.001.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Phillips offered the following amendment to **HB 300**:

Amend **HB 300** on third reading as amended by Floor Amendment No. 99 by Paxton to Amendment No. 54 by W. Smith in added Subdivision (9) to Section 371.105(d), Transportation Code (page 1, line 9 of the amendment to the amendment), by striking "into" and substituting "in".

Amendment No. 9 was adopted.

Amendment No. 10

On behalf of Representative Kuempel, Representative Isett offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by adding a new section, appropriately numbered to read as follows, renumbering the sections of the bill accordingly:

SECTION _____. Notwithstanding any other provision of this Act, the changes made in law by this Act do not apply to the following enumerated projects. Such projects are governed by the law as it existed immediately before the effective date of the Act, and those provisions are continued in effect for that purpose. The projects subject to this section are:

- (1) All segments of State Highway 130 from Georgetown to Seguin.

Amendment No. 10 was adopted.

(Speaker in the chair)

Amendment No. 11

On behalf of Representative T. King, Representative Isett offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by amending Section 201.903(c), Transportation Code, as added by Floor Amendment No. 26 on second reading, to read as follows:

(c) To the extent allowed by federal law, each department sign on Interstate Highway 35 that identifies an intersection of that highway and U.S. Highway 57 and includes the name of a municipality or an unincorporated community located on U.S. Highway 57 must also contain the words "Crystal City."

Amendment No. 11 was adopted.

Amendment No. 12

Representative Giddings offered the following amendment to **HB 300**:

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

ARTICLE _____. NONAPPLICABILITY

SECTION _____.01. (a) The changes in law made by this Act do not affect:

- (1) the State Highway 161 project from State Highway 183 to IH 20 in Dallas County;

- (2) the DFW Connector project in Tarrant and Dallas Counties (State Highway 114 from State Highway 114L Business to east of International Parkway and State Highway 121 from north of FM 2499 to south of State Highway 360);

- (3) the North Tarrant Express project in Tarrant and Dallas Counties (IH 820 and State Highway 121/State Highway 183 from IH 35W to State Highway 161, IH 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and IH 35W from IH 30 to State Highway 170);

(4) the IH 635 managed lanes project in Dallas County (IH 635 from east of Luna Road to Greenville Avenue and IH 35E from south of the Loop 12/IH 35E split to south of Valwood Parkway);

(5) a project associated with the highway designated as the Trinity Parkway in the city of Dallas;

(6) Phase 4 extension of the Dallas North Tollway in Collin and Denton Counties from U.S. 380 to the Grayson County line to be developed by North Texas Tollway Authority;

(7) the Southwest Parkway (State Highway 121) in Tarrant County from Dirks Road/Altamesa Boulevard to IH 30 and the Southwest Parkway/Chisholm Trail (State Highway 121) in Tarrant and Johnson Counties from Dirks Road/Altamesa Boulevard to State Highway 67;

(8) a project associated with IH 30 managed lanes in Tarrant and Dallas Counties;

(9) IH 35E in Denton and Dallas Counties;

(10) a project associated with Loop 9 or the Dallas-Fort Worth Regional Outer Loop;

(11) a project on IH 30, IH 35E, and other roadways in downtown Dallas associated with the Pegasus Project; or

(12) US 75 from IH 635 to the Collin/Greyson County Line.

(b) The projects described by Subsection (a) of this section are governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) The Texas Department of Transportation shall adopt rules to implement this section.

Amendment No. 12 was withdrawn.

Amendment No. 13

Representative W. Smith offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by striking Section 372.161, Transportation Code, as added on second reading by Floor Amendment No. 125 by Pickett.

Amendment No. 13 was adopted.

Amendment No. 14

Representative Pickett offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by amending Section 370.251(a-2), Transportation Code, as added by the floor amendment by Pickett on page 287, amendment packet, to read as follows:

(a-2) The governing body of a municipality that creates a municipal mobility authority, by ordinance or resolution may provide that the governing body of the municipality 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.

Amendment No. 14 was adopted.

Amendment No. 15

Representative McClendon offered the following amendment to **HB 300**:

Amend **HB 300** (House Committee printing), 81st Legislative Session, on third reading by amending and adding appropriately numbered Section(s) of the bill, and renumbering the sections of the bill appropriately to read as follows:

Chapter 201, Title 6, Subtitle A, Transportation Code, is amended by adding and amending appropriately lettered and numbered Subchapter and Section references, relating to the abolition of the Texas Transportation Commission and the creation of the commissioner of transportation as an elected statutory state officer, to read as follows:

On page 1, after line 8 and before line 9, Section 201.003, Transportation Code, is amended to read as follows:

Sec. 201.003. TITLE AND ORGANIZATIONAL CHANGES. (a) A reference in law to the State Highway Department, Texas Highway Department, or State Department of Highways and Public Transportation means the Texas Department of Transportation.

(b) A reference in law to the State Highway Commission, ~~or~~ State Highway and Public Transportation Commission, or Texas Transportation Commission means the elected commissioners of transportation [~~Texas Transportation Commission~~].

(c) A reference in law to the State Highway Engineer, ~~or~~ State Engineer-Director for Highways and Public Transportation, or [~~means~~] the director of the Texas Department of Transportation means the chair of the commission of transportation.

(d) ~~[A reference in law to the commissioner of transportation means the chair of the commission.~~

~~[(e)] A [reference in] law that authorizes the Texas Transportation Commission to authorize the director of the Texas Department of Transportation to take an action shall be construed to authorize the chair of the commission of transportation to take that action [to a member of the commission means a commissioner].~~

On page 2, after line 9, Subchapter B, Chapter 201, Transportation Code, is amended by adding subparagraphs (1) - (5) to subparagraph (a) of Sec. 201.051, by inserting and renumbering subparagraphs (f) - (j) as subparagraphs (a)(1) - (a)(4) and adding a new subparagraph (a)(5), renumbering former subparagraph (b) as new subparagraph (c), and repealing former subparagraphs (c) and (i) of Section 201.051, to read as follows:

SUBCHAPTER B. TEXAS TRANSPORTATION COMMISSION

Sec. 201.051. COMMISSION. (a) The Texas Transportation Commission shall consist of five fifteen (15) members, appointed by the governor with the advice and consent of the senate, fourteen (14) of whom shall be elected from geographic districts and one (1) of whom shall be elected at large and serve as chair of the commission.

(1) ~~(f)~~ An officer, employee, or paid consultant of a Texas trade association in the field of road construction or maintenance, aviation, or outdoor advertising or a Texas trade association of automobile dealers is not eligible for election or appointment as commissioner ~~[may not be a member of the commission]~~.

(2) ~~(g)~~ The spouse of an officer, manager, or paid consultant of a Texas trade association in the field of road construction or maintenance, aviation, or outdoor advertising or a Texas association of automobile dealers is not eligible for election or appointment as commissioner ~~[may not be a member of the commission]~~.

(3) ~~(h)~~ A person required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department is not eligible for election or appointment as commissioner ~~[may not serve as a member of the commission]~~.

(4) ~~(j)~~ In this section, "Texas trade association" means a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(5) The elected commissioners reconstituted as the Texas Transportation Commission shall be the successors to the appointed Texas Transportation Commission for all purposes, including for the purposes of Sections 49-k, 49-l, 49-m, 49-n, and 49-o, Article III, Texas Constitution.

~~(b) [The members shall be appointed to reflect the diverse geographic regions and population groups of this state. One member must reside in a rural area. The legislature shall, at its first regular session after the publication of each United States decennial census, reapportion the geographic districts described in Subsection (a). The districts shall be substantially equal in population, according to the most recent United States decennial census. The legislature shall consider county lines, senatorial and representative districts, and commissioners' precincts in the reapportionment process.]~~

~~(c) Each member of the commission must represent the general public.~~

~~(c) [Except as provided by Subsection (e), a person is not eligible for appointment as a member of the commission if the] To be eligible for election as commissioner, or appointment to fill a vacancy in the office of commissioner, a person or the person's spouse may not:~~

(1) be ~~[is]~~ employed by or participate ~~[participates]~~ in the management of a business entity or other organization that is regulated by or receives funds from the department;

(2) directly or indirectly own or control ~~[owns or controls]~~ more than 10 percent interest in a business entity or other organization that is regulated by or receives funds from the department;

(3) ~~use or receive~~ ~~[uses or receives]~~ a substantial amount of tangible goods, services, or funds from the department, other than compensation or reimbursement authorized by law for ~~[commission membership, attendance, or]~~ expenses; or

(4) ~~be~~ ~~[is]~~ registered, certified, or licensed by the department.

~~[(i) Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin of the appointees and shall reflect the diversity of the population of the state as a whole.]~~

On page 2 after line 19, and before page 4, line 3, Sections 201.053, 201.054, 201.0545, 201.056, 201.057, 201.058, and 201.059 of the Transportation Code are amended and renumbered appropriately as follows:

Sec. 201.053. CHAIR OF THE COMMISSION. (a) The member of the commission elected at large is ~~[The governor periodically shall designate one commissioner as~~ the chair of the commission, who shall serve as presiding officer of the commission.

(b) The chair shall:

(1) preside over commission meetings, make rulings on motions and points of order, and determine the order of business;

(2) represent the department in dealing with the governor;

(3) report to the governor on the state of affairs of the department at least quarterly;

(4) ~~[report to the commission the governor's suggestions for department operations;~~

~~[(5)]~~ report to the governor on efforts, including legislative requirements, to maximize the efficiency of department operations through the use of private enterprise;

(5) ~~[(6)]~~ periodically review the department's organizational structure and submit recommendations for structural changes to the governor, the commission, and the Legislative Budget Board;

(6) ~~[(7)]~~ designate one or more employees of the department as a civil rights division of the department and receive regular reports from the division on the department's efforts to comply with civil rights legislation and administrative rules;

(7) ~~[(8)]~~ create subcommittees, appoint commissioners to subcommittees, and receive the reports of subcommittees to the commission as a whole;

(8) ~~[(9)]~~ may appoint a deputy commissioner to act in the chair's absence; and

(9) ~~[(10)]~~ serve as the departmental liaison with the governor and the Office of State-Federal Relations to maximize federal funding for transportation.

Sec. 201.053 ~~[201.0545]~~. RECOMMENDATIONS TO LEGISLATURE. (a) The commission shall consider ways in which the department's operations may be improved and may periodically report to the legislature concerning potential statutory changes that would improve the operation of the department.

(b) On behalf of the commission, the chair shall report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of relevant legislative committees on legislative recommendations adopted by the commission and relating to the operation of the department.

Sec. 201.054 ~~[201.056]~~. COMPENSATION. The commissioners ~~[A member of the commission]~~ are entitled to compensation as provided by the General Appropriations Act. If compensation for the commissioners ~~[members]~~ is not provided by that Act, the commissioners ~~[each member]~~ is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a commissioner ~~[a member of the commission]~~.

Sec. 201.055 ~~[201.057]~~. GROUNDS FOR REMOVAL. ~~[(a)]~~ It is a ground for removal ~~[from the commission]~~ if a commissioner:

(1) does not have at the time of election or appointment or maintain during service as commissioner ~~[on the commission]~~ the qualifications required by this chapter;

(2) violates a prohibition provided by this chapter; or

(3) cannot discharge the commissioner's duties for a substantial part of the term for which the commissioner is elected or appointed because of illness or disability~~;~~ ~~or~~

~~[(4) is absent from more than half of the regularly scheduled commission meetings that the commissioner is eligible to attend during a calendar year, unless the absence is excused by majority vote of the commission].~~

~~[(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commissioner exists.~~

~~[(c) If the director knows that a potential ground for removal exists, the director shall notify the chair of the commission of the ground, and the chair shall notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal relates to the chair, the director shall notify another commissioner, who shall notify the governor and the attorney general that a potential ground for removal exists.]~~

Sec. 201.056 ~~[201.058]~~. INFORMATION ON QUALIFICATIONS AND CONDUCT. The department shall provide to the commissioners ~~[members of the commission]~~, as often as necessary, information concerning the commissioners' ~~[members']~~ qualifications for office and the commissioners' ~~[under Subchapter B and their]~~ responsibilities under applicable laws relating to standards of conduct for state officers.

~~[Sec. 201.059. TRAINING ON DEPARTMENT AND CERTAIN LAWS RELATING TO DEPARTMENT. (a) To be eligible to take office as a member of the commission, a person appointed to the commission must complete at least one course of a training program that complies with this section.~~

~~[(b) The training program must provide information to the person regarding:~~

~~[(1) this subchapter;~~

~~[(2) the programs operated by the department;~~

~~[(3) the role and functions of the department;~~

~~[(4) the rules of the department with an emphasis on the rules that relate to disciplinary and investigatory authority;~~

~~[(5) the current budget for the department;~~

~~[(6) the results of the most recent formal audit of the department;~~

~~[(7) the requirements of the:~~

~~[(A) open meetings law, Chapter 551, Government Code;~~

~~[(B) open records law, Chapter 552, Government Code; and~~

~~[(C) administrative procedure law, Chapter 2001, Government Code;~~

~~[(8) the requirements of the conflict of interest laws and other laws relating to public officials; and~~

~~[(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.~~

~~[(e) A person appointed to the commission is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the General Appropriations Act and as if the person were a member of the commission.]~~

At page 6, after line 12, Sections 201.201 and 201.202, Transportation Code, are amended to read as follows:

Sec. 201.201. GOVERNANCE OF DEPARTMENT. The commission governs the Texas Department of Transportation.

Sec. 201.202. DIVISIONS; DIVISION PERSONNEL. (a) The commission shall organize the department into divisions to accomplish the department's functions and the duties assigned to it, including divisions for:

(1) aviation;

(2) highways and roads;

(3) public transportation; and

(4) rail transportation ~~[motor vehicle titles and registration].~~

(b) The person designated by the chair of the commission ~~[director]~~ to supervise the division responsible for highways and roads must be a registered professional engineer experienced and skilled in highway construction and maintenance.

~~[(e) In appointing a person to supervise a function previously performed by the former State Department of Highways and Public Transportation, Texas Department of Aviation, or Texas Turnpike Authority, preference shall be given to a person employed in a similar position in that former agency.]~~

At page 9, after line 10, Subchapter E, Chapter 201, Transportation Code, Sections 201.301, 201.302, and 201.303 are amended and renumbered appropriately to read as follows:

SUBCHAPTER E. STATE ROAD MAP; UNIVERSITY LABORATORIES

[DIRECTOR]

Sec. 201.301. ~~[EXECUTIVE DIRECTOR. (a) The commission shall elect an executive director for the department. The director must be a registered professional engineer in this state and experienced and skilled in transportation planning, development, construction, and maintenance.~~

~~[(b) The director serves at the will of the commission.~~

~~[(d) The director shall:~~

~~[(1) serve the commission in an advisory capacity, without vote; and~~

~~[(2) submit to the commission, quarterly, annually, and biennially, detailed reports of the progress of public road construction, detailed reports of public and mass transportation development, and detailed statements of expenditures.~~

~~[(e) The director is entitled to actual expenses for and related to travel away from Austin in performance of the director's duties under the direction of the commission.~~

~~[Sec. 201.302.]~~ STATE ROAD MAP. The chair of the commission ~~[director]~~ shall make, regularly revise, and keep in a form convenient for examination in the office of the department a complete road map of the state that shows road construction in the counties.

Sec. 201.302 ~~[201.303]~~. USE OF UNIVERSITY LABORATORIES FOR ANALYZING MATERIALS. The chair of the commission ~~[director]~~ may use laboratories maintained at Texas A&M University and The University of Texas to test and analyze road and bridge material. Persons in charge of the laboratories shall cooperate with and assist the chair of the commission ~~[director]~~ with those tests and analyses.

On page 76 after line 14, Section 223.105, Transportation Code, is repealed.

On page 77 after line 7, Section 504.401(d), Transportation Code, is amended and subparagraph (11) is added, and subparagraphs (12) and (13) renumbered appropriately to read as follows:

(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;
- (7) the commissioner of the General Land Office;
- (8) the comptroller;
- (9) a member of the Railroad Commission of Texas;
- (10) the commissioner of agriculture;
- (11) the commissioners of transportation;
- (12) the secretary of state; or
- (13) ~~[(12)]~~ a member of the State Board of Education.

On page 82, after line 21, Section 52.092(c), a new Section is added and the Election Code is amended by adding subparagraph (7) and renumbering subparagraphs (8)-(12) appropriately, to read as follows:

(c) Statewide offices of the state government shall be listed in the following order:

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;
- (4) comptroller of public accounts;

- (5) commissioner of the General Land Office;
- (6) commissioner of agriculture;
- (7) commissioners of transportation;
- (8) railroad commissioner;
- (9) [~~(8)~~] chief justice, supreme court;
- (10) [~~(9)~~] justice, supreme court;
- (11) [~~(10)~~] presiding judge, court of criminal appeals;
- (12) [~~(11)~~] judge, court of criminal appeals.

An appropriately numbered Section is added to the bill, and other subsequent Sections of the Bill renumbered appropriately, to read as follows:

SECTION _____. (a) The first chair of the commission of transportation elected under the changes in law made by this Act shall be elected at the general election held in November, 2010 to serve for a term that begins January 1, 2011.

(b) Until the first commissioner of transportation elected under this Act takes office, the members of the Texas Transportation Commission and the executive director of the Texas Department of Transportation serving on the effective date of this Act shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the composition of the Texas Transportation Commission, and that prior law is continued in effect for that purpose. If, on January 1, 2011, there is a vacancy in the new office of commissioner of transportation created under this Act because the first chair-elect of the commission of transportation has died or refuses or is permanently unable to serve, the members of the Texas Transportation Commission and the executive director of the Texas Department of Transportation serving on the effective date of this Act shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the composition of the Texas Transportation Commission until the governor fills the vacancy by appointment in the manner provided by law. The prior law that governed the composition of the Texas Transportation Commission and the executive director of the Texas Department of Transportation is continued in effect for that purpose. At the time that the first chair-elect of the commission of transportation that is elected, or in extraordinary circumstances appointed, under this Act takes office, the chair shall serve as sole commissioner until the election of the remaining fourteen (14) commissioners of the Texas Transportation Commission.

(c) The newly elected commissioners of transportation succeed to all powers, duties, rights, and obligations of the Texas Transportation Commission, and the reconstituted Texas Transportation Commission as elected shall not affect the validity of any right, duty, decision, rule, or action of any kind taken by or under the authority of the commission.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Veasey offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by amending Section 201.051(h), Transportation Code, as added by Floor Amendment No. 4 by Veasey, amending Floor Amendment No. 1 by McClendon to **CSHB 300**, to read as follows:

(h) A vacancy in the office of commissioner is filled by election by the legislature. The legislature fills a vacancy by the vote of each chamber of the legislature sitting separately. A person is elected as commissioner by the

legislature if the person receives a majority of the votes cast in each chamber of the legislature for the person's election. To be eligible to be a candidate for commissioner under this subsection, other than for the commissioner elected at-large, a person must be a resident of the geographic district for which the vacancy exists.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Menendez offered the following amendment to **HB 300**:

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

ARTICLE ____ .TEMPORARY TAGS FOR MOTOR VEHICLES

SECTION ____ .01 Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0619 to read as follows:

Section 503.0619. TEMPORARY TAG MATERIAL. (a) The department shall evaluate:

(1) the material authorized for use in a temporary motor vehicle tag;
(2) alternative materials available for use in a temporary motor vehicle tag;

(3) the visibility of various tag materials in different types of weather and light conditions; and

(4) the effectiveness of various tag materials.

(b) The department shall seek the assistance of law enforcement in evaluating the materials to be used in the temporary motor vehicle tags.

(c) If the department determines that the materials currently authorized for use in temporary motor vehicle tags are not effective, the commission shall by rule adopt new specifications for temporary motor vehicle tags.

(d) The department shall complete the evaluation required by this section not later than September 1, 2010.

(e) This section expires January 1, 2011.

Amendment No. 17 was adopted.

Amendment No. 18

Representative Y. Davis offered the following amendment to **HB 300**:

Amend **HB 300** on third reading as follows:

(1) In Section 372.152, Transportation Code, as added by Floor Amendment No. 125 by Pickett at the end of that section add the following:

A person who enters into or submits a proposal for a contract with the department or with any board or agency of this state whose governing members are appointed by the governor may not make a political contribution to the governor's campaign.

(2) Strike Section 372.155(a), Transportation Code, as added by Floor Amendment No. 125 by Pickett, and substitute the following:

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

(3) Strike Section 372.155(b), Transportation Code, as added by Floor Amendment No. 125 by Pickett, and substitute the following:

(b) This section does not prohibit a board member or employee of a local toll entity, the governor, or an employee of the office of the governor from using the entity's resources to provide public information or to provide information responsive to a request.

(4) In Section 372.155(c), Transportation Code, as added by Floor Amendment No. 125 by Pickett, at the end of that subsection add the following:

If the governor or an employee of the office of the governor violates this section, the department may not develop, finance, construct, or operate a toll project within the territory of a local toll project entity without the consent of the local toll project entity.

(5) Strike Section 372.157, Transportation Code, as added by Floor Amendment No. 125 by Pickett, and substitute the following:

Sec. 372.157. COMPENSATION PROHIBITION. A local toll project entity, the governor, or the office of the governor 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.

(6) Strike Section 372.158, Transportation Code, as added by Floor Amendment No. 125 by Pickett, and substitute the following:

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 or for the department if the person or the person's affiliates have a financial interest in the contract.

Amendment No. 18 - Point of Order

Representative Hartnett raised a point of order against further consideration of Amendment No. 18.

The point of order was withdrawn.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Giddings offered the following amendment to **HB 300**:

Amend **HB 300** on third reading by adding a new section, appropriately numbered to read as follows, renumbering the sections of the bill accordingly:

SECTION _____. Notwithstanding any other provision of this Act, the changes made in law by this Act do not apply to the following enumerated projects. Such projects are governed by the law as it existed immediately before the effective date of the Act, and those provisions are continued in effect for that purpose. The projects subject of this section are:

(1) the State Highway 161 project from State Highway 183 to IH 20 in Dallas County;

(2) the DFW Connector project in Tarrant and Dallas Counties (State Highway 114 from State Highway 114L Business to east of International Parkway and State Highway 121 from north of FM 2499 to south of State Highway 360);

(3) the North Tarrant Express project in Tarrant and Dallas Counties (IH 820 and State Highway 121/State Highway 183 from IH 35W to State Highway 161, IH 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and IH 35W from IH 30 to State Highway 170);

(4) the IH 635 managed lanes project in Dallas County (IH 635 from east of Luna Road to Greenville Avenue and IH 35E from south of the Loop 12/IH 35E split to south of Valwood Parkway);

(5) a project associated with the highway designated as the Trinity Parkway in the city of Dallas;

(6) Phase 4 extension of the Dallas North Tollway in Collin and Denton Counties from U.S. 380 to the Grayson County line to be developed by North Texas Tollway Authority;

(7) the Southwest Parkway (State Highway 121) in Tarrant County from Dirks Road/Altamesa Boulevard to IH 30; or

(8) the Trinity Parkway

Amendment No. 20

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

Amend House Floor Amendment No. 19 on third reading to **HB 300** in item number (6), by striking "Collin and Denton Counties" and substituting "Denton County".

Amendment No. 20 was adopted.

Amendment No. 19, as amended, was adopted.

HB 300, as amended, was passed by (Record 731): 138 Yeas, 6 Nays, 1 Present, not voting.

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

Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anchia; Crabb; Flynn; Hartnett; McCall; Truitt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; King, P.; Mallory Caraway.

Absent — Brown, F.; Morrison.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 731. I intended to vote no.

Madden

When Record No. 731 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

SB 526 ON SECOND READING (Martínez - House Sponsor)

SB 526, A bill to be entitled An Act relating to grants for federally qualified health centers.

SB 526 was considered in lieu of **CSHB 1169**.

SB 526 was read second time and was passed to third reading. (Laubenberg recorded voting no.)

CSHB 1169 - LAID ON THE TABLE SUBJECT TO CALL

Representative Martínez moved to lay **CSHB 1169** on the table subject to call.

The motion prevailed.

SB 1224 ON SECOND READING (Moody - House Sponsor)

SB 1224, A bill to be entitled An Act relating to a waiver of fees imposed for certain expunctions.

SB 1224 was considered in lieu of **CSHB 2864**.

SB 1224 was read second time and was passed to third reading.

CSHB 2864 - LAID ON THE TABLE SUBJECT TO CALL

Representative Moody moved to lay **CSHB 2864** on the table subject to call.

The motion prevailed.

SB 1832 ON SECOND READING
(Zerwas - House Sponsor)

SB 1832, A bill to be entitled An Act relating to the eligibility for judge-ordered community supervision or for release on parole or to mandatory supervision of a defendant convicted of criminal solicitation of capital murder.

SB 1832 was considered in lieu of **CSHB 493**.

SB 1832 was read second time and was passed to third reading.

CSHB 493 - LAID ON THE TABLE SUBJECT TO CALL

Representative Zerwas moved to lay **CSHB 493** on the table subject to call.

The motion prevailed.

HB 2573 ON SECOND READING
(by Gonzalez Toureilles)

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

HB 2573 was read second time on April 23, postponed until May 1, postponed until May 5, and was again postponed until 10 a.m. today.

Representative Gonzalez Toureilles moved to postpone consideration of **HB 2573** until 9 a.m. Thursday, May 14.

The motion prevailed.

SB 858 ON SECOND READING
(Jackson - House Sponsor)

SB 858, A bill to be entitled An Act relating to offering the classroom portion of a driver education course through an alternative method of instruction.

SB 858 was considered in lieu of **HB 2399**.

SB 858 was read second time and was passed to third reading.

HB 2399 - LAID ON THE TABLE SUBJECT TO CALL

Representative Jackson moved to lay **HB 2399** on the table subject to call.

The motion prevailed.

(Keffer in the chair)

SB 727 ON SECOND READING
(Vaught - House Sponsor)

SB 727, A bill to be entitled An Act relating to the creation of DNA records for the DNA database system.

SB 727 was considered in lieu of **HB 4386**.

SB 727 was read second time.

Amendment No. 1

Representative Burnam offered the following amendment to **SB 727**:

Amend **SB 727** (house committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 54.0409, Family Code (page 2, lines 10-17), strike Subsection (a) and substitute the following:

(a) This section applies only to conduct constituting the commission of a felony under Title V, Penal Code.

(2) In SECTION 6 of the bill, in added Section 11(j), Article 42.12, Code of Criminal Procedure (page 5, line 15), between "felony" and "shall require", insert "under Title V, Penal Code.".

Representative Vaught moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Vaught offered the following amendment to **SB 727**:

Amend **SB 727** in SECTION 10 of the bill, in amended Section 411.148(k), Government Code (page 14, line 5), by striking "acceptance is conditional on the individual providing" and substituting "criminal justice agency that agrees to accept custody or supervision of the individual shall collect [acceptance is conditional on the individual providing]".

Amendment No. 2 was adopted.

Amendment No. 3

On behalf of Representative Gallego, Representative Vaught offered the following amendment to **SB 727**:

Amend **SB 727** (house committee printing) in SECTION 2 of the bill as follows:

(1) In the introductory language to SECTION 2 of the bill (page 1, lines 9-10), strike "Subsection (h-1)" and substitute "Subsections (h-1) and (j)".

(2) Immediately following added Article 102.020(h-1), Code of Criminal Procedure (page 2, between lines 6-7), insert the following new subsection:

(j) The court may waive the imposition of a court cost under this article if the court determines that the defendant is indigent and unable to pay the cost.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Laubenberg offered the following amendment to **SB 727**:

Amend **SB 727** (house committee printing) by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Section 411.146, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The director shall, immediately after the creation of a DNA record based on the sample, destroy a DNA sample collected under Section 11(j), Article 42.12, Code of Criminal Procedure, Section 54.0409, Family Code, or Section 411.148, 411.1471, or 411.1473 of this code.

Amendment No. 4 was adopted.

SB 727, as amended, was passed to third reading.

HB 4386 - LAID ON THE TABLE SUBJECT TO CALL

Representative Vaught moved to lay **HB 4386** on the table subject to call.

The motion prevailed.

HB 2394 ON SECOND READING
(by England)

HB 2394, A bill to be entitled An Act relating to the requirements for recording a property owners' association management certificate.

HB 2394 was read second time on May 2, postponed until May 7, and was again postponed until 10 a.m. today.

Representative England moved to postpone consideration of **HB 2394** until 7 p.m. today.

The motion prevailed.

(Speaker in the chair)

HB 2154 ON SECOND READING
(by Edwards)

HB 2154, A bill to be entitled An Act relating to the physician education loan repayment program.

HB 2154 was read second time on May 8, amendments were offered and disposed of, and **HB 2154** was postponed until 10 a.m. today. Amendment No. 4 was pending at the time of postponement.

Representative Edwards moved to postpone consideration of **HB 2154** until 6 p.m. today.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Y. Davis requested permission for the Committee on Urban Affairs to meet while the house is in session, at 4:30 p.m. today, in 3W.9.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, 4:30 p.m. today, 3W.9, for a formal meeting.

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.

CSHB 230 was read second time on May 8 and was postponed until 8 a.m. today.

Amendment No. 1

Representative Shelton offered the following amendment to **CSHB 230**:

Amend **CSHB 230** as follows:

(1) On page 1, line 14, strike "; and" and substitute ";".

(2) On page 1, line 15, between "facilities" and the underscored period, insert:

; and

(4) summer camps for youths

(3) On page 1, line 21, strike "or facility" and substitute "facility, or summer camp for youths".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Christian offered the following amendment to **CSHB 230**:

Amend **CSHB 230** as follows:

(1) On page 1, line 14, strike "; and" and substitute ";".

(2) On page 1, line 15, between "facilities" and the underscored period, insert:

; and

(4) places of worship

(3) On page 1, line 21, strike "or facility" and substitute "facility, or place of worship".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Anderson offered the following amendment to **CSHB 230**:

Amend **CSHB 230** (house committee printing) as follows:

(1) On page 1, line 14, strike "; and" and substitute ";".

(2) On page 1, line 15, strike "facilities." and substitute:

facilities; and

(4) an agricultural facility or fairgrounds owned or operated by a nonprofit organization that is exempt from federal income taxation under Section 501 or 503, Internal Revenue Code of 1986.

(3) On page 1, line 21, strike "or facility" and substitute "facility, or fairgrounds".

Amendment No. 3 was adopted.

CSHB 230, as amended, was passed to engrossment. (Craddick, Flynn, and Parker recorded voting no.)

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.

CSHB 2740 was read second time on May 8 and was postponed until 10 a.m. today.

CSHB 2740 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FLYNN: Ms. Bolton, I just wanted to ask a couple of questions, and we discussed this earlier. Tell me exactly what problem we're trying to solve with this bill.

REPRESENTATIVE BOLTON: Okay, Mr. Flynn, that's a great question. Currently, in state regulation under the Department of State Health Services, if you have a youth camp that is in operation at least four consecutive days at a time, you are already under the Department of State Health Services regulation. There are other types of camps that operate for weekends or for long weekends. They don't operate for four consecutive days minimum, and so they skirt regulation, and therefore don't have to have any kinds of safety things in place to protect our children. So this is a bill that is just a leveling of the playing field, making sure that any facility that operates a camp or a youth facility for our kids is equally regulated.

FLYNN: What would the impact be on a church camp where they have a weekend where they go down and visit?

BOLTON: Well, if they're only operating one weekend a year, then they would be under this bill. But if they operate more than a certain number of weekends, or if they operate for more than four consecutive days—for example in the summer—then they're already regulated and they would not be impacted by this bill because they're already regulated and licensed by the Department of State Health Services.

FLYNN: So Boy Scout and Girl Scout camps are already licensed?

BOLTON: They're already licensed and regulated by the state.

FLYNN: Okay, what about, we've got a number of home school groups that go out from time to time and have events that they plan on a weekend camp. Would they have to be licensed to do this?

BOLTON: One of the amendments that I have coming up clarifies that this bill does not pertain to facilities that provide care on school days. That type of care is regulated by DFPS. And I have another amendment that stipulates that this bill only applies to regulating business and professional operations, not activities done by family and friends. It's a fee for service, and so if you're just taking your grandkids out or you're taking a group of friends out—

FLYNN: That would be like a home school group?

BOLTON: Right, then you would not come under this, or if you are a school group—

FLYNN: Or a weekend church retreat? Now sometimes there's a fee for participating in some of the events that they do.

BOLTON: The regulation would not apply to the church if you were going on a—like my son goes with his church youth group on retreats. This bill does not apply to the church that's taking the kids on the retreat. This bill would only apply to the facility that is operating the retreat facility.

FLYNN: Okay, because there are so many—Boy Scouts, church groups, Girl Scouts, home schools, and church retreats that do this, I just want to be sure that we're not putting an undue burden on these groups that are continuing to participate and do what they've normally done.

BOLTON: And I think that is a very valid concern, and when we had this bill in committee, two groups that came to testify for it—one was a church youth group and the other was the Baptist General Convention of Texas, which operates camps. They testified in support of the bill because they recognized the importance of safety and regulations, and they want, frankly, a level playing field because there are these groups that operate just a certain number of days a year to avoid having to have any safety regulations in place. So this bill doesn't do anything to harm those camps that are already regulated, whether they be churches or scout or any other type of camp.

REMARKS ORDERED PRINTED

Representative Flynn moved to print remarks between Representative Bolton and Representative Flynn.

The motion prevailed.

Amendment No. 1

Representative Bolton offered the following amendment to **CSHB 2740**:

Amend **CSHB 2740** (house committee printing) on page 1 by striking lines 15 and 16 and substituting the following:

(A) operates, consecutively or nonconsecutively, for at least 14 days a year, on weekend days, school holidays, or during the period in which school is recessed for the summer, but not before or after the customary school day or when school is in session;

Amendment No. 1 was adopted.

Amendment No. 2

Representative Bolton offered the following amendment to **CSHB 2740**:

Amend **CSHB 2740** (house committee printing) on page 1, line 22, between "environment" and "; and", by inserting ", the cost of which is paid for by program participants or underwritten by a charitable person".

Amendment No. 2 was adopted.

CSHB 2740, as amended, was passed to engrossment. (Anderson, Berman, Button, Fletcher, Flynn, Harper-Brown, C. Howard, Laubenberg, Phillips, Riddle, and Weber 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**:

Otto on motion of Orr.

Pitts on motion of Farabee.

SB 1259 ON SECOND READING (Hughes - House Sponsor)

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

SB 1259 was read second time on May 5 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Hughes offered the following amendment to **SB 1259**:

Amend **SB 1259** as follows:

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

SECTION _____. Article 2.21, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (k) to read as follows:

(a) In a criminal proceeding, a clerk of the district or county court shall:

(1) receive and file all papers;

(2) receive all exhibits at the conclusion of the proceeding;

(3) issue all process; ~~and~~

(4) accept and file electronic documents received from the defendant, if the clerk accepts electronic documents from an attorney representing the state;

(5) accept and file digital multimedia evidence received from the defendant, if the clerk accepts digital multimedia evidence from an attorney representing the state; and

(6) perform all other duties imposed on the clerk by law.

(k) In this article, "digital multimedia evidence" means evidence stored or transmitted in a binary form, and includes data representing documents, audio, video metadata, and any other information attached to a digital file.

SECTION _____. Subchapter B, Chapter 51, Government Code, is amended by adding Section 51.1045 to read as follows:

Sec. 51.1045. ELECTRONIC DOCUMENTS AND DIGITAL MULTIMEDIA EVIDENCE. (a) In this section, "digital multimedia evidence" has the meaning assigned by Article 2.21, Code of Criminal Procedure.

(b) The clerk of the court of criminal appeals may accept electronic documents and digital multimedia evidence received from a defendant, an applicant for a writ of habeas corpus, the clerk of the convicting court, a court reporter, or an attorney representing the state.

SECTION _____. Section 51.105(a), Government Code, is amended to read as follows:

(a) In the performance of the duties imposed by Section 51.104, the clerk of the court of criminal appeals may maintain writs and other records and documents in an electronic storage format or on microfilm. A record or document stored electronically or on microfilm in accordance with this section is considered an original record or document. If the clerk [~~electronically~~] stores writs, records, or documents electronically or on microfilm, the clerk may destroy the originals or copies of the writs, records, or documents according to the retention policy described by Subsection (b).

(2) Strike SECTION 3 of the bill and substitute the following appropriately numbered SECTION:

SECTION _____. Sections 51.0045 and 51.205, Government Code, as added by this Act, and Section 51.105, Government Code, as amended by this Act, apply to a record or document maintained by the clerk of the Texas Supreme Court, the clerk of the Texas Court of Criminal Appeals, or the clerk of a court of appeals, as applicable, regardless of whether the record or document was received by the clerk before, on, or after the effective date of this Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hughes offered the following amendment to **SB 1259**:

Amend **SB 1259** (house committee printing) as follows:

(1) On page 1, line 5, between "SECTION 1." and "Subchapter A", insert "(a)".

(2) On page 1, line 6, strike "Section 51.0045" and substitute "Sections 51.0045 and 51.0046".

(3) On page 1, immediately after line 24, insert the following:

Sec. 51.0046. PRIVACY OF CERTAIN RECORDS AND DOCUMENTS; LIABILITY. (a) The supreme court shall adopt rules establishing procedures for protecting personal information contained in records and documents stored by the clerk of an appellate court in an electronic storage format and for accessing those records and documents. The supreme court by rule shall define "personal information" for purposes of this section.

(b) A person who complies with the rules adopted by the supreme court under this section is not liable for damages arising from the disclosure of personal information that is included in records or documents stored in an electronic storage format.

(c) For purposes of this section, "electronic storage" has the meaning assigned by Section 51.105(c).

(b) Notwithstanding any other provision of this Act, Section 51.0046, Government Code, as added by this section, applies to a record or document maintained by a clerk of an appellate court that is received by the clerk after the effective date of the rules adopted in accordance with Section 51.0046, Government Code.

Amendment No. 2 was adopted.

Amendment No. 3

On behalf of Representative Smithee, Representative Hughes offered the following amendment to **SB 1259**:

Amend **SB 1259** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.2081 to read as follows:

Sec. 22.2081. APPELLATE JUDICIAL SYSTEM. (a) The commissioners court of each county in the Seventh Court of Appeals District, by order entered in its minutes, shall establish an appellate judicial system to:

(1) assist the court of appeals for the county in the disposition of appeals filed with the court of appeals from the county courts, statutory county courts, probate courts, and district courts; and

(2) defray costs and expenses incurred by the county under Section 22.208.

(b) To fund the system, the commissioners court shall set a court costs fee of \$5 for each civil suit filed in a county court, statutory county court, probate court, or district court in the county.

(c) The court costs fee does not apply to a suit filed by the county or to a suit for delinquent taxes.

(d) The court costs fee shall be taxed, collected, and paid as other court costs in a suit. The clerk of the court shall collect the court costs fee set under this section and pay it to the county officer who performs the county treasurer's functions. That officer shall deposit the fee in a separate appellate judicial system fund for the court of appeals district. The fund may not be used for any other purpose. The chief justice of the court of appeals has sole discretion as to the use of the fund.

(e) The commissioners court shall monthly order the funds collected under this section to be forwarded to the court of appeals for expenditures by the court of appeals for its appellate judicial system.

(f) The commissioners court shall vest management of the system in the chief justice of the court of appeals.

SECTION _____. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06115 to read as follows:

Sec. 101.06115. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court in the Seventh Court of Appeals District shall collect an appellate judicial system filing fee of \$5 under Section 22.2081, Government Code.

SECTION _____. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08114 to read as follows:

Sec. 101.08114. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a statutory county court in the Seventh Court of Appeals District shall collect an appellate judicial system filing fee of \$5 under Section 22.2081, Government Code.

SECTION _____. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10114 to read as follows:

Sec. 101.10114. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. The clerk of a statutory probate court in the Seventh Court of Appeals District shall collect an appellate judicial system filing fee of \$5 under Section 22.2081, Government Code.

SECTION _____. Subchapter G, Chapter 101, Government Code, is amended by adding Section 101.12123 to read as follows:

Sec. 101.12123. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a county court in a county in the Seventh Court of Appeals District shall collect an appellate judicial system filing fee of \$5 under Section 22.2081, Government Code.

Amendment No. 3 was adopted.

SB 1259, as amended, was passed to third reading.

HB 1833 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hughes moved to lay **HB 1833** on the table subject to call.

The motion prevailed.

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.

HB 3477 was read third time on May 8 and was postponed until 10:15 a.m. today.

HB 3477 was passed by (Record 732): 85 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Brown, B.; Burnam; Castro; Chavez; Cohen; Coleman; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Kent; King, T.; Kleinschmidt; Kuempel; Leibowitz; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, W.; Solomons; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Driver; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Hartnett; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kolkhorst;

Laubenberg; Legler; Lewis; Madden; McCall; Merritt; Miller, D.; Miller, S.; Orr; Parker; Paxton; Phillips; Riddle; Sheffield; Shelton; Smith, T.; Smithee; Swinford; Taylor; Truitt; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; King, P.; Mallory Caraway.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Harper-Brown; King, S.; Peña.

STATEMENTS OF VOTE

I was shown voting no on Record No. 732. I intended to vote present, not voting.

Callegari

I was shown voting no on Record No. 732. I intended to vote yes.

Lewis

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pickett requested permission for the Committee on Transportation to meet while the house is in session, at 5 p.m. today, in 3W.15, for a formal meeting.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pickett moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Transportation to consider **SB 220, SB 294, SB 334, SB 348, SB 404, SB 480, SB 617, SB 898, SB 1093, SB 1218, SB 1350, SB 1367, SB 1392, SB 1669**, and **SJR 18**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 8 a.m. tomorrow, E2.014, for a public hearing.

MAJOR STATE CALENDAR

HOUSE BILLS

SECOND READING

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

CSHB 3646 ON SECOND READING

(by Hochberg, Eissler, Aycock, Pitts, Patrick, et al.)

CSHB 3646, A bill to be entitled An Act relating to public school finance.

(Corte in the chair)

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** by inserting the following new SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Notwithstanding any other provision of this Act, Sections 12.1331 and 21.402(c-1), Education Code, as added by this Act, are expressly contingent on a determination by the commissioner of education that payment of wage and salary increases and associated benefits required by those sections are allowable uses of federal funds received by school districts and open-enrollment charter schools under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) and appropriated as part of the Foundation School Program. The commissioner may not make a determination under this subsection until the state's application to spend funds under the American Recovery and Reinvestment Act of 2009 has been approved by the United States government. The commissioner shall promptly notify school districts and open-enrollment charter schools of that determination. A determination by the commissioner under this subsection is final and may not be appealed.

(b) A school district or open-enrollment charter school may enter into an employment contract or agreement that is contingent on a determination of the commissioner of education under Subsection (a) of this section.

(c) The commissioner of education by rule may determine the applicable minimum salary schedule for use by school districts during the 2010-2011 state fiscal biennium following a determination under Subsection (a) of this section. If the commissioner determines that federal funds received by school districts and open-enrollment charter schools under the American Recovery and Reinvestment Act of 2009 may not be used for purposes of Sections 12.1331 and 21.402(c-1), Education Code, as added by this Act, those amendments have no effect in determining the salary required to be paid to an employee of a school district or open-enrollment charter school.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hochberg offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** as follows:

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

SECTION _____. Section 26.01(e), Tax Code, is amended to read as follows:

(e) Not later than June 7, the chief appraiser shall prepare and certify to the comptroller an estimate of the taxable value of property in each school district participating in the appraisal district and the total market value of that property. Except as provided by Subsection (f), ~~not later than [by] June 7,~~ the chief appraiser shall also prepare and certify to the assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value of property in that taxing unit. The chief appraiser shall assist each county, municipality, and school district in determining values of property in that taxing unit for the taxing unit's budgetary purposes.

(2) On page 42, line 21, strike "Section 403.302(j), Government Code, is" and substitute "Sections 403.302(g) and (j), Government Code, are".

(3) On page 42, between lines 22 and 23, insert the following:

(g) The comptroller shall provide to the commissioner of education ~~publish~~ preliminary taxable value estimates ~~findings~~, listing values by district, before July 1 of the year of the study, and shall certify preliminary findings, listing values by district, by February 1 of the year following the year of the study. Preliminary findings shall be delivered to each school district and shall be certified to the commissioner of education. A preliminary taxable value estimate provided under this subsection may not be appealed, but may be revised by the comptroller at any time before preliminary findings are certified.

Amendment No. 2 was adopted.

(Otto now present)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Truitt requested permission for the Committee on Pensions, Investments, and Financial Services to meet while the house is in session, at 5:30 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, Investments, and Financial Services, 5:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 3646 - (consideration continued)

Amendment No. 3

Representative Hochberg offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** as follows:

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

SECTION _____. Section 12.106, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 42 equal to the greater of:

(1) the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Sections 42.302(a-1)(2) and (3), as they existed on January 1, 2009, received for the school during the 2008-2009 school year and an additional amount of \$100 for each student in weighted average daily attendance; or

(2) the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Section 42.302(a), to which the charter holder would be entitled for the school under Chapter 42 [as] if the school

were a school district without a tier one local share for purposes of Section 42.253 and without any local revenue [~~“LR”~~] for purposes of Section 42.2516 [~~42.302~~].

(a-1) In determining funding for an open-enrollment charter school under Subsection (a)(2), adjustments under Sections 42.102, 42.103, 42.104, and 42.105 [and the district enrichment tax rate (“DTR”) under Section 42.302] are based on the average adjustment [and average district enrichment tax rate] for the state.

(a-2) In addition to the funding provided by Subsection (a), a charter holder is entitled to receive for the open-enrollment charter school enrichment funding under Section 42.302(a) based on the state average tax effort.

SECTION _____. Subchapter A, Chapter 41, Education Code, is amended by adding Section 41.0032 to read as follows:

Sec. 41.0032. TOLLING OF ACTION TO ACHIEVE EQUALIZED WEALTH LEVEL. (a) Notwithstanding any other provision of this chapter, if a school district would otherwise be required by this chapter to take action to achieve the equalized wealth level for the first time for the 2009-2010 or a later school year, the district is not required to take that action until the following school year.

(b) For purposes of this section, a district is not required to take action to achieve the equalized wealth level until the cost to the district to purchase attendance credits under Subchapter D exceeds the amount to which the district is entitled under Section 42.2516.

(c) The commissioner may adopt rules implementing this section as necessary to provide for a district described by this section a one-year tolling of the deadlines specified in this chapter.

SECTION _____. Section 41.121, Education Code, is amended to read as follows:

Sec. 41.121. AGREEMENT. The board of trustees of a district with a wealth per student that exceeds the equalized wealth level may execute an agreement to educate the students of another district in a number that, when the weighted average daily attendance of the students served is added to the weighted average daily attendance of the contracting district, is sufficient, in combination with any other actions taken under this chapter, to reduce the district's wealth per student to a level that is equal to or less than the equalized wealth level. The agreement is not effective unless the commissioner certifies that the transfer of weighted average daily attendance will not result in any of the contracting districts' wealth per student being greater than the equalized wealth level and that the agreement requires an expenditure per student in weighted average daily attendance that is at least equal to the amount per student in weighted average daily attendance required under Section 41.093[~~unless it is determined by the commissioner that a quality educational program can be delivered at a lesser amount. The commissioner may approve a special financial arrangement between districts if that arrangement serves the best educational interests of the state~~].

SECTION _____. Section 42.152(c), Education Code, is amended to read as follows:

(c) Funds allocated under this section shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by Section 29.081, and all other students. Specifically, the funds, other than an indirect cost allotment established under State Board of Education rule, which may not exceed 27 [~~45~~] percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081 or an alternative education program established under Section 37.008 or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081, a district's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction. A home-rule school district or an open-enrollment charter school must use funds allocated under Subsection (a) for a purpose authorized in this subsection but is not otherwise subject to Subchapter C, Chapter 29. Notwithstanding any other provisions of this section:

(1) to ensure that a sufficient amount of the funds allotted under this section are available to supplement instructional programs and services, no more than 18 percent of the funds allotted under this section may be used to fund disciplinary alternative education programs established under Section 37.008;

(2) the commissioner may waive the limitations of Subdivision (1) upon an annual petition, by a district's board and a district's site-based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on disciplinary alternative education programs under Section 37.008, provided that:

(A) the district in its petition reports the number of students in each grade level, by demographic subgroup, not making satisfactory progress under the state's assessment system; and

(B) the commissioner makes the waiver request information available annually to the public on the agency's website; and

(3) for purposes of this subsection, a program specifically designed to serve students at risk of dropping out of school, as defined by Section 29.081, is considered to be a program supplemental to the regular education program, and a district may use its compensatory education allotment for such a program.

SECTION _____. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.1541 to read as follows:

Sec. 42.1541. INDIRECT COST ALLOTMENTS. (a) The State Board of Education shall by rule increase the indirect cost allotments established under Sections 42.151(h), 42.152(c), 42.153(b), and 42.154(a-1) and (c) and in effect for the 2008-2009 school year as necessary to reflect the increased percentage of total maintenance and operations funding represented by the basic allotment under Section 42.101 as a result of amendment of that section by **HB 3646**, Acts of the 81st Legislature, Regular Session, 2009.

(b) The board shall take the action required by Subsection (a) not later than the date that permits the increased indirect cost allotments to apply beginning with the 2009-2010 school year.

(c) This section expires September 1, 2010.

(2) On page 19, line 3, strike "Section 41.0011" and substitute "Sections 41.0011 and 41.0012".

(3) On page 19, between lines 8 and 9, insert the following:

Sec. 41.0012. MODIFICATION FOR DISTRICTS WITH SPECIAL LAW TAXING AUTHORITY. (a) This section applies only to a school district that imposed a maintenance and operations tax for the 2005 tax year at a rate greater than \$1.50 per \$100 of taxable value, as permitted by special law.

(b) For any district to which this section applies, the commissioner shall implement any provision of this chapter that refers to a maintenance and operations tax rate equal to the lesser of \$1 or a district's effective rate less six cents, or that makes a substantially similar reference, as if the provision referred to a rate equal to the lesser of:

(1) the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; or

(2) a district's effective maintenance and operations tax rate less six cents.

(4) On page 21, strike lines 2-5 and substitute the following: and operations tax rate, provided that the district adopts a maintenance and operations tax rate for that school year at a rate at least equal to the rate adopted by the district for the 2008-2009 school year. If the district adopts a lower maintenance and operations tax rate, the commissioner shall exclude maintenance and operations tax revenue resulting from the first six cents by which the district's effective maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage[, as determined under Section 42.2516,] multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year.

(5) On page 21, line 8, strike "41.094, 41.097, and 41.098" and substitute "41.094 and [5] 41.097[~~, and 41.098~~]".

(6) On page 22, line 4, strike "42.009 and 42.010" and substitute "42.009, 42.010, and 42.011".

(7) On page 22, between lines 15 and 16, insert the following:

Sec. 42.011. MODIFICATION FOR DISTRICTS WITH SPECIAL LAW TAXING AUTHORITY. (a) This section applies only to a school district that imposed a maintenance and operations tax for the 2005 tax year at a rate greater than \$1.50 per \$100 of taxable value, as permitted by special law.

(b) For any district to which this section applies, the commissioner shall implement any provision of this chapter that refers to a maintenance and operations tax rate equal to the lesser of \$1 or a district's effective rate less six cents, or that makes a substantially similar reference, as if the provision referred to a rate equal to the lesser of:

(1) the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; or

(2) a district's effective maintenance and operations tax rate less six cents.

(8) On page 23, strike lines 1 and 2, and substitute the following:

(1) the number of cents that is six cents less than the number of cents in the district's effective maintenance and operations tax rate; or

(9) On page 23, line 9, strike "0.000173" and substitute "0.0001723".

(10) Strike page 23, line 13, through page 24, line 3, and substitute the following:

Sec. 42.106. TUITION ALLOTMENT [~~ADJUSTED PROPERTY VALUE~~] FOR DISTRICTS NOT OFFERING ALL GRADE LEVELS. A [~~For purposes of this chapter, the taxable value of property of a~~] school district that contracts for students residing in the district to be educated in another district under Section 25.039(a) is entitled to receive an allotment equal to [~~adjusted by applying the formula:~~

$$[\text{ADPV} = \text{DPV} \text{ (TN/015)}]$$

[where:

["ADPV" is the district's adjusted taxable value of property;

["DPV" is the taxable value of property in the district for the preceding tax year determined under Subchapter M, Chapter 403, Government Code; and

["TN" is] the total amount of tuition required to be paid by the district under Section 25.039 [~~for the school year for which the adjustment is made~~], not to exceed the amount specified by commissioner rule under Section 25.039(b).

(11) On page 24, line 19, between "(b-3)," and "(h-1)", insert "(b-4)".

(12) On page 25, line 8, between "(b-3)," and "(f-1)", insert ", (b-4)".

(13) On page 25, line 8, strike "and".

(14) On page 25, line 9, strike "[and (b)]" and substitute "and (h-1) [(h)]".

(15) On page 29, between lines 14 and 15, insert the following:

(b-4) The amount determined under Subsection (b) for a school district that paid tuition under Section 25.039 during the 2008-2009 school year in accordance with a contract authorized by that section is reduced by the amount of tuition paid during that school year.

(16) On page 31, line 2, strike "and".

(17) On page 31, line 10, between "funding" and "for", insert "provided by Section 42.2514, as that section existed on January 1, 2009".

(18) On page 31, line 18, between "2009" and the period, insert the following:

; and

(5) any amount to which the district is entitled under Section 42.106

(19) On page 37, line 14, between "42.252" and the period, insert " provided that the district adopts a maintenance and operations tax rate at a rate at least equal to the rate adopted by the district for the 2008-2009 school year".

(20) On page 37, line 22, insert the following after the period.

If a district adopts a maintenance and operations tax rate that is lower than the rate adopted by the district for the 2008-2009 school year, the district is entitled to the guaranteed level described by this subsection for the first six cents by which the district's effective maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year.

(21) On page 46, between lines 25 and 26, insert the following appropriately numbered subdivision and renumber subsequent subdivisions of SECTION 51(a) of the bill accordingly:

() Section 41.098;

(22) On page 47, between lines 12 and 13, insert the following:

(e) Section 40, Chapter 1504 (**HB 6**), Acts of the 77th Legislature, Regular Session, 2001, is repealed.

Amendment No. 4

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

Amend Floor Amendment No. 3 by Hochberg to **CSHB 3646** as follows:

(1) Strike page 6, lines 17-28, of the amendment and substitute the following:

and operations tax rate, provided that the district adopts a maintenance and operations tax rate for that school year at a rate at least equal to the greater of the rate adopted by the district for the 2008-2009 school year or the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year. If the district adopts a maintenance and operations tax at a rate lower than the greater of those rates, the commissioner shall exclude maintenance and operations tax revenue resulting from the first six cents by which the district's effective maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage[, as determined under Section 42.2516,] multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year.

(2) On page 9 of the amendment, strike lines 9-23 and substitute the following:

(19) On page 37, line 14, between "42.252" and the period, insert " provided that the district adopts a maintenance and operations tax rate at a rate at least equal to the greater of the rate adopted by the district for the 2008-2009

school year or the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year."

(20) On page 37, line 22, insert the following after the period:

If a district adopts a maintenance and operations tax rate at a rate lower than the greater of the rates described above, the district is entitled to the guaranteed level described by this subsection for the first six cents by which the district's effective maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year.

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

Amendment No. 5

Representative Chisum offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** as follows:

(1) Strike page 21, line 6, through page 22, line 2, and renumber subsequent SECTIONS of the bill accordingly.

(2) On page 46, line 25, strike "Sections 41.002(b), (e), (f), and (g)" and substitute "Section 41.002(b)".

Amendment No. 5 - Point of Order

Representative Villarreal raised a point of order against further consideration of Amendment No. 5 on the grounds that the amendment violates the Committee on Calendars rule.

The point of order was withdrawn.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means is cancelled.

FIVE-DAY POSTING RULE SUSPENDED

Representative Hughes moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Judiciary and Civil Jurisprudence to consider **SB 683**.

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. 3).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, upon final recess today, E2.010, for a public hearing, to consider **SB 683** and previously posted business.

CSHB 3646 - (consideration continued)

Representative Hochberg moved to table Amendment No. 5.

The motion to table prevailed. (Gallego recorded voting no.)

Amendment No. 6

Representative Phillips offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** on page 24 by striking lines 6-8 and substituting the following:

Sec. 42.160. HIGH SCHOOL ALLOTMENT. (a) A school district is entitled to an annual allotment of \$203 for each student in weighted average daily attendance in grades 9 through 12 in the district. For purposes of this subsection, the number of students in weighted average daily attendance is calculated by dividing the sum of the district's allotments for students in grades nine through 12 under Subchapter B and Sections 42.151-42.154, 42.156, and 42.157 by the basic allotment.

(a-1) Notwithstanding Subsection (a), for the 2009-2010 and 2010-2011 school years, the commissioner shall adjust the amount of the allotment provided under that subsection as necessary to ensure that the total state cost of funding the allotment does not exceed the total state cost of funding the allotment that would have resulted in each of those school years if the allotment were provided in the amount of \$275 for each student in average daily attendance in grades 9 through 12 in the district. This subsection expires September 1, 2011.

Amendment No. 6 was adopted. (The vote was reconsidered later today, and Amendment No. 6 was withdrawn.)

(Speaker in the chair)

Amendment No. 7

Representative Chisum offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** as follows:

(1) Strike page 21, line 6, through page 22, line 2, and renumber subsequent SECTIONS of the bill accordingly.

(2) On page 46, line 25, strike ", (e), (f),".

Amendment No. 7 was adopted.

Amendment No. 8

Representative Phillips offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** as follows:

(1) On page 3, line 9, between "SECTION 4." and "Section", insert "Effective September 1, 2009,".

(2) On page 3, line 11, strike "and (c-3)" and substitute "(c-3), and (c-4)".

(3) On page 5, between lines 13 and 14, insert the following :

(c-4) Notwithstanding any other provision of this section, the salary factor for purposes of this section for an employee with 21 or more years of experience is 1.0217.

(4) On page 6, between lines 1 and 2, insert the following new SECTIONS, appropriately numbered:

SECTION _____. Effective September 1, 2010, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Years Experience</u>	<u>21</u>	<u>22 and over</u>
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>

SECTION _____. Effective September 1, 2011, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Years Experience</u>	<u>21</u>	<u>22</u>	<u>23 and over</u>
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>

SECTION _____. Effective September 1, 2012, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Years Experience</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>
<u>Years Experience</u>	<u>24 and over</u>		
<u>Salary Factor</u>	<u>1.0598</u>		

SECTION _____. Effective September 1, 2013, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Years Experience</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>
<u>Years Experience</u>	<u>24</u>	<u>25 and over</u>	
<u>Salary Factor</u>	<u>1.0598</u>	<u>1.0725</u>	

SECTION _____. Effective September 1, 2014, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Years Experience</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>

<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26 and over</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0598</u>	<u>1.0725</u>	<u>1.0852</u>

SECTION _____. Effective September 1, 2015, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>
<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0598</u>	<u>1.0725</u>	<u>1.0852</u>
<u>Y e a r s</u>	<u>27 and over</u>		
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0979</u>		

SECTION _____. Effective September 1, 2016, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>
<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0598</u>	<u>1.0725</u>	<u>1.0852</u>
<u>Y e a r s</u>	<u>27</u>	<u>28 and over</u>	
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0979</u>	<u>1.1106</u>	

SECTION _____. Effective September 1, 2017, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>
<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0598</u>	<u>1.0725</u>	<u>1.0852</u>
<u>Y e a r s</u>	<u>27</u>	<u>28</u>	<u>29 and over</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0979</u>	<u>1.1106</u>	<u>1.1233</u>

SECTION _____. Effective September 1, 2018, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
Experience			
Salary Factor	1.0217	1.0344	1.0471
<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
Experience			
Salary Factor	1.0598	1.0725	1.0852
<u>Y e a r s</u>	<u>27</u>	<u>28</u>	<u>29</u>
Experience			
Salary Factor	1.0979	1.1106	1.1233
<u>Y e a r s</u>	<u>30 and over</u>		
Experience			
Salary Factor	1.1360		

SECTION _____. Effective September 1, 2019, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
Experience			
Salary Factor	1.0217	1.0344	1.0471
<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
Experience			
Salary Factor	1.0598	1.0725	1.0852
<u>Y e a r s</u>	<u>27</u>	<u>28</u>	<u>29</u>
Experience			
Salary Factor	1.0979	1.1106	1.1233
<u>Y e a r s</u>	<u>30</u>	<u>31 and over</u>	
Experience			
Salary Factor	1.1360	1.1487	

SECTION _____. Effective September 1, 2020, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
Experience			
Salary Factor	1.0217	1.0344	1.0471
<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
Experience			
Salary Factor	1.0598	1.0725	1.0852
<u>Y e a r s</u>	<u>27</u>	<u>28</u>	<u>29</u>
Experience			
Salary Factor	1.0979	1.1106	1.1233
<u>Y e a r s</u>	<u>30</u>	<u>31</u>	<u>32 and over</u>
Experience			
Salary Factor	1.1360	1.1487	1.1614

SECTION _____. Effective September 1, 2021, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>
<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0598</u>	<u>1.0725</u>	<u>1.0852</u>
<u>Y e a r s</u>	<u>27</u>	<u>28</u>	<u>29</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0979</u>	<u>1.1106</u>	<u>1.1233</u>
<u>Y e a r s</u>	<u>30</u>	<u>31</u>	<u>32</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.1360</u>	<u>1.1487</u>	<u>1.1614</u>
<u>Y e a r s</u>	<u>33 and over</u>		
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.1741</u>		

SECTION _____. Effective September 1, 2022, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>
<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0598</u>	<u>1.0725</u>	<u>1.0852</u>
<u>Y e a r s</u>	<u>27</u>	<u>28</u>	<u>29</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0979</u>	<u>1.1106</u>	<u>1.1233</u>
<u>Y e a r s</u>	<u>30</u>	<u>31</u>	<u>32</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.1360</u>	<u>1.1487</u>	<u>1.1614</u>
<u>Y e a r s</u>	<u>33</u>	<u>34 and over</u>	
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.1741</u>	<u>1.1868</u>	

SECTION _____. Effective September 1, 2023, Section 21.402, Education Code, is amended by adding Subsection (c-4) to read as follows:

(c-1) Notwithstanding any other provision of this section, the salary factors per step for purposes of this section for an employee with 21 or more years of experience are as follows:

<u>Y e a r s</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0217</u>	<u>1.0344</u>	<u>1.0471</u>

<u>Y e a r s</u>	<u>24</u>	<u>25</u>	<u>26</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0598</u>	<u>1.0725</u>	<u>1.0852</u>
<u>Y e a r s</u>	<u>27</u>	<u>28</u>	<u>29</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.0979</u>	<u>1.1106</u>	<u>1.1233</u>
<u>Y e a r s</u>	<u>30</u>	<u>31</u>	<u>32</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.1360</u>	<u>1.1487</u>	<u>1.1614</u>
<u>Y e a r s</u>	<u>33</u>	<u>34</u>	<u>35 and over</u>
<u>Experience</u>			
<u>Salary Factor</u>	<u>1.1741</u>	<u>1.1868</u>	<u>1.1995</u>

SECTION _____. Effective September 1, 2009, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 21 [20] is reached.

SECTION _____. Effective September 1, 2010, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 22 [20] is reached.

SECTION _____. Effective September 1, 2011, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 23 [20] is reached.

SECTION _____. Effective September 1, 2012, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 24 [20] is reached.

SECTION _____. Effective September 1, 2013, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 25 [20] is reached.

SECTION _____. Effective September 1, 2014, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 26 [20] is reached.

SECTION _____. Effective September 1, 2015, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 27 [20] is reached.

SECTION _____. Effective September 1, 2016, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 28 [~~20~~] is reached.

SECTION _____. Effective September 1, 2017, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 29 [~~20~~] is reached.

SECTION _____. Effective September 1, 2018, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 30 [~~20~~] is reached.

SECTION _____. Effective September 1, 2019, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 31 [~~20~~] is reached.

SECTION _____. Effective September 1, 2020, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 32 [~~20~~] is reached.

SECTION _____. Effective September 1, 2021, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 33 [~~20~~] is reached.

SECTION _____. Effective September 1, 2022, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 34 [~~20~~] is reached.

SECTION _____. Effective September 1, 2023, Section 21.403(a), Education Code, is amended to read as follows:

(a) A teacher, librarian, counselor, or nurse shall advance one step on the minimum salary schedule under Section 21.402 for each year of experience as a teacher, librarian, counselor, or nurse until step 35 [~~20~~] is reached.

(5) On page 24, line 19, between "(b-3)," and "(h-1)," insert "(e-1),".

(6) On page 31, between lines 22 and 23, insert the following:

(e-1) The amount of revenue to which a school district is entitled under Section 42.2518 is in addition to the amount of revenue to which the district is entitled under Subsection (b).

(7) On page 33, lines 10 and 11, strike "an increase of at least \$100 per student" and substitute "a minimum increase as determined under this subsection for each student".

(8) On page 33, line 17, between "commissioner." and "As", insert the following:

The commissioner shall determine the amount of the minimum increase under this subsection by multiplying the number of students in weighted average daily attendance in the state by \$100, subtracting the amount necessary to provide the additional state aid under Section 42.2518 to which school districts are entitled, and dividing the remainder by the number of students in weighted average daily attendance in the state.

(9) On page 33, between lines 25 and 26, insert the following new SECTION, appropriately numbered:

SECTION _____. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2518 to read as follows:

Sec. 42.2518. ADDITIONAL STATE AID FOR EXTENSION OF PROFESSIONAL STAFF SALARY SCHEDULE. (a) A school district, including a school district that is otherwise ineligible for state aid under this chapter, is entitled to state aid in an amount, as determined by the commissioner, necessary to compensate the school district for additional salary costs the district incurs because of the increased number of years covered by the minimum salary schedule for certain professional staff made by **HB 3646**, Acts of the 81st Legislature, Regular Session, 2009.

(b) A district may use state aid received under this section only to pay salary costs incurred because of the increased number of years covered by the minimum salary schedule.

(c) A determination by the commissioner under this section is final and may not be appealed.

(d) The commissioner may adopt rules to implement this section.

(10) On page 47, between lines 12 and 13, insert the following new SECTION, appropriately numbered:

SECTION _____. Section 21.402(c-4), Education Code, as added by this Act, does not affect a contract between a school district and a person entitled to a minimum salary under Section 21.402, Education Code, if the contract:

(1) was entered into before the effective date of the change in law made by this Act; and

(2) provides for a salary greater than the minimum salary to which the person would be entitled under Section 21.402(c-4), Education Code, as added by this Act.

(11) On page 47, line 17, strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

(12) Renumber the SECTIONS of the bill accordingly.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Paxton offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** as follows:

(1) On page 24, line 18, between "(a)," and "(b)", insert "(a-1)".

(2) On page 24, line 19, between "Subsections" and "(b-3)", insert "(a-2)".

(3) Strike page 24, line 21, through page 25, line 7, and substitute the following:

(a) In this section, "state compression percentage" means the percentage, as determined by the commissioner in consultation with the Legislative Budget Board, of a school district's adopted maintenance and operations tax rate for the 2005 tax year that serves as the basis for state funding for tax rate reduction under this section. The commissioner, in consultation with the Legislative Budget Board, shall determine the state compression percentage for each school year based on the percentage by which a district is able to reduce the district's maintenance and operations tax rate for that year, as compared to the district's adopted maintenance and operations tax rate for the 2005 tax year, as a result of state funds appropriated for distribution under this section for that year from the property tax relief fund established under Section 403.109, Government Code, or from another funding source available for school district property tax relief.

(a-1) For the state fiscal year ending August 31, 2009, the state compression percentage is 66.67 percent. For each subsequent state fiscal year, the state compression percentage is the lesser of:

(1) the percentage determined in accordance with Subsection (a); or

(2) the state compression percentage for the preceding state fiscal year.

(a-2) Not later than March 1 of each year, the commissioner shall:

(1) inform school districts of the state compression percentage for the following school year; and

(2) post the state compression percentage for the following school year on the agency's website. [Subsection (a) applies beginning with the state fiscal year ending August 31, 2009. For the state fiscal year ending August 31, 2007, the state compression percentage is 88.67 percent. For the state fiscal year ending August 31, 2008, the state compression percentage is 66.67 percent. This subsection expires September 1, 2009.]

Amendment No. 9 was adopted.

Amendment No. 10

Representative Kolkhorst offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.25151 to read as follows:

Sec. 42.25151. ADJUSTMENT FOR SUPPLEMENTAL PAYMENTS ASSOCIATED WITH AGREEMENTS UNDER TEXAS ECONOMIC DEVELOPMENT ACT. (a) In this section, "supplemental payment" means a payment or other benefit, other than a revenue protection payment authorized by Section 313.027(f)(1), Tax Code, provided in connection with an agreement between a property owner and a school district under Chapter 313, Tax Code, by or on behalf of the property owner to:

(1) the district; or

(2) a foundation or other entity created to benefit the district or the district's students.

(b) Notwithstanding Section 42.2516, the commissioner shall for any school year, subject to Subsection (b-1):

(1) reduce the amounts due to a school district under this chapter by an amount equal to the value of any supplemental payment received during that school year by the district or a foundation or other entity created to benefit the district or the district's students; or

(2) increase the amounts necessary for a school district to comply with the requirements of Chapter 41 by an amount equal to the value of any supplemental payments received during that school year by the district or a foundation or other entity created to benefit the district or the district's students.

(b-1) Each school year, a school district is entitled to retain a total benefit from supplemental payments not to exceed the amount equal to \$100 per student in average daily attendance.

(c) A school district shall:

(1) report each supplemental payment through the Public Education Information Management System (PEIMS); and

(2) clearly identify each supplemental payment in the district's adopted budget and in the annual report required by Section 44.007.

(d) The commissioner, in consultation with the comptroller, as appropriate, may adopt rules necessary to implement this section.

SECTION _____. Section 313.027, Tax Code, is amended by adding Subsection (i) to read as follows:

(i) A person and the school district may not enter into an agreement under which the person agrees to provide supplemental payments to a school district in an amount that exceeds an amount equal to \$100 per student per year in average daily attendance, as defined by Section 42.005, Education Code, or for a period that exceeds the period described by Section 313.021(4) or 313.104(2)(B) of this code. This limit does not apply to amounts described by Subsection (f)(1) of this section.

Amendment No. 11

Representative Heflin offered the following amendment to Amendment No. 10:

Amend Floor Amendment No. 10, by Kolkhorst, to **CSHB 3646** in Section 317.027, Tax Code, amends subsection (i) and adds subsection (j):

(i) A person and the school district may not enter into an agreement under which the person agrees to provide supplemental payments to a school district in an amount that exceeds an amount equal to \$100 per student per year in average daily attendance, as defined by Section 42.302, or for a period that exceeds the period described by Section 313.021(4) or 313.104(2)(B) of this code. This limit does not apply to amount described by Subsection (f)(1) or (2) of this section.

(j) A local school district is entitled to enter into multiple contracts with applicants and is entitled to receive the amount per student in average daily attendance as specified in (i) above.

Amendment No. 11 was adopted.

Amendment No. 10, as amended, was adopted by (Record 733): 125 Yeas, 10 Nays, 1 Present, not voting.

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

Nays — Anchia; Bolton; Bonnen; Dukes; Howard, D.; Naishtat; Pierson; Ritter; Rodriguez; Strama.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; King, P.; Mallory Caraway.

Absent, Excused, Committee Meeting — Pitts.

Absent — Coleman; Dutton; Farrar; Hochberg; Hunter; King, T.; Marquez; Orr; Ortiz; Otto.

STATEMENTS OF VOTE

I was shown voting no on Record No. 733. I intended to vote yes.

Anchia

When Record No. 733 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting yes on Record No. 733. I intended to vote no.

S. King

When Record No. 733 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

When Record No. 733 was taken, I was in the house but away from my desk. I would have voted yes.

Orr

Amendment No. 12

Representative Weber offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** (House committee report) by adding the following SECTIONS as appropriate and renumbering as appropriate

SECTION _____. Section 42.2516(b), Education Code, is amended to read as follows:

(b) Subject to Subsections (b-1), (b-2), (f-1), (g), and (h), but notwithstanding any other provision of this title, a school district is entitled to state revenue necessary to provide the district with the sum of:

(1) the amount of state revenue necessary to maintain state and local revenue per student in weighted average daily attendance in the amount equal to the greater of:

(A) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district available to the district for the 2005-2006 school year;

(B) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district to which the district would have been entitled for the 2006-2007 school year under this chapter, as it existed on January 1, 2006, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2006, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2005-2006 school year, if the district imposed a maintenance and operations tax at the rate adopted by the district for the 2005 tax year; or

(C) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district to which the district would have been entitled for the 2006-2007 school year under this chapter, as it existed on January 1, 2006, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2006, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2005-2006 school year, if the district imposed a maintenance and operations tax at the rate equal to the rate described by Section 26.08(i) or (k)(1), Tax Code, as applicable, for the 2006 tax year;

(2) an amount equal to the product of \$2,500 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402; ~~and~~

(3) an amount equal to the product of \$275 multiplied by the number of students in average daily attendance in grades nine through 12 in the district; and

(4) an amount equal to the difference, if any, between the amount of maintenance and operations revenue the district is required to pay into the tax increment fund for a reinvestment zone under Section 311.013(n), Tax Code,

meeting the criteria under Section 403.302(d)(4), Government Code, in the current tax year and the amount of maintenance and operations revenue collected by the district in the reinvestment zone at the district's compressed tax rate.

SECTION _____. Section 42.253, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The amounts to be paid under Section 42.2516(b)(4) shall be paid at the same time as other state revenue is paid to the district. Payments shall be based on amounts paid under Section 42.2516(b)(4) for the preceding year. Any deficiency shall be paid to the district at the same time the final amount to be paid to the district is determined, and any overpayment shall be deducted from the payments the district would otherwise receive in the following year.

SECTION _____. Sections 403.302(d) and (i), Government Code, are amended to read as follows:

(d) For the purposes of this section, "taxable value" means the market value of all taxable property less:

(1) the total dollar amount of any residence homestead exemptions lawfully granted under Section 11.13(b) or (c), Tax Code, in the year that is the subject of the study for each school district;

(2) one-half of the total dollar amount of any residence homestead exemptions granted under Section 11.13(n), Tax Code, in the year that is the subject of the study for each school district;

(3) the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(4) subject to Subsection (e), the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone created on or before May 31, 1999, or is proposed to be included within the boundaries of a reinvestment zone as the boundaries of the zone and the proposed portion of tax increment paid into the tax increment fund by a school district are described in a written notification provided by the municipality or the board of directors of the zone to the governing bodies of the other taxing units in the manner provided by Section 311.003(e), Tax Code, before May 31, 1999, and within the boundaries of the zone as those boundaries existed on September 1, 1999, including subsequent improvements to the property regardless of when made;

(B) generates taxes paid into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, on or before September 1, 1999; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(5) ~~[for a school district for which a deduction from taxable value is made under Subdivision (4), an amount equal to the taxable value required to generate revenue when taxed at the school district's current tax rate in an amount that, when added to the taxes of the district paid into a tax increment fund as~~

~~described by Subdivision (4)(B), is equal to the total amount of taxes the district would have paid into the tax increment fund if the district levied taxes at the rate the district levied in 2005;~~

~~(6)~~ the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone:

(i) created on or before December 31, 2008, by a municipality with a population of less than 18,000; and

(ii) the project plan for which includes the alteration, remodeling, repair, or reconstruction of a structure that is included on the National Register of Historic Places and requires that a portion of the tax increment of the zone be used for the improvement or construction of related facilities or for affordable housing;

(B) generates school district taxes that are paid into a tax increment fund created under Chapter 311, Tax Code; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(6) ~~(7)~~ the total dollar amount of any exemptions granted under Section 11.251 or 11.253, Tax Code;

(7) ~~(8)~~ the difference between the comptroller's estimate of the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value estimated by the comptroller may not exceed the fair market value of the land;

(8) ~~(9)~~ the portion of the appraised value of residence homesteads of individuals who receive a tax limitation under Section 11.26, Tax Code, on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(9) ~~(10)~~ a portion of the market value of property not otherwise fully taxable by the district at market value because of:

(A) action required by statute or the constitution of this state that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property, if this subsection does not otherwise require that portion to be deducted; or

(B) action taken by the district under Subchapter B or C, Chapter 313, Tax Code;

(10) ~~(11)~~ the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(11) ~~(12)~~ the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06, Tax Code;

(12) ~~(13)~~ the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code; and

(13) [(14)] the amount by which the market value of a residence homestead to which Section 23.23, Tax Code, applies exceeds the appraised value of that property as calculated under that section.

(i) If the comptroller determines in the annual study that the market value of property in a school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district, is valid, the comptroller, in determining the taxable value of property in the school district under Subsection (d), shall for purposes of Subsection (d)(13) [(d)(14)] subtract from the market value as determined by the appraisal district of residence homesteads to which Section 23.23, Tax Code, applies the amount by which that amount exceeds the appraised value of those properties as calculated by the appraisal district under Section 23.23, Tax Code. If the comptroller determines in the annual study that the market value of property in a school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district, is not valid, the comptroller, in determining the taxable value of property in the school district under Subsection (d), shall for purposes of Subsection (d)(13) [(d)(14)] subtract from the market value as estimated by the comptroller of residence homesteads to which Section 23.23, Tax Code, applies the amount by which that amount exceeds the appraised value of those properties as calculated by the appraisal district under Section 23.23, Tax Code.

SECTION _____. The provisions of Section 42.2516 (b) (4) shall be effective for the fiscal year that begins September 1, 2006, and any amounts due a District shall be paid to the District in the fiscal year that begins September 1, 2009, at the time other payments are made to the District.

Amendment No. 12 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, upon dinner recess today, Desk 92, for a formal meeting, to consider pending business.

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

Transportation, upon dinner recess today, Desk 15, for a formal meeting.

Public Safety, upon dinner recess today, Desk 17, for a formal meeting, to consider pending business.

RECESS

At 6:15 p.m., the speaker announced that the house would stand recessed until 7 p.m. today.

NIGHT SESSION

The house met at 7 p.m. and was called to order by the speaker.

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**:

Otto on motion of Orr.

MESSAGE FROM THE SENATE

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

CSHB 3646 - (pending business)

Amendment No. 13

Representative Kent offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 26.01(e), Tax Code, is amended to read as follows:

(e) Except as provided by Subsection (f), by April 30 [~~June 7~~], the chief appraiser shall prepare and certify to the assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value of property in that taxing unit. The chief appraiser shall assist each county, municipality, and school district in determining values of property in that taxing unit for the taxing unit's budgetary purposes.

SECTION _____. Section 26.05, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding Subsection (a), the governing body of a school district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the school district if the chief appraiser of the appraisal district in which the school district participates has certified to the assessor for the school district an estimate of the taxable value of property in the school district as provided by Section 26.01(e). If a school district adopts a tax rate under this subsection, the effective tax rate and the rollback tax rate of the district shall be calculated based on the certified estimate of taxable value.

SECTION _____. Section 44.004, Education Code, is amended by amending Subsection (h) and adding Subsection (j) to read as follows:

(h) Notwithstanding any other provision of this section, a school district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property required by Section 26.01(e) [~~26.01(d)~~], Tax Code, in preparing the notice required by this section if the district does not receive on or before June 7 the certified appraisal roll for the district required by Section 26.01(a), Tax Code.

(j) Notwithstanding Subsections (g), (h), and (i), a school district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district as provided by Section 26.05(g). If a school district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate as provided by this section. Following adoption of the tax rate, the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The school district may use the certified estimate of taxable value in preparing a notice under this subsection.

SECTION _____. Section 3.005, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsections ~~Subsection~~ (c) and (d), an election ordered by an authority of a political subdivision shall be ordered not later than the 62nd day before election day.

(d) An election under Section 26.08, Tax Code, to ratify a tax rate adopted by the governing body of a school district under Section 26.05(g) of that code shall be ordered not later than the 30th day before election day.

SECTION _____. Section 4.008, Election Code, is amended to read as follows:

Sec. 4.008. NOTICE TO COUNTY CLERK. (a) Except as provided by Subsection (b), the ~~The~~ governing body of a political subdivision, other than a county, that orders an election shall deliver notice of the election to the county clerk of each county in which the political subdivision is located not later than the 60th day before election day.

(b) The governing body of a school district that orders an election under Section 26.08, Tax Code, to ratify an ad valorem tax rate adopted by the governing body under Section 26.05(g) of that code shall deliver notice of the election to the county clerk of each county in which the school district is located not later than the 30th day before election day.

SECTION _____. Section 44.004, Education Code, Sections 3.005 and 4.008, Election Code, and Sections 26.01 and 26.05, Tax Code, as amended by this Act, apply only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

Amendment No. 13 was adopted.

Amendment No. 14

Representative Eissler offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 26, Tax Code, is amended by adding Section 26.083 to read as follows:

Sec. 26.083. TEMPORARY AUTHORIZATION TO ADOPT SCHOOL DISTRICT TAX RATE THAT EXCEEDS DISTRICT'S ROLLBACK TAX RATE. (a) The governing body of a school district in the manner provided by law for official action by the governing body may call an election to authorize the district to adopt a maintenance and operations tax rate not to exceed a specified rate for a specified period.

(b) An election under this section must be held on a uniform election date. If the governing body of the school district has not adopted a tax rate for the current tax year before the date the election is held, the election applies to the district's tax rate for the current tax year and the following four tax years. If the governing body of the school district adopted a tax rate for the current tax year before the date the election is held, the election applies to the district's tax rate for the following five tax years.

(c) The ballot for the election shall be prepared to permit voting for or against the proposition: "Authorizing the (name of school district) to adopt a tax rate for maintenance and operations purposes for (the current tax year and the following four tax years or the following five tax years, as applicable) at a rate not to exceed \$ per \$100 valuation." The ballot proposition must include the proposed limit on the school district's maintenance and operations tax rate.

(d) If a majority of the votes cast in the election favor the proposition, the school district, for the current tax year and the following four tax years or for the following five tax years, as applicable, may adopt a tax rate that does not exceed the sum of the rate stated in the ballot proposition and the district's current debt rate for the applicable year without being required to hold an election under Section 26.08 to ratify the adopted tax rate, regardless of whether the adopted tax rate exceeds the district's rollback tax rate for that tax year.

(e) If the proposition is not approved as provided by Subsection (d), Section 26.08 applies to the school district's tax rate for the applicable tax years.

SECTION _____. Section 26.083, Tax Code, as added by this Act, applies only to the ad valorem tax rate of a school district for a tax year beginning on or after the effective date of this Act.

Amendment No. 14 was adopted.

Amendment No. 15

Representative Phillips offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 26.08, Tax Code, is amended by adding Subsection (p) to read as follows:

(p) Notwithstanding Subsections (n) and (o), a school district is not required to obtain the approval at an election under this section of the district's adopted tax rate if the rate does not exceed the sum of:

(1) the maintenance and operations tax rate of the district for the most recent tax year of the period that consists of the 2007 and 2008 tax years in which the district's tax rate was approved at an election under this section; and

(2) the district's current debt rate.

SECTION _____. (a) Section 26.08(p), Tax Code, as added by this Act, applies to the ad valorem tax rate of a school district beginning with the 2009 tax year, except as provided by Subsection (b) of this section.

(b) If the governing body of a school district adopted an ad valorem tax rate for the school district for the 2009 tax year before the effective date of this Act, Section 26.08(p), Tax Code, as added by this Act, applies to the ad valorem tax rate of that school district beginning with the 2010 tax year, and the law in effect when the tax rate was adopted applies to the 2009 tax year with respect to that school district.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Hancock offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** by striking page 38, line 12, through page 39, line 17, and renumbering the SECTIONS of the bill accordingly.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Gallego offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 31.06(a), Tax Code, is amended to read as follows:

(a) Except as provided by Section 31.061, taxes are payable only as provided by this section. A ~~collector shall [in currency of the United States. However, a]~~ collector shall ~~[may]~~ accept United State currency or a check or money order in payment of taxes~~[;]~~ and shall ~~[may]~~ accept payment by credit card or electronic funds transfer. ~~[A collector and a person may enter into an agreement under which the person pays taxes by electronic funds transfer. The agreement must:~~

~~[(1) be in writing;~~

~~[(2) be signed by the collector and the person; and~~

~~[(3) specify the means or format of payment by electronic funds transfer.]~~

Amendment No. 17 was adopted.

(P. King now present)

Amendment No. 18

Representatives Rose, Eiland, Hopson, S. Miller, D. Miller, Rios Ybarra, Ritter, Hughes, Jones, Oliveira, Lewis, Cook, Orr, Hilderbran, Deshotel, Darby, Swinford, Hamilton, Aycocock, and Keffer offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** as follows:

(1) On page 33, lines 24 and 25, strike "in the manner provided by this chapter as it existed on January 1, 2009" and substitute "by dividing the sum of the school district's allotments under Subchapters B and C, less any allotment to the district for transportation, any allotment under Section 42.158 or 42.160, and 50 percent of the adjustment under Section 42.102, by the basic allotment for the applicable year".

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

SECTION _____. The commissioner of education shall ensure that each school district receives, within the amount to which the district is entitled under Section 42.2516, Education Code, the total amount to which the district is entitled as a result of the adjustment provided under Section 42.103(d), Education Code.

Amendment No. 18 was adopted.

Amendment No. 19

Representatives Moody, Chavez, Pickett, Quintanilla, and Marquez offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** on page 24, between lines 3 and 4, by inserting the following new SECTION, appropriately numbered, and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 42.152, Education Code, is amended by adding Subsections (s), (s-1), (s-2), (s-3), (s-4) and (s-5) to read as follows:

(s) In addition to the allotment provided under Subsection (a), a school district is entitled to an annual allotment equal to \$650:

(1) for each student in average daily attendance who has a parent or guardian who is serving on active duty in a combat zone as a member of the armed forces of the United States; and

(2) for each student in average daily attendance who:

(A) has a parent or guardian serving on active duty as a member of the armed forces of the United States; and

(B) has transferred to a campus in the district during the school year as a result of a change in residence because of an action taken under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687).

(s-1) Notwithstanding any other provision of this section, a school district may use funds allotted to the district under Subsection (s) only to provide supplemental programs and services described by Subsection (c) or Subsection (f) for students described by Subsection (s) who are enrolled in the district.

(s-2) The amount appropriated for allotments under Subsection (s) may not exceed \$9.9 million in a school year. If the total amount of allotments to which districts are entitled under Subsection (s) for a school year exceeds the amount appropriated for allotments under that subsection, the commissioner shall reduce each district's allotment under that subsection proportionately.

(s-3) Notwithstanding any other provision of this chapter, payments for allotments under Subsection (s) are made as adjustments under Section 42.253(i). If the commissioner determines that the amount appropriated for purposes of the

Foundation School Program exceeds the amount to which school districts are entitled under this chapter, the commissioner shall fund the adjustment for the allotments under Subsection (s) from the excess funds.

(s-4) If the commissioner determines that the amount by which the funds appropriated for purposes of the Foundation School Program exceeds the amount to which school districts are entitled under this chapter is not sufficient to provide for the allotments under Subsection (s) as limited by Subsection (s-1), the commissioner shall reduce the number by which the statewide average taxable value of property per weighted student is multiplied for purposes of Section 42.101(b) by the amount necessary to provide the remaining funds. The commissioner shall include amount of the reduction in the adjustments under Section 42.253(i) in the next school year.

(s-5) Subsections (s), (s-1), (s-2), (s-3), (s-4), and this subsection expire September 1, 2013.

Amendment No. 19 was adopted.

Amendment No. 6 - Vote Reconsidered

Representative Phillips moved to reconsider the vote by which Amendment No. 6 was adopted.

The motion to reconsider prevailed.

Amendment No. 6 was withdrawn.

Amendment No. 20

Representative Phillips offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** on page 24 by striking lines 6-8 and substituting the following:

Sec. 42.160. HIGH SCHOOL ALLOTMENT. (a) A school district is entitled to an annual allotment in an amount determined by the commissioner under Subsection (a-1) for each student in weighted average daily attendance in grades 9 through 12 in the district. For purposes of this subsection, the number of students in weighted average daily attendance is calculated by multiplying the number of students in average daily attendance in grades nine through 12 in the district by the ratio for the district of the number of students in weighted average daily attendance to the number of students in average daily attendance.

(a-1) The commissioner shall determine the amount of the allotment provided under Subsection (a) so that the total state cost of funding the allotment equals the total state cost of funding the allotment that would have resulted if the allotment were provided in the amount of \$275 for each student in average daily attendance in grades 9 through 12 in the district.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Chisum offered the following amendment to **CSHB 3646**:

Amend **CSHB 3646** by inserting into the bill the following appropriately numbered SECTIONS and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 45.001(a), Education Code, is amended to read as follows:

(a) The governing board of an independent school district, including the city council or commission that has jurisdiction over a municipally controlled independent school district, the governing board of a rural high school district, and the commissioners court of a county, on behalf of each common school district under its jurisdiction, may:

(1) issue bonds for:

(A) the construction, acquisition, and equipment of school buildings in the district;

(B) the acquisition of property or the refinancing of property financed under a contract entered under Subchapter A, Chapter 271, Local Government Code, regardless of whether payment obligations under the contract are due in the current year or a future year;

(C) the purchase of the necessary sites for school buildings; and

(D) the purchase of new school buses; and

(2) may levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to Section 45.003.

SECTION _____. Section 26.08, Tax Code, is amended by adding Subsection (p) to read as follows:

(p) Notwithstanding Subsections (i), (n), and (o), if for the preceding tax year the district adopted a maintenance and operations tax rate that was less than the district's effective maintenance and operations tax rate for that preceding tax year, the rollback tax rate of the district for the current tax year is calculated as if the district adopted a maintenance and operations tax rate for the preceding tax year that was equal to the district's effective maintenance and operations tax rate for that preceding tax year.

SECTION _____. (a) The change in law made by Section 26.08(p), Tax Code, as added by this Act, applies the ad valorem tax rate of a school district beginning with the 2009 tax year, except as provided by Subsection (b) of this section.

(b) If the governing body of a school district adopted an ad valorem tax rate for the school district for the 2009 tax year before the effective date of this Act, the change in law made by Section 26.08(p), Tax Code, as added by this Act, applies to the ad valorem tax rate of that school district beginning with the 2010 tax year, and the law in effect when the tax rate was adopted applies to the 2009 tax year with respect to that school district.

Amendment No. 21 was adopted.

CSHB 3646, as amended, was passed to engrossment. (Fletcher and Riddle recorded voting no.)

CSHB 3896 ON SECOND READING
(by Oliveira)

CSHB 3896, A bill to be entitled An Act relating to the authority of the governing body of a municipality or the commissioners court of a county to enter into an ad valorem tax abatement agreement.

Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 3896**:

Amend **CSHB 3896** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 312.006, Tax Code, as amended by Chapters 1029 (**HB 1449**) and 1505 (**HB 1200**), Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 312.006. EXPIRATION DATE. If not continued in effect, this chapter expires September 1, 2019 [~~2009~~].

Amendment No. 1 was adopted.

CSHB 3896, as amended, was passed to engrossment.

CSHB 1182 ON SECOND READING
(by S. Turner, Harless, Thibaut, Edwards, et al.)

CSHB 1182, A bill to be entitled An Act relating to the administration and purposes of the system benefit fund and the eligibility of customers for benefits under certain programs financed by the system benefit fund and other programs.

Amendment No. 1

Representative S. Turner offered the following amendment to **CSHB 1182**:

Amend **CSHB 1182** on page 7, line 25, between "Utilities Code," and "after" by inserting "on or".

Amendment No. 1 was adopted.

CSHB 1182, as amended, was passed to engrossment.

CSHB 2654 ON SECOND READING
(by Oliveira)

CSHB 2654, A bill to be entitled An Act relating to imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift.

CSHB 2654 was passed to engrossment. (Anderson and Kent recorded voting no.)

(Hamilton in the chair)

CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING

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

HJR 85 ON SECOND READING**(by Harless)**

HJR 85, A joint resolution proposing a constitutional amendment to allow the legislature to provide for members of a governing board of an emergency services district to serve terms not to exceed four years.

HJR 85 was adopted by (Record 734): 141 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Smithee.

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Harper-Brown; Hughes; Paxton.

CSHJR 132 ON SECOND READING**(by Corte)**

CSHJR 132, A joint resolution proposing a constitutional amendment relating to the financing, including through tax increment financing, of the acquisition by municipalities and counties of buffer areas or open spaces adjacent to a military installation for certain purposes.

CSHJR 132 was adopted by (Record 735): 137 Yeas, 3 Nays, 1 Present, not voting.

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

Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton(C); Hancock; Hardcastle; Harless; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Brown, B.; Chisum; Christian.

Present, not voting — Mr. Speaker.

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Harper-Brown; Heflin; Marquez; Martinez; Paxton.

STATEMENTS OF VOTE

When Record No. 735 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

I was shown voting yes on Record No. 735. I intended to vote no.

S. Miller

HJR 128 ON SECOND READING (by Ritter)

HJR 128, A joint resolution proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

Representative Ritter moved to postpone consideration of **HJR 128** until 10 a.m. Thursday, May 14.

The motion prevailed.

HJR 127 ON SECOND READING (by P. King and Chavez)

HJR 127, A joint resolution proposing a constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.

Representative P. King moved to postpone consideration of **HJR 127** until 8:05 p.m. today.

The motion prevailed.

HJR 102 ON SECOND READING
(by Raymond, Chisum, Homer, Hamilton, Pitts, et al.)

HJR 102, A joint resolution proposing a constitutional amendment to protect the right of the public to access and use public beaches.

HJR 102 was adopted by (Record 736): 140 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Riddle.

Present, not voting — Mr. Speaker.

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Harless; Jackson; King, S.; Paxton.

STATEMENTS OF VOTE

When Record No. 736 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting yes on Record No. 736. I intended to vote no.

Laubenberg

When Record No. 736 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

HJR 83 ON SECOND READING
(by Rose)

HJR 83. A joint resolution proposing a constitutional amendment authorizing the legislature to permit conservation and reclamation districts in Hays County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.

Amendment No. 1

Representative Eiland offered the following amendment to **HJR 83**:

Amend **HJR 83** (house committee report) as follows:

(1) On page 1, line 19, between "Galveston County," and "Brazoria", insert "Chambers County,".

(2) On page 2, line 21, strike "County" and substitute "and Chambers Counties".

(3) On page 3, line 3, strike "County" and substitute "and Chambers Counties".

Amendment No. 1 was adopted.

HJR 83, as amended, was adopted by (Record 737): 117 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Bolton; Branch; Burnam; Button; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Corte; Craddick; Crownover; Darby; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton(C); Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Zerwas.

Nays — Anderson; Berman; Bonnen; Brown, B.; Brown, F.; Christian; Cook; Crabb; Creighton; Fletcher; Flynn; Gattis; Geren; Hancock; Howard, C.; Isett; Kleinschmidt; Madden; Phillips; Riddle; Sheffield; Shelton; Weber; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — King, S.; Laubenberg; Paxton; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 737. I intended to vote no.

Button

I was shown voting yes on Record No. 737. I intended to vote no.

Parker

CSHJR 14 ON SECOND READING

(by Corte, Hilderbran, Anderson, Paxton, Hughes, et al.)

CSHJR 14, A joint resolution proposing a constitutional amendment to limit the public taking of private property.

CSHJR 14 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WOOLLEY: Mr. Corte, in your bill the term "necessary" is included in this constitutional amendment. Could you tell me when a taking becomes necessary with your measure?

REPRESENTATIVE CORTE: I think what we're trying to do is make a definition of public use in this constitutional amendment, Ms. Woolley. You've worked a lot on this issue, and we talked a lot about what things weren't, and what we're doing here is, when necessary, for public use as it's defined in this constitutional amendment.

WOOLLEY: So you're talking about possession, occupation, and enjoyment?

CORTE: Right. We're talking about what public entities do right now, which we've already given them authority to do. So they have to occupy and possess—the enjoyment of the property and, of course, those are things that these entities already do.

WOOLLEY: Does this require litigation to determine whether a project is necessary?

CORTE: Well, I don't think we really look into the project. I think what we want to do is make sure that the taking of the property is for the public use, and so we really want the abilities for the public entity to make sure that they're staying true to their stated statutory authority for taking the property.

WOOLLEY: Okay, so the necessity is on whether or not the condemning authority will be occupying the land, not whether or not the project is necessary?

CORTE: Well, I think that's what's kind of been the abuse—that they will try to make a case on the project being necessary, but at the same time they may not occupy it. We're tying the two together now.

WOOLLEY: What effects will this have on pipelines, utilities, and common carriers?

CORTE: Well, we give a lot of entities here, Ms. Woolley, a lot of powers for eminent domain, and we've done that with those common carriers and pipelines. They actually have a provision, if you notice there, it says, "and the enjoyment of the property by a common carrier." So they're defined as those entities that, as well, have been given those authorities.

WOOLLEY: So, it really shouldn't have any effect on them?

CORTE: It shouldn't have any effect on them whatsoever.

WOOLLEY: What about telecommunications, cable servers, or video servers?

CORTE: We actually had refined that. We're going to have an amendment here in a minute. We thought that we had that in our substitute, and we found out that because of the lot of changes in the telecommunications industry, they may not be defined as a utility, and so we don't want that in any way. This infrastructure is important for our state; this infrastructure is important for our economic development, and we don't want it to be misinterpreted in regards to our telecommunication and cable carriers.

WOOLLEY: So, it should not have an effect on the telecommunications?

CORTE: It should have no effect on them whatsoever. Like I said, we're going to have a perfecting amendment here in a minute, Ms. Woolley.

WOOLLEY: Why are you doing this in a constitutional amendment?

CORTE: Well, that's a good question. Thank you very much. In fact, that is a question I've gotten a lot from quite a few members. We've debated this before, and last session there was, as you know, Ms. Woolley, you and I were on a task force in '05. Unfortunately, you were able to make more meetings than I, because I was over in Iraq at that time. I appreciate all of your hard work, but we can do a lot in statute to protect the citizens from the abuse of eminent domain. Having a constitutional amendment is really important for that protection, and I think that knowing that a constitutional amendment is something that will take some time for deliberation before we change it, unlike a statutory measure, and you and I know that we've come up here and tried to tweak **SB 7** and those things can happen, but a constitutional amendment is a little bit more of an effort that will take the body, this chamber, and the chamber across the rotunda to change, if necessary.

WOOLLEY: So, would you say we're allowing the people to decide the standard for which we hold our public officials accountable for private takings? We allow the people to make that decision?

CORTE: That's absolutely correct. I think this is something I heard quite a bit from folks in the last four years that I've worked on this issue—that people want to be able to have this protection in the constitution and they want to vote on it, and that's a good reason why we're bringing this constitutional amendment up.

WOOLLEY: Well, why are you defining public use rather than just prohibiting takings for economic development like we did in '05?

CORTE: It goes back to what I said in the beginning: we had good intentions in '05, and we want to make sure there's not this abuse. But what we were doing was defining what it wasn't back in '05 and that's what happened when we defined economic development. We couldn't define economic development, if you remember, and so now what we're doing is, we're defining public use, which we know what that is.

WOOLLEY: Right, well Senator Duncan just passed **SJR 42** today, which prohibits the taking of property for the primary purpose of economic development. Do you believe that **SJR 42** conflicts with **HJR 14**?

CORTE: Well, you know I've been working with Mr. Duncan, and I hope to continue to do that. They passed out **SJR 42** today and there are some differences. I'm looking forward to—with him—work out any of the differences that may exist. I'm not sure they conflict as much—we want to make sure they work together.

Amendment No. 1

Representative Corte offered the following amendment to **CSHJR 14**:

Amend **CSHJR 14** (house committee report) as follows:

(1) On page 1, line 11, between "providing utility service, by" and "the public at", insert "an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, by".

(2) On page 2, line 2, between "utility service," and "the public,", insert "an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, by".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Y. Davis offered the following amendment to **CSHJR 14**:

Amend **CSHJR 14** (house committee printing) as follows:

(1) On page 1, line 6, between "Sec. 17." and "No person's", insert "(a)".

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

(b) For the purposes of this section, adequate compensation for the taking of property that is a homestead or farm, if the taking makes relocation of the homestead or farm necessary, includes the cost of relocation from the condemned property to another property that allows the property owner, without the necessity of incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the taking to:

(1) have a standard of living comparable to the property owner's standard of living immediately before the taking, if the property taken is a homestead; or

(2) operate a comparable farm, if the property taken is a farm.

(3) On page 2, line 3, between "subdivision" and the period, insert ", and to require compensation for homesteads and farms taken in certain circumstances where the use is public and necessary to include the cost of relocating to a comparable property".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hartnett offered the following amendment to **CSHJR 14**:

Amend **CSHJR 14** (house committee report) as follows:

(1) On page 1, lines 9 and 10, between "is necessary for" and "the possession,", insert "the elimination of urban blight on a particular parcel of property or".

(2) On page 1, line 24, between "is necessary for" and "the possession,", insert "the elimination of urban blight on a particular parcel of property or".

Amendment No. 3 was adopted.

REMARKS ORDERED PRINTED

Representative Woolley moved to print remarks between Representative Corte and Representative Woolley.

The motion prevailed.

CSHJR 14, as amended, was adopted by (Record 738): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Ritter.

CSHJR 76 ON SECOND READING
(by Solomons, et al.)

CSHJR 76, A joint resolution proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an obligation to pay certain property owners' association fees and prohibiting the forced sale of the homestead to pay those fees unless authorized by the members of the association in accordance with general law.

Representative Solomons moved to postpone consideration of **CSHJR 76** until 10 a.m. Tuesday, June 2.

The motion prevailed.

POSTPONED BUSINESS

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

HJR 127 ON SECOND READING
(by P. King and Chavez)

HJR 127, A joint resolution proposing a constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.

HJR 127 was read second time earlier today and was postponed until this time.

HJR 127 was adopted by (Record 739): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Otto; Pitts.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 3653 ON SECOND READING
(by Marquez, Olivo, S. King, Madden, Ortiz, et al.)**

CSHB 3653, A bill to be entitled An Act relating to the use of restraints to control the movement of pregnant women and female children confined in certain correctional facilities in this state.

CSHB 3653 was passed to engrossment. (Anderson recorded voting no.)

**CSHB 3907 ON SECOND READING
(by Madden)**

CSHB 3907, A bill to be entitled An Act relating to the court-ordered administration of psychoactive medication to certain criminal defendants and to the release of those defendants from certain facilities.

Amendment No. 1

Representative Menendez offered the following amendment to **CSHB 3907**:

CSHB 3907 is amended by adding:

SECTION _____. Section 574.106, Health and Safety Code, is amended by amending Subsection (a-1) and adding Subsection (l) to read as follows:

(a-1) The court may issue an order under this section only if the court finds by clear and convincing evidence after the hearing:

(1) that the patient lacks the capacity to make a decision regarding the administration of the proposed medication and treatment with the proposed medication is in the best interest of the patient; or

(2) if the patient was ordered to receive inpatient mental health services by a criminal court with jurisdiction over the patient, that treatment with the proposed medication is in the best interest of the patient and either:

(A) the patient presents a danger to the patient or others in the inpatient mental health facility in which the patient is being treated as a result of a mental disorder or mental defect as determined under Section 574.1065; or

(B) the patient:

(i) has remained confined in a correctional facility, as defined by Section 1.07, Penal Code, for a period exceeding 72 hours while awaiting transfer for competency restoration treatment; and

(ii) presents a danger to the patient or others in the correctional facility as a result of a mental disorder or mental defect as determined under Section 574.1065.

(l) For a patient described by Subsection (a-1)(2)(B), an order issued under this section:

(1) authorizes the initiation of any appropriate mental health treatment for the patient awaiting transfer; and

(2) does not constitute authorization to retain the patient in a correctional facility for competency restoration treatment.

SECTION _____. Section 574.1065, Health and Safety Code, is amended to read as follows:

Sec. 574.1065. FINDING THAT PATIENT PRESENTS A DANGER. In making a finding under Section 574.106(a-1)(2) that, as a result of a mental disorder or mental defect, the patient presents a danger to the patient or others in the inpatient mental health facility in which the patient is being treated or in the correctional facility, as applicable, the court shall consider:

(1) an assessment of the patient's present mental condition;

(2) whether the patient has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm to the patient's self or to another while in the facility; and

(3) whether the patient, in the six months preceding the date the patient was placed in the facility, has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm to another that resulted in the patient being placed in the facility.

SECTION 3. Section 574.107(b), Health and Safety Code, is amended to read as follows:

(b) The county in which the applicable criminal charges are pending or were adjudicated shall pay as provided by Subsection (a) the costs of a hearing that is held under Section 574.106 to evaluate the court-ordered administration of psychoactive medication to:

(1) a patient ordered to receive mental health services as described by Section 574.106(a)(1) after having been determined to be incompetent to stand trial or having been acquitted of an offense by reason of insanity; or

(2) a patient who:

(A) is awaiting trial after having been determined to be competent to stand trial; and

(B) was ordered to receive mental health services as described by Section 574.106(a)(2).

SECTION 4. Article 46B.086, Code of Criminal Procedure, is amended by amending Subsections (a), (b), and (c) and adding Subsection (g) to read as follows:

(a) This article applies only to a defendant:

(1) who is determined under this chapter to be incompetent to stand trial;

(2) who either:

(A) remains confined in a correctional facility, as defined by Section 1.07, Penal Code, for a period exceeding 72 hours while awaiting transfer to an inpatient mental health facility, a residential care facility, or an outpatient treatment program;

(B) is committed to an inpatient mental health facility or a residential care facility for the purpose of competency restoration;

(C) is confined in a correctional facility while awaiting further criminal proceedings following competency restoration treatment; or

(D) is subject to Article 46B.072, if the court has made the determinations required by Subsection (a) of that article;

(3) for whom a correctional facility that employs or contracts with a licensed psychiatrist, an inpatient mental health facility, a residential care facility, or an outpatient treatment program provider has prepared a continuity of care plan that requires the defendant to take psychoactive medications; and

(4) who, after a hearing held under Section 574.106, Health and Safety Code, if applicable, has been found to not ~~to~~ meet the criteria prescribed by Sections 574.106(a) and (a-1), Health and Safety Code, for court-ordered administration of psychoactive medications

(b) If a defendant described by Subsection (a) refuses to take psychoactive medications as required by the defendant's continuity of care plan, the director of the correctional facility or outpatient treatment program provider, as applicable, shall notify the court in which the criminal proceedings are pending of that fact not later than the end of the next business day following the refusal. The court shall promptly notify the attorney representing the state and the attorney representing the defendant of the defendant's refusal. The attorney representing the state may file a written motion to compel medication. The motion to compel medication must be filed not later than the 15th day after the date a judge issues an order stating that the defendant does not meet the criteria for court-ordered administration of psychoactive medications under Section 574.106, Health and Safety Code, except that, for a defendant in an outpatient treatment program, the motion may be filed at any time.

(c) The court, after notice and after a hearing held not later than the fifth day after the defendant is returned to the committing court, may authorize the director of the correctional facility or the program provider, as applicable, to have the medication administered to the defendant, by reasonable force if necessary.

(g) For a defendant described by Subsection (a)(2)(A), an order issued under this article:

(1) authorizes the initiation of any appropriate mental health treatment for the defendant awaiting transfer; and

(2) does not constitute authorization to retain the defendant in a correctional facility for competency restoration treatment.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Amendment No. 1 was adopted.

CSHB 3907, as amended, was passed to engrossment. (Weber recorded voting no.)

CSHB 4426 ON SECOND READING
(by Hernandez)

CSHB 4426, A bill to be entitled An Act relating to authorizing a suit to declare that certain young people have been abused, neglected, or abandoned and extending the jurisdiction of certain courts making such a declaration.

CSHB 4426 was passed to engrossment. (Anderson, Button, Fletcher, Flynn, Harper-Brown, Hunter, Isett, P. King, Kleinschmidt, Laubenberg, Paxton, Riddle, and Weber recorded voting no.)

HB 1654 ON SECOND READING
(by Anchia)

HB 1654, A bill to be entitled An Act relating to the appointment of high school deputy registrars.

Amendment No. 1

Representative Anchia offered the following amendment to **HB 1654**:

Amend **HB 1654** (house committee printing) on page 1, lines 11 through 14, by striking "At least three of the employees designated as deputy registrars under this section must be classroom teachers or full-time counselors certified under Subchapter B, Chapter 21, Education Code."

Amendment No. 1 was adopted.

Amendment No. 2

Representative P. King offered the following amendment to **HB 1654**:

Amend **HB 1654** (house committee printing) on page 1, line 14, following the period, by inserting "The principal must designate, for each political party whose nominee for governor in the most recent gubernatorial general election received at least 20 percent of the total number of votes received by all candidates for governor in the election, two employees who voted in the general primary election or runoff primary election held by the party. The same number of employees must be designated for each political party described by this subsection. If there are not at least two employees who can be designated for each political party described by this subsection, the number of deputy registrars designated shall be the number that ensures each political party described by this subsection has equal representation.

(Otto now present)

Representative Anchia moved to table Amendment No. 2.

The motion to table prevailed. (The vote was reconsidered later today, and Amendment No. 2 was tabled by Record No. 741.)

Amendment No. 2 - Vote Reconsidered

Representative P. King moved to reconsider the vote by which the motion to table Amendment No. 2 prevailed.

The motion to reconsider prevailed by (Record 740): 73 Yeas, 71 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hochberg; Kent.

Representative Anchia moved to table Amendment No. 2.

The motion to table prevailed by (Record 741): 73 Yeas, 70 Nays, 1 Present, not voting.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cohen; Harless; McCall.

STATEMENT OF VOTE

When Record No. 741 was taken, my vote failed to register. I would have voted yes.

Cohen

Amendment No. 3

Representative P. King offered the following amendment to **HB 1654**:

Amend **HB 1654** (house committee printing) on page 1, lines 11 through 14, by striking "At least three of the employees designated as deputy registrars under this section must be classroom teachers or full-time counselors certified under Subchapter B, Chapter 21, Education Code."

Amendment No. 3 was withdrawn.

The vote of the house was taken on the passage to engrossment of **HB 1654**, as amended, and the vote was announced yeas 73, nays 72.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 742): 72 Yeas, 70 Nays, 1 Present, not voting.

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

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Mallory Caraway.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dutton; Harless; Miller, S.; Oliveira.

The speaker stated that **HB 1654**, as amended, was passed to engrossment by the above vote.

STATEMENT OF VOTE

When Record No. 742 was taken, I was in the house but away from my desk. I would have voted no.

Harless

LEAVE OF ABSENCE GRANTED

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

Oliveira on motion of Gallego.

COMMITTEE GRANTED PERMISSION TO MEET

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 9:45 p.m. today, in 3W.9, for a formal meeting, to consider the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 9:45 p.m. today, 3W.9, for a formal meeting.

HJR 112 - NOTICE OF MOTION TO RECONSIDER

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, Representative Bolton announced her intention to make the motion to reconsider the vote by which **HJR 112** failed of adoption.

POSTPONED BUSINESS

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

HB 2154 ON SECOND READING (by Edwards)

HB 2154, A bill to be entitled An Act relating to the physician education loan repayment program.

HB 2154 was read second time on May 8, amendments were offered and disposed of, was postponed until 10 a.m. today, and was again postponed until this time. Amendment No. 4 was pending at the time of postponement.

Representative Edwards moved to postpone consideration of **HB 2154** until 10 a.m. tomorrow.

The motion prevailed.

SB 1919 ON SECOND READING
(England - House Sponsor)

SB 1919, A bill to be entitled An Act relating to the requirements for recording a property owners' association management certificate.

SB 1919 was considered in lieu of **HB 2394**.

SB 1919 was read second time and was passed to third reading.

HB 2394 - LAID ON THE TABLE SUBJECT TO CALL

Representative England moved to lay **HB 2394** on the table subject to call.

The motion prevailed.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 1806 ON SECOND READING
(by Bolton)

CSHB 1806, A bill to be entitled An Act relating to notice to residential tenants regarding renter's insurance.

Amendment No. 1

Representatives Solomons and Pickett offered the following amendment to **CSHB 1806**:

Amend **CSHB 1806** (house committee printing) as follows:

(1) On page 1, line 6, strike "Section 92.0132" and substitute "Sections 92.0132, 92.0133, and 92.021".

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

Sec. 92.0133. NOTICE REGARDING LIABILITY INSURANCE. (a) Before entering into or renewing a lease with a tenant, a landlord or the landlord's agent shall give written notice to the tenant that is substantially equivalent to the following:

The property owner is prohibited by law from requiring you to obtain or maintain liability insurance as a condition of entering into or renewing this lease.

(b) The notice required by this section may be printed in the lease or in a separate document signed by the landlord or the landlord's agent and the tenant.

Sec. 92.021. REQUIREMENT OF TENANT LIABILITY INSURANCE PROHIBITED. A landlord may not require a tenant to obtain or maintain liability insurance as a condition of the tenant's lease with the landlord.

(3) On page 1, line 21, strike "The" and substitute "Except as provided by Section 3 of this Act, the".

(4) On page 2, line 3, strike "This" and substitute "Except as provided by Section 3 of this Act, this".

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

SECTION 3. (a) Sections 92.0133 and 92.021, Property Code, as added by this Act, apply to a lease that is initially entered into or renewed on or after January 1, 2010.

(b) A lease initially entered into or renewed before January 1, 2010, is governed by the law existing immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

Amendment No. 1 - Point of Order

Representative Bolton raised a point of order against further consideration of Amendment No. 1 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.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was tabled.)

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Representative Taylor moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Taylor offered the following amendment to **CSHB 1806**:

Amend **CSHB 1806**, on page 1, between lines 20 and 21, by inserting the following:

(d) This section does not create a private cause of action.

Amendment No. 2 was adopted.

CSHB 1806, as amended, failed to pass to engrossment by (Record 743): 63 Yeas, 76 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; Eissler; England; Farias; Farrar; Flores; Gallego; Gattis; Gonzales; Gonzalez Tourelles; Gutierrez; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Kent; Leibowitz; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Naishtat; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Rose; Strama; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Walle.

Nays — Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Driver; Elkins; Farabee; Fletcher; Flynn; Frost; Geren; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Homer;

Hopson; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; McCall; Merritt; Miklos; Miller, D.; Moody; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Ritter; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Truitt; Villarreal; Vo; Weber; Woolley; Zerwas.

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

Absent, Excused — Davis, J.; Mallory Caraway; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dutton; Edwards; Giddings; Hamilton; Miller, S.

STATEMENT OF VOTE

I was shown voting yes on Record No. 743. I intended to vote no.

Menendez

CSHB 3173 ON SECOND READING

(by Allen)

CSHB 3173, A bill to be entitled An Act relating to the statewide plan for delivery of services to public school students with disabilities and resources for teachers of public school students with special health needs.

CSHB 3173 was passed to engrossment. (Anderson, Fletcher, Harper-Brown, Isett, Laubenberg, Paxton, and Riddle recorded voting no.)

CSHB 3224 ON SECOND READING

(by Madden)

CSHB 3224, A bill to be entitled An Act relating to the prosecution and punishment of the offense of arson.

Amendment No. 1

Representative Madden offered the following amendment to **CSHB 3224**:

Amend **CSHB 3224** (house committee printing) as follows:

(1) On page 1, line 5, strike "Subsections (a-2) and (h)" and substitute "Subsection (a-2)".

(2) Strike page 2, lines 2-5.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Phillips offered the following amendment to **CSHB 3224**:

Amend **CSHB 3224** (house committee printing) on page 1, lines 13 and 14, by striking "is a state jail felony [~~It is a felony of the third degree if~~" and substituting "[~~It~~] is a felony of the third degree [~~if~~".

Representative Madden moved to table Amendment No. 2.

The motion to table prevailed.

CSHB 3224, as amended, was passed to engrossment. (Phillips recorded voting no.)

SB 2298 ON SECOND READING
(Farabee - House Sponsor)

SB 2298, A bill to be entitled An Act relating to compensation of certain state employees.

SB 2298 was considered in lieu of **HB 3631**.

Amendment No. 1

Representative Farabee offered the following amendment to **SB 2298**:

Amend **SB 2298** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 51.962, Education Code, is amended by adding Subsection (f) to read as follows:

(f) This subsection applies to an employee employed by the institution of higher education for more than six months. The requirement that six months elapse between merit salary increases prescribed by Subsection (e) does not apply to a one-time merit payment if the chief administrative officer of the institution of higher education determines in writing that the one-time merit payment is made in relation to the employee's performance during a natural disaster or other extraordinary circumstance.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Vaught and Hughes offered the following amendment to **SB 2298**:

Amend **SB 2298** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. The heading to Section 659.0125, Government Code, is amended to read as follows:

Sec. 659.0125. SALARY FOR DISTRICT JUDGE OR RETIRED JUDGE PRESIDING OVER MULTIDISTRICT LITIGATION.

SECTION _____. Section 659.0125, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A retired judge appointed to an MDL pretrial court, as defined by Section 90.001, Civil Practice and Remedies Code, is entitled to receive the same compensation and benefits to which a district judge is entitled.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Villarreal offered the following amendment to **SB 2298**:

Amend **SB 2298** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 61, Education Code, is amended by adding Subchapter FF to read as follows:

SUBCHAPTER FF. LEGISLATIVE EMPLOYEE LOAN REPAYMENT
ASSISTANCE PROGRAM

Sec. 61.9781. DEFINITION. In this subchapter, "legislative employee" means an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government. The term:

(1) includes an employee of an individual senator or representative or of a legislative committee; and

(2) does not include a senator or a representative.

Sec. 61.9782. REPAYMENT AUTHORIZED. The board shall establish a program to 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 full-time legislative employees who apply and qualify for the assistance.

Sec. 61.9783. ELIGIBILITY. To be eligible to receive repayment assistance, a person:

(1) must apply for the assistance in the manner prescribed by the board;

(2) must be currently employed full time as a legislative employee;

(3) must enter into a written agreement with the board under which the

person:

(A) agrees to a continuous five-year employment obligation in the legislative branch; and

(B) acknowledges the conditional nature of the repayment assistance;

(4) may not be receiving loan repayment assistance from any other source; and

(5) must comply with any other requirements adopted by board rule under this subchapter.

Sec. 61.9784. EXCEPTION TO CONSECUTIVE YEARS OF EMPLOYMENT REQUIREMENT. The board shall excuse an otherwise eligible person from the requirement imposed by Section 61.9783(3)(A) that the employment be performed in consecutive years if the break in employment is a result of the person's:

(1) service on active duty as a member of the armed forces of the United States;

(2) temporary total disability for a period of not more than 36 months as established by the affidavit of a qualified physician;

(3) inability to maintain the person's full-time employment for a period not to exceed 12 months because the person is caring for the person's disabled spouse or child; or

(4) satisfaction of the provisions of any other exception adopted by the board for purposes of this section.

Sec. 61.9785. ELIGIBLE LOANS. (a) The board may provide repayment assistance for the repayment of any student loan for education at an institution of higher education or a private or independent institution of higher education in this state, including loans for undergraduate education, received by an eligible person through any lender.

(b) The board may not provide repayment assistance for a student loan that is in default at the time of the person's application.

(c) In each state fiscal biennium, the board shall attempt to use for loan repayment assistance under this subchapter all funds appropriated to the board for that purpose.

Sec. 61.9786. REPAYMENT. (a) For the first year of legislative employment for which a person is eligible to receive repayment assistance under this subchapter and each following consecutive year of legislative employment, as described by Section 61.9783(3)(A), not to exceed a total of five years, the board shall provide assistance for the repayment of a portion of an eligible person's eligible loans. The board shall reduce the amount of a single assistance payment or refrain from making an assistance payment to an eligible person as necessary to avoid making total payments under this section to the person in an amount greater than the total amount of principal and interest due on the person's eligible loans.

(b) The board shall deliver any repayment under this subchapter in a lump sum:

(1) payable to both the legislative employee and the lender or other holder of the affected loan; or

(2) delivered on the legislative employee's behalf directly to the lender or other holder of the loan.

(c) A repayment under this subchapter may be applied to any amount due in connection with the loan.

Sec. 61.9787. AMOUNT OF REPAYMENT ASSISTANCE. The total amount of repayment assistance distributed by the board under this subchapter may not exceed the total amount of gifts and grants accepted by the board for repayment assistance, legislative appropriations for repayment assistance, and other funds available to the board for purposes of this subchapter.

Sec. 61.9788. RULES. (a) The board shall adopt rules necessary to administer this subchapter.

(b) The board shall distribute to the senate, the house of representatives, and any department, commission, board, office, or other agency in the legislative branch of state government copies of the rules adopted under this section and other pertinent information relating to this subchapter.

Sec. 61.9789. SOLICITATION AND ACCEPTANCE OF FUNDS. The board may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

SECTION ____. The Texas Higher Education Coordinating Board shall adopt the rules for repayment assistance under Subchapter FF, Chapter 61, Education Code, as added by this Act, not later than December 1, 2009.

Amendment No. 3 was adopted.

SB 2298, as amended, was passed to third reading. (Fletcher, Flynn, and Riddle recorded voting no.)

HB 3631 - LAID ON THE TABLE SUBJECT TO CALL

Representative Farabee moved to lay **HB 3631** on the table subject to call.

The motion prevailed.

HB 3989 ON SECOND READING
(by Merritt, Flynn, and Hopson)

HB 3989, A bill to be entitled An Act relating to the waiver of state park entrance fees for active members of the Texas State Guard.

Amendment No. 1

Representative Jackson offered the following amendment to **HB 3989**:

Amend **HB 3989** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 13.015(a-1), Parks and Wildlife Code, is amended to read as follows:

(a-1) The commission shall [~~may~~] waive the park entrance fee for a person who is at least 70 years of age. The commission may not waive the fee for use of a park facility, including a hook-up fee for electricity or water.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Vaught offered the following amendment to **HB 3989**:

Amend **HB 3989** as follows:

(1) On page 1, line 6, strike "Section 13.0185" and substitute "Sections 13.0185 and 13.0186".

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

Sec. 13.0186. PARK FEE WAIVER FOR PEACE OFFICERS. The department shall waive the state park entrance fee and vehicle entrance fee for any person who is an active or retired peace officer, as defined by Article 2.12, Code of Criminal Procedure, on presentation of an identification card that identifies the individual as an active or retired peace officer.

Amendment No. 2 was withdrawn.

HB 3989, as amended, was passed to engrossment.

HB 746 ON SECOND READING
(by F. Brown, Aycock, Branch, Giddings, and Rodriguez)

HB 746, A bill to be entitled An Act relating to making underused classrooms of public institutions of higher education available for use by other public colleges and universities.

(Farabee in the chair)

Amendment No. 1

Representative F. Brown offered the following amendment to **HB 746**:

Amend **HB 746** (House committee printing) on page 1, between lines 18 and 19, by inserting the following:

(c) The Texas Higher Education Coordinating Board shall submit to the legislature a written report for each semester or summer session regarding each public institution of higher education's classroom utilization rates during the times and on the days specified by Subsection (a). The coordinating board shall submit the report as soon as practicable after each semester or summer session and may include the report in another report made by the coordinating board.

Amendment No. 1 was adopted.

Amendment No. 2

Representative F. Brown offered the following amendment to **HB 746**:

Amend **HB 746** by striking Subsection (b) of added Section 51.975, Education Code (page 1, lines 16-17, House Committee Report) and substituting the following:

(b) An institution of higher education may charge another institution for the use of a classroom under this section at a rate not to exceed the rate permitted for this purpose as determined by the Texas Higher Education Coordinating Board. The coordinating board shall establish those rates in an amount to reimburse the host institution for utility costs and other costs, such as maintenance and custodial services, based on the infrastructure formula funding that the host institution would receive if teaching a course in that space itself for that time.

Amendment No. 2 was adopted.

Amendment No. 3

Representative F. Brown offered the following amendment to **HB 746**:

Amend **HB 746** (House committee printing) as follows:

(1) On page 1, line 11, strike "6 p.m." and substitute "5 p.m.".
(2) On page 1, line 12, between "weekdays" and "available", insert "or between 8 a.m. and 5 p.m. on one or more Saturdays".

(3) On page 1, between lines 15 and 16, insert the following:

(b) A public institution of higher education that under Subsection (a) makes a classroom available to another institution shall continue to make that classroom, or a comparable classroom, available to the other institution for the duration of the semester or other academic term.

(4) On page 1, line 16, strike "(b)" and substitute "(c)".

Amendment No. 3 was adopted.

HB 746, as amended, was passed to engrossment.

SB 547 ON SECOND READING
(Hughes - House Sponsor)

SB 547, A bill to be entitled An Act relating to transition to competition in the Southwestern Electric Power Company service area.

SB 547 was considered in lieu of **HB 870**.

SB 547 was passed to third reading.

HB 870 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hughes moved to lay **HB 870** on the table subject to call.

The motion prevailed.

CSHB 269 ON SECOND READING
(by Lucio, Marquez, Rios Ybarra, and Guillen)

CSHB 269, A bill to be entitled An Act relating to the award of course credit to a student at a public institution of higher education for the completion of military service.

Amendment No. 1

Representative Lucio offered the following amendment to **CSHB 269**:

Amend **CSHB 269** (house committee printing) on page 1, lines 19 and 20, by striking "in this state".

Amendment No. 1 was adopted.

CSHB 269, as amended, was passed to engrossment.

SB 935 ON SECOND READING
(Guillen - House Sponsor)

SB 935, A bill to be entitled An Act relating to authorizing a judge of a municipal court to conduct a marriage ceremony.

SB 935 was considered in lieu of **HB 423**.

SB 935 was passed to third reading.

HB 423 - LAID ON THE TABLE SUBJECT TO CALL

Representative Guillen moved to lay **HB 423** on the table subject to call.

The motion prevailed.

CSHB 1218 ON SECOND READING
(by D. Howard)

CSHB 1218, A bill to be entitled An Act relating to a pilot project to exchange secure electronic health information between the Health and Human Services Commission and local or regional health information exchanges.

CSHB 1218 was passed to engrossment.

HB 1326 ON SECOND READING
(by Rios Ybarra, et al.)

HB 1326, A bill to be entitled An Act relating to a plan to replenish the food supplies of food banks or food pantries following a disaster.

Representative Rios Ybarra moved to postpone consideration of **HB 1326** until 10 a.m. Thursday, May 14.

The motion prevailed.

CSHB 2248 ON SECOND READING
(by S. Turner)

CSHB 2248, A bill to be entitled An Act relating to an emergency management plan for certain health care facilities.

Amendment No. 1

Representative S. Turner offered the following amendment to **CSHB 2248**:

Amend **CSHB 2248** as follows:

(1) On page 2, line 13, strike the word "~~three~~" and substitute the word "six"

Amendment No. 1 was adopted.

CSHB 2248 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE S. TURNER: Members, I would like to express legislative intent for **CSHB 2248** as it relates to the fire drills. I want to expressly state that the fire drills that are included in this bill are not intended to be disruptive for the patients in the care of any of the impacted healthcare facilities, and I do not intend for patients to be moved as part of any of the fire drills.

CSHB 2248, as amended, was passed to engrossment.

SB 1237 ON SECOND READING
(Heflin - House Sponsor)

SB 1237, A bill to be entitled An Act relating to the authority of certain juvenile probation officers to carry firearms.

SB 1237 was considered in lieu of **HB 2378**.

(Pitts now present)

SB 1237 was passed to third reading by (Record 744): 92 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Driver; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flynn; Frost; Gattis; Geren; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Herrero; Hilderbran; Homer; Hopson; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Legler; Lewis; Martinez; McCall; Merritt; Miklos; Miller, D.; Moody; Morrison; Orr;

Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Vaughn; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Eiland; Flores; Giddings; Gonzales; Hartnett; Hernandez; Hochberg; Hodge; Howard, D.; Kent; Kolkhorst; Leibowitz; Lucio; Maldonado; Marquez; Martinez Fischer; McClendon; McReynolds; Menendez; Naishtat; Olivo; Pierson; Raymond; Rodriguez; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Veasey; Villarreal; Walle.

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

Absent, Excused — Davis, J.; Mallory Caraway; Oliveira.

Absent — Anchia; Chavez; Dutton; Farrar; Gallego; Miller, S.; Quintanilla; Vo.

STATEMENT OF VOTE

I was shown voting yes on Record No. 744. I intended to vote no.

Geren

HB 2378 - LAID ON THE TABLE SUBJECT TO CALL

Representative Heflin moved to lay **HB 2378** on the table subject to call.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Public Education to consider **SB 548** and previously posted business.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, upon final adjournment/recess tomorrow, E2.036, for a public hearing, to consider **SB 548** and previously posted business.

FIVE-DAY POSTING RULE SUSPENDED

Representative T. Smith moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Elections to consider **SB 2067** at 8:30 a.m. tomorrow in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, 8:30 a.m. tomorrow, E2.030, for a public hearing, to consider **SB 2067** and the posted schedule.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gonzales requested permission for the Committee on Border and Intergovernmental Affairs to meet while the house is in session, during bill referral today, for a public hearing, to consider the posted agenda.

Permission to meet was granted.

SB 555 - RECOMMITTED

Representative Eiland moved to recommit **SB 555** to the Committee on Judiciary and Civil Jurisprudence.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Coleman moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **SB 2517**.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, during bill referral today, in E2.016, for a public hearing, to consider **SB 2517** and the posted agenda.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, upon final recess today, E2.016, for a public hearing, to consider **SB 2517** and the posted agenda.

PROVIDING FOR RECESS

Representative Taylor moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Y. Davis in the chair)

RECESS

In accordance with a previous motion, the house, at 10:51 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 37 to Human Services.

SB 182 to State Affairs.

SB 689 to Criminal Jurisprudence.

SB 1646 to Public Health.

SB 1668 to Agriculture and Livestock.

SB 1672 to Business and Industry.

SB 1675 to Judiciary and Civil Jurisprudence.

SB 1766 to Human Services.

SB 1833 to Technology, Economic Development, and Workforce.

SB 1858 to Public Safety.

SB 1953 to Land and Resource Management.

SB 2148 to Ways and Means.

SB 2151 to Public Health.

SB 2170 to Energy Resources.

SB 2182 to Higher Education.

SB 2231 to Technology, Economic Development, and Workforce.

SB 2283 to Natural Resources.

SB 2304 to Corrections.

SB 2340 to Corrections.

SB 2344 to Judiciary and Civil Jurisprudence.

SB 2435 to Human Services.

SB 2463 to Natural Resources.

SB 2464 to Natural Resources.

SB 2468 to County Affairs.

SB 2472 to County Affairs.

SB 2473 to County Affairs.

SB 2486 to Natural Resources.

SB 2496 to Ways and Means.

SB 2509 to Natural Resources.

SB 2515 to Natural Resources.

SB 2521 to Natural Resources.

SB 2531 to County Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 28

HB 1205, HB 1382, HB 2042, HB 2101, HB 2238, HB 2560, HCR 121, HCR 137, HCR 194

Senate List No. 27

SB 872, SB 1373

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

Monday, May 11, 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:

SB 1425 Williams

Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

SB 1616 Wentworth

Relating to the fees for certain license plates.

SB 1714 Hegar

Relating to evidence of beneficial use and other matters in connection with the issuance of permits by a groundwater conservation district in accordance with its management plan.

SB 2407 Zaffirini

Relating to the provision of services to individuals with mental retardation or other disabilities.

SB 2439 Uresti

Relating to the regulation of development around certain military facilities; providing a penalty.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, May 11, 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:

HB 875 Eissler SPONSOR: Carona
Relating to civil liability for erecting or maintaining certain outdoor signs or advertising.

HB 968 Homer SPONSOR: Harris
Relating to the use of crossbows for hunting.
(Committee Substitute)

HB 1282 McClendon SPONSOR: Zaffirini
Relating to the penalty for theft of a driver's license, commercial driver's license, or personal identification certificate.

HB 1454 Naishtat SPONSOR: Zaffirini
Relating to the establishment of a volunteer-supported decision-making advocate pilot program for persons with intellectual and developmental disabilities and persons with other cognitive disabilities.

HB 1736 Anchia SPONSOR: Duncan
Relating to compensation of and services to persons wrongfully imprisoned.
(Committee Substitute/Amended)

HB 1813 Vo SPONSOR: Williams
Relating to the punishment for tampering with certain governmental records concerning forensic analyses.

HB 1963 Kuempel SPONSOR: Whitmire
Relating to eliminating the limitation on lottery advertising expenses based on the lottery prize payout percentage.

HCR 88 Davis, John SPONSOR: Hinojosa
Directing the Texas Department of State Health Services and the Texas Education Agency to educate parents of adolescent Texans regarding the importance of adolescents' receiving regular physical exams and updated immunizations.

HCR 214 Menendez SPONSOR: Van de Putte
Honoring Haven for Hope of Bexar County as it commemorates its first full year of service in San Antonio.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 543 (31 Yeas, 0 Nays)

SB 687 (31 Yeas, 0 Nays)

SB 828 (31 Yeas, 0 Nays)

SB 1442 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, May 11, 2009 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 204 Berman SPONSOR: Eltife
Congratulating the Tyler Morning Telegraph on its 100th anniversary.

SB 382 Van de Putte
Relating to a competitive grant program to fund promotion of early literacy programs in certain communities in this state.

SB 725 Estes
Relating to the sunset review of certain river authorities.

SB 1023 Ogden
Relating to the exercise of eminent domain authority.

SB 1493 Williams
Relating to certain amounts payable by and the operation of the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

SB 2085 Davis, Wendy

Relating to the offense of unlawful use of public funds for political advertising by a political subdivision.

SB 2467 Patrick, Dan

Relating to the creation of Waller Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds; and granting a limited power of eminent domain.

SB 2510 Patrick, Dan

Relating to the creation of the Harris County Improvement District No. 18; providing authority to impose an assessment, impose a tax, and issue bonds.

SB 2559 Uresti

Relating to the imposition and rate of the county hotel occupancy tax in certain counties.

SB 2565 Averitt

Relating to adjustments of rates of certain telecommunications utilities for changes in certain tax liabilities.

SB 2569 Lucio

Relating to the governing body of the Willacy County Navigation District.

SB 2570 Lucio

Relating to the board of directors of the Kenedy County Groundwater Conservation District.

SJR 42 Duncan

Proposing a constitutional amendment to prohibit the taking of property for transfer to a private entity for certain purposes.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, May 11, 2009 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 2096 Wentworth

Relating to the creation of and the powers of a comprehensive multimodal urban transportation authority, including the power to impose taxes, issue bonds, and exercise limited eminent domain authority.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 8

Border and Intergovernmental Affairs - **SB 874, SB 1522, SCR 10**

Business and Industry - **SB 747**

County Affairs - **HB 842, HB 1632, HB 2693, HB 2931, HB 4007, HB 4731, HB 4787, HB 4801, HB 4814**

Criminal Jurisprudence - **HB 2873, SB 61, SB 117, SB 257, SB 328, SB 808, SB 1163, SB 1173, SB 1377, SB 2225**

Defense and Veterans' Affairs - **SB 1325, SB 1958**

Elections - **HB 361, HB 3184**

Energy Resources - **HB 2356, HB 2915**

Environmental Regulation - **HB 821, HB 2978**

Insurance - **HB 451, HB 2690, HB 4519, SB 1001**

Judiciary and Civil Jurisprudence - **HB 1665, HB 2719, HB 4619, HB 4741, SB 865, SB 935, SB 1053, SB 1111, SB 2105**

Land and Resource Management - **HB 4144**

Natural Resources - **HB 1952, HB 2166, HB 3335, HB 3834, HB 4218, HB 4258, HB 4729, HB 4759, HB 4792, HB 4808, HB 4812, HB 4817, HB 4830, HB 4831, HB 4832, SB 2497**

Pensions, Investments, and Financial Services - **SB 1965**

Public Education - **HB 2280, SB 1219**

Public Health - **SB 526**

Public Safety - **HB 2730, HB 3334**

State Affairs - **HB 751, HB 2044, HB 3782, HB 4140**

Technology, Economic Development, and Workforce - **HB 1198**

Transportation - **HB 141**

Urban Affairs - **HB 4635**

Ways and Means - **HB 1283, HB 2593, HB 3699, HB 3956, HB 4364, HB 4753, SB 254**

ENGROSSED

May 8 - HB 1935

ENROLLED

May 8 - HB 752, HB 782, HB 1213, HB 1615, HB 1637, HB 2546, HCR 205

SENT TO THE GOVERNOR

May 8 - HB 752, HB 782, HB 1213, HB 1615, HB 1637, HB 2546, HCR 205