

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SIXTY-NINTH DAY — TUESDAY, MAY 12, 2009

The house met at 2:25 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 746).

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

### HCR 152 - VOTE RECONSIDERED

Representative Hunter moved to reconsider the vote by which **HCR 152** was adopted.

The motion to reconsider prevailed.

#### **HCR 152**

**(by Hunter, Herrero, Ortiz, Leibowitz, et al.)**

The following resolution was laid before the house:

**HCR 152**, Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study on the availability of medical treatment for patients with Lyme diseases in Texas.

**HCR 152** was laid before the house earlier today and was adopted.

**HCR 152** was adopted by (Record 747): 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; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

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

Absent — Dukes; Turner, S.; Zerwas.

### **CSHCR 161 - VOTE RECONSIDERED**

Representative Burnam moved to reconsider the vote by which **CSHCR 161** was adopted.

The motion to reconsider prevailed.

#### **CSHCR 161 (by Burnam)**

The following resolution was laid before the house:

**CSHCR 161**, Granting John Cook permission to sue the Benbrook Water Authority.

**CSHCR 161** was laid before the house earlier today and was adopted.

**CSHCR 161** was adopted by (Record 748): 140 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; Castro; Chavez; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett;

Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; 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; 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 — Chisum.

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

Absent — Callegari; Eissler; Hancock; Keffer; Laubenberg; Miller, S.; Shelton.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 748. I intended to vote no.

Anderson

I was shown voting yes on Record No. 748. I intended to vote no.

Riddle

I was shown voting yes on Record No. 748. I intended to vote no.

Woolley

### RULES SUSPENDED

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

The motion prevailed.

### MOTION FOR ONE RECORD VOTE

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

### LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

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

(Record 749): 149 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, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

**HB 119**

**HB 121**

**HB 3180** (B. Brown, F. Brown, Button, Christian, Craddick, Creighton, Darby, Flynn, Gattis, Geren, Hancock, Hardcastle, Harless, Homer, Hopson, C. Howard, P. King, T. King, Kleinschmidt, Kolkhorst, Legler, D. Miller, Morrison, Orr, Parker, Phillips, Riddle, Shelton, W. Smith, Swinford, and Weber - no) (118 - 31 - 1)

**HB 150** (Madden - no) (148 - 1 - 1)

**HB 229**

**HB 240** (Anderson, Aycock, Berman, Bohac, F. Brown, Button, Christian, Craddick, Creighton, Crownover, Fletcher, Flynn, Gattis, Geren, Hancock, Hardcastle, Harper-Brown, Hartnett, C. Howard, Hunter, P. King, Kolkhorst, Laubenberg, Legler, D. Miller, Orr, Parker, Phillips, Riddle, Shelton, W. Smith, Swinford, Taylor, and Weber - no) (115 - 34 - 1)

**HB 258**

**HB 315** (Anderson and Riddle - no) (147 - 2 - 1)

**HB 397** (Christian and Weber - no) (147 - 2 - 1)

**HB 544** (Gattis, Phillips, Riddle, and Sheffield - no) (145 - 4 - 1)

**SB 820** (Aycock, Berman, F. Brown, Craddick, Creighton, Crownover, Flynn, Gattis, Geren, Hardcastle, C. Howard, Hunter, P. King, Kolkhorst, Legler, Madden, Orr, Parker, Phillips, W. Smith, Swinford, Taylor, and Weber - no) (126 - 23 - 1)

**HB 563**

**HB 585**

**HB 587**

**HB 640**

**SB 481**

**HB 781**

**HB 805**

**SB 1105**

**HB 1052** (Anderson, Aycock, Button, Christian, Craddick, Darby, Flynn, Gattis, Hardcastle, C. Howard, P. King, D. Miller, Morrison, Sheffield, Shelton, W. Smith, Swinford, and Weber - no) (131 - 18 - 1)

**HB 1117** (Berman and Flynn - no) (147 - 2 - 1)

**HB 1193**

**HB 1275**

**HB 1375** (Creighton, Flynn, Geren, Kolkhorst, Legler, Parker, and Shelton - no) (142 - 7 - 1)

**HB 1448** (Button, Craddick, Creighton, Driver, Flynn, Geren, Hunter, Kolkhorst, Legler, D. Miller, Parker, Shelton, and W. Smith - no) (136 - 13 - 1)

**HB 1470**

**HB 1472** (Burnam, Flynn, Geren, Hardcastle, Harper-Brown, Hodge, Homer, Kolkhorst, Laubenberg, McClendon, and Moody - no) (138 - 11 - 1)

**SB 1274**

**HB 1597**

**HB 1600**

**HB 1601**

**HB 1691**

**HB 1779**

**SB 434** (Berman, Flynn, and Sheffield - no) (146 - 3 - 1)

**SB 1103** (Christian and Phillips - no) (147 - 2 - 1)

**HB 1841**

**SB 1163**

**HB 1872**

**SB 473** (Phillips - no) (148 - 1 - 1)

**HB 2057** (Berman - no) (148 - 1 - 1)

**SB 1360**

**HB 2153**

**HB 2181**

**HB 2284** (Harper-Brown - no) (148 - 1 - 1)

**HB 2346** (Anderson, Aycock, Berman, B. Brown, F. Brown, Button, Craddick, Creighton, Darby, Driver, Gattis, Hancock, Hardcastle, C. Howard, Hunter, P. King, Madden, D. Miller, Morrison, Parker, Sheffield, Shelton, W. Smith, Swinford, and Weber - no) (124 - 25 - 1)

**HB 2348**

**HB 2368**

**SB 918**

**SB 917**

**HB 2425**

**SB 1295**

**HB 2524** (Laubenberg, Madden, and Woolley - no) (146 - 3 - 1)

**HB 2585**

**SB 1638** (Christian, Phillips, and W. Smith - no) (146 - 3 - 1)

**SB 1047**

**SB 1122** (B. Brown, F. Brown, Button, Craddick, Creighton, Darby, Driver, Flynn, Hardcastle, C. Howard, Hunter, P. King, D. Miller, Morrison, Orr, Parker, Sheffield, Shelton, Swinford, and Weber - no) (129 - 20 - 1)

**SB 1121** (Button, Craddick, Creighton, P. King, D. Miller, Morrison, Parker, and Shelton recorded voting - no) (141 - 8 - 1)

**HB 2703** (Harper-Brown and Laubenberg - no) (147 - 2 - 1)

**HB 2732** (Anderson, Driver, Harper-Brown, Hunter, T. King, Laubenberg, D. Miller, Phillips, and Sheffield - no) (140 - 9 - 1)

**HB 2767** (Sheffield and W. Smith - no) (147 - 2 - 1)

**HB 2941**

**HB 3044**

**HB 3075**

**HB 3085**

**HB 3215** (Laubenberg - no) (148 - 1 - 1)

**HB 3220** (Herrero, Kent, and Leibowitz - no) (146 - 3 - 1)

**HB 3221** (Herrero, Kent, and Leibowitz - no) (146 - 3 - 1)

**SB 2134**

**SB 2052**

**HB 3417**

**HB 3425**

**HB 3485**

**HB 3628** (Burnam, Dukes, Hancock, Hodge, C. Howard, Leibowitz, Maldonado, McClendon, Miklos, and Veasey - no) (139 - 10 - 1)

**HB 3666**

**HB 3691** (Aycock, F. Brown, Button, Craddick, Creighton, Driver, Flynn, Gattis, Geren, C. Howard, Hunter, P. King, Kolkhorst, Legler, Madden, D. Miller, Parker, Sheffield, Shelton, W. Smith, and Swinford - no) (128 - 21 - 1)

**HB 3708**

**HB 3768**

**HB 4067** (Christian, Flynn, Harper-Brown, Laubenberg, and Phillips - no) (144 - 5 - 1)

**HB 4106**

**HB 4128**

**HB 4186**

**HB 4189**

**HB 4193** (Craddick, Creighton, Gattis, Geren, Kolkhorst, Laubenberg, Legler, and Parker - no) (141 - 8 - 1)

**HB 4229**

**HB 4230**

**HB 4295** (Anderson, Aycock, Berman, B. Brown, F. Brown, Chisum, Christian, Craddick, Creighton, Crownover, Driver, Flynn, Gattis, Geren, Hancock, Hardcastle, Harper-Brown, C. Howard, Hunter, P. King, Kolkhorst, Laubenberg, Legler, Madden, Morrison, Orr, Parker, Phillips, Sheffield, Shelton, W. Smith, Swinford, Taylor, and Weber - no) (115 - 34 - 1)

**HB 4433** (C. Howard, D. Miller, and Taylor - no) (146 - 3 - 1)

**HB 4440**

**HB 4456**

**HB 4493** (Craddick, Creighton, Parker, and Shelton - no) (145 - 4 - 1)

**HB 4533** (B. Brown, Craddick, Creighton, Flynn, Gattis, Geren, Harless, C. Howard, Kent, P. King, Kolkhorst, Laubenberg, Legler, Parker, Shelton, Swinford, and Weber - no) (132 - 17 - 1)

**HB 4542** (Aycock, Gattis, and Riddle - no) (146 - 3 - 1)

**HB 4594**

**HB 4722**

**HB 4745**

**HB 4757**

**HB 4772**

**HB 4773**

**HB 4774**

**HB 4781**

**HB 4784**

**HB 4790**

**HB 4795**

**HB 4802**

**HB 4810**

**HB 4811**

**HB 4825**

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 3646 ON THIRD READING  
(by Hochberg, Eissler, Aycock, Pitts, Patrick, et al.)**

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

**Amendment No. 1**

Representatives Hochberg and Kent offered the following amendment to **HB 3646**:

Amend **HB 3646**, on third reading, as follows:

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

SECTION \_\_\_\_\_. Section 41.002(e), Education Code, is amended to read as follows:

(e) Notwithstanding Subsection (a), [~~and except as provided by Subsection (e)~~] in accordance with a determination of the commissioner, the wealth per student that a school district may have after exercising an option under Section 41.003(2) or (3) may not be less than the amount needed to maintain state and local revenue in an amount equal to state and local revenue per weighted student for maintenance and operation of the district for the 1992-1993 school year less the district's current year distribution per weighted student from the available school fund, other than amounts distributed under Chapter 31, if the district imposes an effective tax rate for maintenance and operation of the district equal to the greater of the district's current tax rate or \$1.50 on the \$100 valuation of taxable property.

(2) Strike the SECTION of the bill amending Section 42.152(c), Education Code, and substitute the following appropriately numbered SECTION:

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 45 ~~[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.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Kuempel offered the following amendment to **HB 3646**:

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

SECTION \_\_\_\_\_. Section 313.023(3), Tax Code, is amended to read as follows:

- (3) "Qualifying job" means a permanent full-time job that:
- (A) requires at least 1,600 hours of work a year;
  - (B) is not transferred from one area in this state to another area in this state;
  - (C) is not created to replace a previous employee;
  - (D) is covered by a group health benefit plan, as defined by Section 481.151, Government Code, for which the business offers to pay at least 80 percent of the premiums or other charges assessed for employee-only coverage under the plan, regardless of whether an employee may voluntarily waive the coverage; and
  - (E) pays at least 110 percent of:
    - (i) the county average weekly wage for manufacturing jobs in the county where the job is located; or
    - (ii) the county average weekly wage for all jobs in the county where the job is located, if the property owner creates more than 1,000 jobs in that county.

Amendment No. 2 was adopted. (The vote was reconsidered later today, and Amendment No. 2 was withdrawn.)

### **Amendment No. 3**

Representative Heflin offered the following amendment to **HB 3646**:

Amend **HB 3646** on third reading as follows:

(1) In Section 42.25151, Education Code, as added by the bill, strike Subsection (b-1) and substitute the following:

(b-1) Each school year, a school district is entitled to retain a total benefit from supplemental payments not to exceed the amounts authorized in Sections 313.027 (i) and (j), Tax Code.

(2) In Section 42.25151, Education Code, as added by the bill, add a new Subsection (e) to read as follows:

(e) This section does not apply to supplemental payments made in connection with an agreement entered into before September 1, 2009.

(3) Strike Section 313.027(i), Tax Code, as added by the bill, and substitute the following:

(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 an amount described by Subsection (f)(1) of this section.

Amendment No. 3 was adopted.

**Amendment No. 2 - Vote Reconsidered**

Representative Kuempel moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

**HB 3646**, as amended, was passed by (Record 750): 144 Yeas, 2 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, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; 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; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; 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 — Fletcher; Riddle.

Present, not voting — Mr. Speaker.

Absent — Driver; Hernandez; Laubenberg.

**HB 3896 ON THIRD READING**  
**(by Oliveira)**

**HB 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.

Representative Hilderbran moved to postpone consideration of **HB 3896** until 3:20 p.m. today.

The motion prevailed.

**HB 1182 ON THIRD READING****(by S. Turner, Harless, Thibaut, Edwards, Leibowitz, et al.)**

**HB 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.

**HB 1182** was passed by (Record 751): 147 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, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; 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 — Driver; Smithee.

**STATEMENT OF VOTE**

When Record No. 751 was taken, I was in the house but away from my desk. I would have voted yes.

Smithee

**HB 2654 ON THIRD READING****(by Oliveira)**

**HB 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.

**HB 2654** was passed by (Record 752): 137 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C);

Eissler; Elkins; England; Farabee; Farias; Farrar; 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; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; 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 — Anderson; Bonnen; Brown, F.; Callegari; Fletcher; Hilderbran; Isett; Kleinschmidt; Laubenberg; Miller, S.; Phillips; Riddle.

Present, not voting — Mr. Speaker.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 752. I intended to vote no.

Flynn

## GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

### HB 1259 ON THIRD 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 passed by (Record 753): 147 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, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.;

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

Present, not voting — Mr. Speaker.

Absent — Dutton; Howard, C.

### **HB 230 ON THIRD READING**

**(by Pitts, Anderson, Dunnam, Gattis, Maldonado, et al.)**

**HB 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.

**HB 230** was passed by (Record 754): 111 Yeas, 38 Nays, 1 Present, not voting.

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

Nays — Aycock; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Fletcher; Flynn; Hancock; Harless; Hilderbran; Howard, C.; Hughes; Hunter; Isett; Kleinschmidt; Laubenberg; Legler; Lewis; Miller, S.; Parker; Patrick; Paxton; Riddle; Smithee; Taylor; Truitt; Weber; Zerwas.

Present, not voting — Mr. Speaker.

### **STATEMENTS OF VOTE**

I was shown voting no on Record No. 754. I intended to vote yes.

Crownover

I was shown voting no on Record No. 754. I intended to vote yes.

Hughes

I was shown voting no on Record No. 754. I intended to vote yes.

Kleinschmidt

I was shown voting no on Record No. 754. I intended to vote yes.

Laubenberg

I was shown voting no on Record No. 754. I intended to vote yes.

Lewis

I was shown voting no on Record No. 754. I intended to vote yes.

Taylor

**HB 2740 ON THIRD READING**  
(by Bolton)

**HB 2740**, A bill to be entitled An Act relating to the licensing and regulation of youth camps.

**HB 2740** was passed by (Record 755): 81 Yeas, 66 Nays, 2 Present, not voting.

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

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

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

Absent — Merritt.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 755. I intended to vote no.

McReynolds

I was shown voting yes on Record No. 755. I intended to vote no.

Patrick

**HB 3653 ON THIRD READING**

(by Marquez, Olivo, S. King, Madden, Ortiz, et al.)

**HB 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.

**HB 3653** was passed by (Record 756): 116 Yeas, 30 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Bolton; Branch; Brown, B.; Burnam; Castro; Chavez; Cohen; Coleman; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Jones; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; 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; Woolley; Zerwas.

Nays — Anderson; Aycock; Bonnen; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Darby; Eissler; Elkins; Flynn; Geren; Hamilton; Hancock; Harper-Brown; Hilderbran; Howard, C.; Isett; Keffer; Legler; Miller, D.; Miller, S.; Parker; Smithee; Weber.

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

Absent — Hughes; Oliveira.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 756. I intended to vote yes.

Anderson

I was shown voting no on Record No. 756. I intended to vote yes.

Button

I was shown voting no on Record No. 756. I intended to vote yes.

Craddick



I was shown voting no on Record No. 756. I intended to vote yes.

Parker

(Speaker in the chair)

**HB 3907 ON THIRD READING**  
**(by Madden)**

**HB 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.

**HB 3907** was passed by (Record 757): 148 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; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Crownover.

**STATEMENT OF VOTE**

When Record No. 757 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

**HB 4426 ON THIRD READING**  
**(by Hernandez)**

**HB 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.

**HB 4426** was passed by (Record 758): 111 Yeas, 34 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Farrar; Gattis; Kolkhorst; Ritter.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 758. I intended to vote yes.

Creighton

When Record No. 758 was taken, I was in the house but away from my desk. I would have voted no.

Gattis

I was shown voting yes on Record No. 758. I intended to vote no.

Harless

I was shown voting no on Record No. 758. I intended to vote yes.

Legler

I was shown voting no on Record No. 758. I intended to vote yes.

Parker

#### HB 1654 ON THIRD READING

(by Anchia)

**HB 1654**, A bill to be entitled An Act relating to the appointment of high school deputy registrars.

Representative Anchia moved to postpone consideration of **HB 1654** until 3:50 p.m. today.

The motion prevailed.

**HB 3173 ON THIRD READING**  
(by Allen)

**HB 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.

**HB 3173** was passed by (Record 759): 142 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; 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; 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; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Aycock; Berman; Fletcher; Legler; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent — Turner, S.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 759. I intended to vote yes.

Aycock

When Record No. 759 was taken, I was in the house but away from my desk. I would have voted yes.

S. Turner

**HB 3224 ON THIRD READING**  
(by Madden)

**HB 3224**, A bill to be entitled An Act relating to the prosecution and punishment of the offense of arson.

**HB 3224** was passed by (Record 760): 139 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; 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 — Bonnen; Jackson; Phillips; Ritter; Solomons.

Present, not voting — Mr. Speaker(C).

Absent — Cook; Corte; Eissler; Heflin; Laubenberg.

**HB 3989 ON THIRD 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.

**HB 3989** was passed by (Record 761): 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; 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; 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; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker;

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

Present, not voting — Mr. Speaker(C).

Absent — Frost; Lewis; Swinford.

### STATEMENT OF VOTE

When Record No. 761 was taken, my vote failed to register. I would have voted yes.

Frost

### HB 746 ON THIRD 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.

#### Amendment No. 1

Representative Flores offered the following amendment to **HB 746**:

Amend **HB 746** by adding the following section and renumber accordingly:

SECTION 1. Section 130.0103(a), Education Code, is amended to read as follows:

(a) The board of trustees of a junior college district may establish and operate a dual usage educational complex to provide a shared facility for the educational activities of the district and other participating entities. The board of trustees may enter into a cooperative agreement governing the operation and use of the complex with the governing bodies of one or more of the following entities:

(1) a county, municipality, or school district located in whole or in part in the service area of the junior college district; or

(2) another institution of higher education [~~with a campus or other educational facility located in the same state uniform service region as adopted by the coordinating board~~].

Amendment No. 1 was adopted.

**HB 746**, as amended, was passed by (Record 762): 148 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, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton;

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

Present, not voting — Mr. Speaker(C).

Absent — Morrison.

### STATEMENT OF VOTE

When Record No. 762 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

### POSTPONED BUSINESS

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

#### **HB 3896 ON THIRD READING** (by Oliveira)

**HB 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.

**HB 3896** was read third time earlier today and was postponed until this time.

#### **Amendment No. 1**

Representative Hilderbran offered the following amendment to **HB 3896**:

Amend **HB 3896** on third reading (second reading engrossment) as follows:

(1) On page 1, lines 19-20, strike "a municipality or the commissioners court of a county, as applicable, that enters into a tax abatement agreement" and substitute "the taxing unit granting the abatement".

(2) On page 2, line 3, strike "Subsections (a-1) and (a-2)" and substitute "Subsections (a-1), (a-2), and (a-3)".

(3) On page 3, between lines 13 and 14, insert:

"(a-3) The commissioners court may execute a tax abatement agreement with a lessee of taxable real property located in a reinvestment zone designated under this subchapter to exempt from taxation all or a portion of the value of the fixtures, improvements, or other real property owned by the lessee and located on the property that is subject to the lease, all or a portion of the value of tangible personal property owned by the lessee and located on the real property that is the

subject of the lease, or all or a portion of the value of both the fixtures, improvements, or other real property and the tangible personal property described by this subsection."

Amendment No. 1 was adopted.

**HB 3896**, as amended, was passed by (Record 763): 144 Yeas, 4 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Keffer.

**GENERAL STATE CALENDAR**  
(consideration continued)

**HB 269 ON THIRD READING**  
(by Lucio, Marquez, Rios Ybarra, and Guillen)

**HB 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 Hilderbran offered the following amendment to **HB 269**:

Amend **HB 269** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9112 to read as follows:

Sec. 51.9112. RESERVE OFFICERS' TRAINING CORPS (ROTC) PROGRAM: FEES AND COURSE CREDIT. (a) The Texas Higher Education Coordinating Board, in consultation with institutions of higher education, shall determine a standard fee for a course offered through a Reserve Officers' Training Corps (ROTC) program that takes into account the average statewide cost per student to an institution of higher education in providing the program, not including any reimbursement or other amounts the institution receives from the applicable military service or other source for offering the course. Except as provided by Subsection (b), the governing board of each institution of higher education may not charge a student enrolled in an ROTC course any amount for the course in excess of the fee as determined by the coordinating board under this subsection.

(b) If the governing board of an institution of higher education offers course credit towards a student's degree for a course in which the student enrolls for the purposes of an ROTC program, the governing board may charge the student tuition for that course as otherwise provided by Chapter 54 after subtracting any reimbursement or other amount the institution receives from the applicable military service or other source for offering the course.

(c) To the extent it will not adversely affect the accreditation status of an institution of higher education with the appropriate accrediting agency, the governing board of the institution shall count courses in which a student enrolls for the purposes of an ROTC program, including courses for which the student does not receive course credit towards the student's degree, in determining whether the student is enrolled as a full-time student.

Amendment No. 1 was adopted.

**HB 269**, as amended, was passed by (Record 764): 141 Yeas, 0 Nays, 1 Present, not voting.

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



Present, not voting — Mr. Speaker(C).

Absent — Burnam; Deshotel; Dunnam; Gutierrez; King, T.; Maldonado; Marquez; Peña.

### STATEMENTS OF VOTE

When Record No. 764 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 764 was taken, I was in the house but away from my desk. I would have voted yes.

Maldonado

When Record No. 764 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

When Record No. 764 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

### HB 1218 ON THIRD READING (by D. Howard)

**HB 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.

**HB 1218** was passed by (Record 765): 145 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; 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; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.;

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

Nays — Bonnen.

Present, not voting — Mr. Speaker(C).

Absent — Alonzo; Burnam; McCall.

**HB 2248 ON THIRD READING**  
**(by S. Turner)**

**HB 2248**, A bill to be entitled An Act relating to an emergency management plan for certain health care facilities.

**HB 2248** was passed by (Record 766): 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, 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; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Heflin; Keffer; King, T.; Smith, W.; Truitt.

**GENERAL STATE CALENDAR**  
**SENATE BILLS**  
**THIRD READING**

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

**SB 526 ON THIRD READING**  
**(Martinez - House Sponsor)**

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

Representative Martinez moved to postpone consideration of **SB 526** until 5 p.m. today.

The motion prevailed.

**SB 1224 ON THIRD 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 passed by (Record 767): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Brown, F.; Burnam; Patrick.

**SB 1832 ON THIRD 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 passed by (Record 768): 143 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; 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; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; 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; 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(C); Farrar.

Absent — Eiland; Heflin; McReynolds; Rodriguez; Villarreal.

**SB 858 ON THIRD 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 passed by (Record 769): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Bohac; Keffer; McClendon; Smith, W.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 769. I intended to vote no.

Aycock

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, at 4 p.m. today, in 3W.9, for a formal meeting, to consider **SB 546**.

Permission to meet was granted.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Keffer moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Energy Resources to consider **SB 546**.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Energy Resources, 4 p.m. today, 3W.9, for a formal meeting, to consider **SB 546**.

**SB 727 ON THIRD 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.

**Amendment No. 1**

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

Amend **SB 727**, on third reading, as follows:

(1) In SECTION 2 of the bill, strike added Article 102.020(h-1), Code of Criminal Procedure, and substitute the following:

(h-1) The clerk of the court shall transfer to the comptroller any funds received under Subsection (a)(3). The comptroller shall credit the funds to the Department of Public Safety to help defray the cost of any analyses performed on DNA samples provided by defendants who are required to pay a court cost under this article.

(2) In SECTION 4 of the bill, strike added Section 54.0462(b), Family Code, and substitute the following:

(b) The clerk of the court shall transfer to the comptroller any funds received under this section. The comptroller shall credit the funds to the Department of Public Safety to help defray the cost of any analyses performed on DNA samples provided by children with respect to whom a court cost is collected under this section.

Amendment No. 1 was adopted.

**SB 727**, as amended, was passed by (Record 770): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Absent — Eiland; Eissler; Heflin; Hernandez; Rodriguez; Villarreal.

**SB 1259 ON THIRD 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 passed by (Record 771): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; 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; Jones; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Aycock; Berman; Craddick; Eissler; Jackson; Keffer; Thompson.

**SB 1919 ON THIRD 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 passed by (Record 772): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; 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; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Heflin; 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; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Berman; Eissler; Farrar; Hernandez; Jackson; Lucio.

**SB 2298 ON THIRD READING**  
**(Farabee - House Sponsor)**

**SB 2298**, A bill to be entitled An Act relating to compensation of certain state employees.

**Amendment No. 1**

Representative Eiland offered the following amendment to **SB 2298**:

Amend **SB 2298** on third reading as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 4 and 5, house committee printing) and substitute the following:

SECTION 1. Section 659.016, Government Code, is amended by amending Subsection (i) and adding Subsection (j) to read as follows:

(2) In SECTION 1 of the bill, strike amended Section 659.016(i), Government Code (page 1, lines 6-12, house committee printing), and substitute the following:

(i) Except as provided by this subsection and Subsection (j), an ~~an~~ employee covered by this section may not be paid for any unused compensatory time. An employee may be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

(3) In SECTION 1 of the bill, in amended Section 659.016, Government Code (page 1, between lines 12 and 13, house committee printing), insert the following:

(j) An employee employed by a state mental health or mental retardation facility may be paid for any unused compensatory time if the employing agency determines that taking the compensatory time off would disrupt the normal business functions of the agency.

(4) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Section 659.015, Government Code, is amended by amending Subsection (g) and adding Subsections (i) and (j) to read as follows:

(g) Compensatory time off to which an employee is entitled under Subsection (f) must be taken during the 12-month period following the end of the workweek in which the compensatory time was accrued or it lapses. An employee may not be paid for that compensatory time, except as provided by this subsection and Subsections (i) and (j). An ~~However, an~~ employee of an institution of higher education as defined by Section 61.003, Education Code, or an employee engaged in a public safety activity, including highway construction and maintenance or an emergency response activity, may be paid at the employee's regular rate of pay for that compensatory time if the employer determines that taking the compensatory time off would disrupt normal teaching, research, or other critical functions.

(i) A state employee may be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

(j) An employee employed by a state mental health or mental retardation facility may be paid for any unused compensatory time if the employing agency determines that taking the compensatory time off would disrupt the normal business functions of the agency.

(Homer in the chair)

Amendment No. 1 was adopted.

**SB 2298**, as amended, was passed by (Record 773): 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; 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; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent — Rios Ybarra; Strama; Thibaut.

**SB 547 ON THIRD 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 passed by (Record 774): 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; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent — Aycock; King, T.; Solomons.

**SB 935 ON THIRD 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 passed by (Record 775): 139 Yeas, 5 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Berman; Bohac; Bolton; 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 Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Dutton; Hartnett; Legler; Phillips; Zerwas.

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

Absent — Aycok; Kent; Weber.

### **SB 1237 ON THIRD 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.

#### **Amendment No. 1**

Representative Heflin offered the following amendment to **SB 1237**:

Amend **SB 1237**, second reading, SECTION 6 to read as follows and renumber remaining sections appropriately:

SECTION 6. This Act applies only to counties that have a population of 150,000 residents or less.

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative S. Turner offered the following amendment to **SB 1237**:

Amend **SB 1237** as follows:

On page 2, line 3, strike "~~duties.~~" and insert the following, "duties; and"

On page 2, line 6, after, "state." insert the following:

(3) the juvenile probation officer authorized to carry a firearm must be an employee of the juvenile probation department for at least five years.

Amendment No. 2 was withdrawn.

### **Amendment No. 3**

Representative S. Turner offered the following amendment to **SB 1237**:

Amend **SB 1237**, on page 1, line 24, by striking the following: "~~chief juvenile probation officer~~" and insert the following, "juvenile board"

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative S. Turner offered the following amendment to **SB 1237**:

Amend **SB 1237** as follows:

On page 2, line 3, strike "~~duties.~~" and insert the following, "duties; and"

On page 2, line 6, after the word, "state" insert the following:

(3) A juvenile probation officer is disqualified from authorization to carry a firearm under this section if the juvenile probation officer has any past or present disciplinary investigations with the department or any other agency or department that serves youth or adults.

Amendment No. 4 was adopted.

### **Amendment No. 5**

Representative S. Turner offered the following amendment to **SB 1237**:

Amend **SB 1237** as follows:

On page 2, line 3, strike "~~duties.~~" and insert the following, "duties; and"

On page 2, line 6, after, "state." insert the following:

(3) the juvenile probation officer authorized to carry a firearm must be an employee of the juvenile probation department for at least three (3) years.

Amendment No. 5 was adopted.

**SB 1237**, as amended, was passed by (Record 776): 143 Yeas, 3 Nays, 3 Present, not voting.

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

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

Nays — Davis, Y.; McClendon; Thompson.

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

Absent — Kleinschmidt.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 776. I intended to vote no.

Giddings

I was shown voting yes on Record No. 776. I intended to vote no.

Kent

### POSTPONED BUSINESS

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

#### **HB 1654 ON THIRD READING** (by Anchia)

**HB 1654**, A bill to be entitled An Act relating to the appointment of high school deputy registrars.

**HB 1654** was read third time earlier today and was postponed until this time.

#### **Amendment No. 1**

Representative Villarreal offered the following amendment to **HB 1654**:

Amend **HB 1654** on third reading on page 1, line 14, after the period by inserting "This subsection does not apply to a school with four employees or less."

Amendment No. 1 was adopted.

### 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.15, for a formal meeting.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, 4:30 p.m. today, 3W.15, for a formal meeting.

#### **HB 1654 - (consideration continued)**

(Speaker in the chair)

The vote of the house was taken on the passage of **HB 1654**, as amended, and the vote was announced yeas 75, nays 74.

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 777): 75 Yeas, 71 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; 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; Mallory Caraway; 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; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddock; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; McCall; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Berman; Kleinschmidt; Weber.

The speaker stated that **HB 1654**, as amended, was passed by the above vote.

### STATEMENT OF VOTE

When Record No. 777 was taken, I was temporarily out of the house chamber. I would have voted no.

Berman

### LEAVE OF ABSENCE GRANTED

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

Berman on motion of Eissler.

### 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, postponed until May 11, and was again postponed until 6 a.m. today.

Representative Harper-Brown moved to postpone consideration of **CSHB 3390** until 6 a.m. Thursday, May 14.

The motion prevailed.

(Cook in the chair)

#### **LEAVES OF ABSENCE GRANTED**

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

Pitts on motion of Farabee.

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

Kleinschmidt on motion of Legler.

Weber on motion of Legler.

#### **CSSB 1005 ON SECOND READING (Kolkhorst - House Sponsor)**

**CSSB 1005**, A bill to be entitled An Act relating to the regulation of polygraph examiners by the Texas Department of Licensing and Regulation and the abolition of the Polygraph Examiners Board.

**CSSB 1005** was considered in lieu of **HB 2033**.

**CSSB 1005** was read second time and was passed to third reading.

#### **HB 2033 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Kolkhorst moved to lay **HB 2033** on the table subject to call.

The motion prevailed.

#### **CSHB 1146 ON SECOND READING (by Anchia, Y. Davis, Miklos, Kent, Mallory Caraway, et al.)**

**CSHB 1146**, A bill to be entitled An Act relating to the hours worked during a week by firefighters in certain municipalities.

**CSHB 1146** was read second time on May 5 and was postponed until 10 a.m. today.

Representative Strama moved to postpone consideration of **CSHB 1146** until 5:15 p.m. today.

The motion prevailed.

#### **CSHB 3219 ON SECOND READING (by Chavez)**

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

**CSHB 3219** was read second time on May 5, postponed until May 6, and was again postponed until 10 a.m. today.

Representative Chavez moved to postpone consideration of **CSHB 3219** until 10 a.m. Thursday, May 14.

The motion prevailed.

### **MESSAGES FROM THE SENATE**

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

(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, **HB 2154** was postponed until May 11, and was again postponed until 10 a.m. today. Amendment No. 4 was pending at the time of postponement.

#### **Amendment No. 4 - Point of Order**

Representative Merritt raised a point of order against further consideration of Amendment No. 4 under Rule 1, Section 3 and Rule 11, Section 1 of the House Rules on the grounds that the amendment was not properly laid before the house.

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

Mr. Merritt raises two points of order against further consideration of **HB 2154** on the grounds that it is not properly before the house. There are two bases for Mr. Merritt's objection: (1) that Mr. Chisum's amendment should not be considered because it was not timely offered; and (2) that Mr. Chisum's amendment was precluded from consideration because a floor substitute had been filed and offered for consideration.

**Timeliness of Amendment.** It is correct that under the rules, the author of an original proposition has the right to open and close debate and, upon closing debate, to move for passage of the bill. However, the longstanding practice of the house has been to allow the movant to withdraw his motion in order to enable a member who makes every reasonable effort to timely file an amendment the opportunity to present that amendment for debate. This practice has been observed over the years out of respect and decorum for the institution, to promote an orderly process, and to allow members the opportunity to present their amendments for full consideration and debate.

Ultimately, the chair leaves it to the discretion of the movant whether to observe this courtesy. In this instance, Mr. Edwards observed house practice and, as a courtesy, allowed Mr. Chisum to lay out his amendment which the house then proceeded to consider. The chair also notes that the constitutionally official record of the proceedings of the house, the House Journal, accurately reflects the

events that transpired on May 8, 2009, and that those events are consistent with house practice. According to the journal, Mr. Chisum offered an amendment that was ruled out of order and then subsequently offered another amendment, which was left pending after Mr. Edwards moved to postpone consideration of **HB 2154**. Of course, the chair will always entertain a request by any member to strictly enforce the rules when that member feels that it is in the best interest of the house to do so.

**Floor Substitute.** Mr. Merritt also objects to consideration of the amendment on the grounds that it was precluded from consideration because a floor substitute had been offered by Mr. Chisum. The purpose of Rule 11, Section 7(3) is to preclude further consideration of subsequent amendments after a floor substitute has been laid before the house and adopted. After a floor substitute is adopted, members are then required to conform all subsequent amendments to the floor substitute in order to ensure that those amendments are not "cut off" by the substitute. In this instance, Mr. Chisum offered a floor substitute that was ruled out of order under Rule 11, Section 2 (germaneness). Therefore, the floor substitute was never before the house in a manner that would preclude further debate or consideration of amendments. More importantly, no member objected in a timely manner to the consideration of the subsequent amendments. Had they done so, the chair would have fully considered that objection.

Accordingly, the points of order are respectfully overruled.

(Berman now present)

#### **Amendment No. 4 - Point of Order**

Representative Merritt raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the amendment is not germane to the bill and would change the original purpose of the bill.

The speaker sustained the point of order and submitted the following statement:

Representative Geren raised a point of order on May 8, 2009, against further consideration of an amendment to **HB 2154** by Representative Chisum in that the amendment is not germane to the bill in violation of Rule 11, Section 2 of the House Rules. The point of order was withdrawn and the bill postponed. Mr. Merritt renewed the point of order when the bill was brought before the house again on May 12, 2009.

As the chair previously discussed in ruling on another point of order on an amendment offered by Mr. Chisum to this bill, the subject of **HB 2154** is narrow—a program that charges a surcharge on medical licenses to provide funds for a physician education loan repayment program under Subchapter J, Chapter 61, Education Code.

The amendment proposes changing the funding mechanism from a surcharge on medical licenses to an increase in the tax on certain tobacco products. SECTION 2 of the amendment makes conforming changes to



Section 155.2415, Tax Code, to allow for the new funding mechanism, and places the increased revenue in the "health care access fund under Section 403.1056, Government Code." While this fund was proposed to be created in the previous Chisum amendment to this bill, this amendment does not include a provision creating the fund nor is there any current statutory authorization for this fund. As such, it is impossible to determine what purposes money in the fund may be used for and whether the amendment is within the scope of the bill. Because the chair cannot find that money in the fund is required to be spent in a manner that furthers the purposes of the bill, the amendment is not germane.

The point of order is sustained.

The ruling precluded further consideration of Amendment No. 4.

### **Amendment No. 5**

Representative S. Turner offered the following amendment to **HB 2154**:

Amend **HB 2154** as follows:

(1) On page 1, strike lines 4 through 17 and insert the following:

SECTION 1. Section 155.0211, Tax Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), (b-3), (b-4), (c), (d), and (e) to read as follows:

(b) Except as provided by Subsection (c), the [The] tax rate for each can or package of a tobacco product [products] other than cigars is \$1.22 per ounce and a proportionate rate on all fractional parts of an ounce [40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal].

(b-1) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2012, the tax rate for each can or package of a tobacco product other than cigars is \$1.19 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2013.

(b-2) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2011, the tax rate for each can or package of a tobacco product other than cigars is \$1.16 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2012.

(b-3) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2010, the tax rate for each can or package of a tobacco product other than cigars is \$1.13 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2011.

(b-4) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2009, the tax rate for each can or package of a tobacco product other than cigars is \$1.10 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2010.

(c) The tax imposed on a can or package of a tobacco product other than cigars that weighs less than 1.2 ounces is equal to the amount of the tax imposed on a can or package of a tobacco product that weighs 1.2 ounces.

(d) The computation of the tax under this section and the applicability of Subsection (c) shall be based on the net weight as listed by the manufacturer. The total tax to be imposed on a unit that contains multiple individual cans or packages is the sum of the taxes imposed by this section on each individual can or package intended for sale or distribution at retail.

(e) A change in the tax rate in effect for a state fiscal year that occurs in accordance with this section does not affect taxes imposed before that fiscal year, and the rate in effect when those taxes were imposed continues in effect for purposes of the liability for and collection of those taxes. This subsection expires December 1, 2013.

SECTION 2. Section 155.2415, Tax Code, is amended to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND AND CERTAIN OTHER FUNDS. Notwithstanding Section 155.241, the ~~net~~ proceeds from the collection of taxes imposed by Section 155.0211 shall be allocated as follows:

(1) the amount of the proceeds that is equal to the amount that, if the taxes imposed by Section 155.0211 were imposed at a rate of 40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, would be attributable to the portion of that ~~the~~ tax rate in excess of 35.213 percent ~~[of the manufacturer's list price, exclusive of any trade discount, special discount, or deal]~~, shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code;

(2) the amount of the proceeds that is equal to the amount that would be attributable to a tax rate of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, if the taxes were imposed by Section 155.0211 at that rate, shall be deposited to the credit of the general revenue fund; and

(3) 75 percent of the remaining proceeds shall be deposited to the credit of the physician education loan repayment program account under Chapter 61, Education Code.

(2) Renumber all subsequent SECTIONS accordingly.

(3) On page 2, strike lines 12 through 20 and substitute the following:

SECTION 5. The changes in law made by this Act in amending Chapter 155, Tax Code, do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

#### **Amendment No. 5 - Point of Order**

Representative Merritt raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the amendment is not germane to the bill and would change the original purpose of the bill.

The speaker sustained the point of order and had read the following statement:

Representative Merritt raises a point of order against further consideration of the S. Turner amendment to **HB 2154** in that the amendment is not germane and is in violation of Rule 11, Section 2 of the House Rules.

The amendment proposes a revised tax on certain tobacco products as a manner of funding the physician education loan program account created by the bill in Subchapter J, Chapter 61, Education Code. In changing the method by which the tax on tobacco is calculated, certain conforming amendments were apparently made to Section 155.2415, Tax Code, to ensure that the same amount of revenue would go to property tax relief as under current law. Of the additional revenue raised by the amendment, 75 percent of the proceeds is deposited to the loan program account established in the bill.

Even though the amendment is silent as to the disposition of the remaining 25 percent, Section 155.241, Tax Code, provides that all revenue collected under Chapter 155 is deposited in the general revenue fund. Section 155.2145 provides an exemption from this general rule for certain amounts reserved for property tax relief, and under the amendment, the physician loan account. The remaining 25 percent of increased revenue brought in by the amendment is not covered by the exemption and is therefore deposited in general revenue.

In the original bill, the entire amount of the proposed increase in the surcharge on physicians' licenses was dedicated to the physician loan account. A conforming change was made to the language disposing of the surcharge on physicians' licenses that increased the amount deposited to the school foundation fund and decreased the amount deposited to the general revenue fund to allow the entire increase in surcharge proposed by the bill to be deposited in the physician loan account.

However, in the amendment, only 75 percent of the proposed increase is to go to the physician loan account. The remaining 25 percent is deposited in general revenue and this deposit is not necessary to maximize the amount deposited in the physician loan account. Thus, the amendment adds another purpose for which the increase in funding is to be used that is not in the original bill. Because of this, the amendment is not germane to the bill.

This ruling does not preclude a revised amendment that is germane to the bill from being offered on second or third reading.

Accordingly, the point of order is sustained.

The ruling precluded further consideration of Amendment No. 5.

### **Amendment No. 6**

Representative S. Turner offered the following amendment to **HB 2154**:

Amend **HB 2154** as follows:

(1) On page 1, strike lines 4 through 17 and insert the following:

SECTION 1. Section 155.0211, Tax Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), (b-3), (b-4), (c), (d), and (e) to read as follows:

(b) Except as provided by Subsection (c), the ~~[The]~~ tax rate for each can or package of a tobacco product ~~[products]~~ other than cigars is \$1.22 per ounce and a proportionate rate on all fractional parts of an ounce ~~[40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal].~~

(b-1) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2012, the tax rate for each can or package of a tobacco product other than cigars is \$1.19 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2013.

(b-2) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2011, the tax rate for each can or package of a tobacco product other than cigars is \$1.16 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2012.

(b-3) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2010, the tax rate for each can or package of a tobacco product other than cigars is \$1.13 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2011.

(b-4) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2009, the tax rate for each can or package of a tobacco product other than cigars is \$1.10 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2010.

(c) The tax imposed on a can or package of a tobacco product other than cigars that weighs less than 1.2 ounces is equal to the amount of the tax imposed on a can or package of a tobacco product that weighs 1.2 ounces.

(d) The computation of the tax under this section and the applicability of Subsection (c) shall be based on the net weight as listed by the manufacturer. The total tax to be imposed on a unit that contains multiple individual cans or packages is the sum of the taxes imposed by this section on each individual can or package intended for sale or distribution at retail.

(e) A change in the tax rate in effect for a state fiscal year that occurs in accordance with this section does not affect taxes imposed before that fiscal year, and the rate in effect when those taxes were imposed continues in effect for purposes of the liability for and collection of those taxes. This subsection expires December 1, 2013.

SECTION 2. Section 155.2415, Tax Code, is amended to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND AND CERTAIN OTHER FUNDS. Notwithstanding Section 155.241, the ~~[all]~~ proceeds from the collection of taxes imposed by Section 155.0211 shall be allocated as follows:

(1) the amount of the proceeds that is equal to the amount that, if the taxes imposed by Section 155.0211 were imposed at a rate of 40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or

deal, would be attributable to the portion of that ~~the~~ tax rate in excess of 35.213 percent ~~[of the manufacturer's list price, exclusive of any trade discount, special discount, or deal]~~, shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code;

(2) the amount of the proceeds that is equal to the amount that would be attributable to a tax rate of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, if the taxes were imposed by Section 155.0211 at that rate, shall be deposited to the credit of the general revenue fund; and

(3) 100 percent of the remaining proceeds shall be deposited to the credit of the physician education loan repayment program account under Chapter 61, Education Code.

(2) Renumber all subsequent SECTIONS accordingly.

(3) On page 2, strike lines 12 through 20 and substitute the following:

SECTION 5. The changes in law made by this Act in amending Chapter 155, Tax Code, do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

#### **Amendment No. 6 - Point of Order**

Representative Merritt raised a point of order against further consideration of Amendment No. 6 under Article III, Section 30 of the Texas Constitution on the grounds that the amendment would change the original purpose of the bill.

The speaker overruled the point of order.

#### **Amendment No. 7**

Representative Homer offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 by S. Turner to **HB 2154** by striking page 1, line 4, through page 2, line 22 of the amendment and substituting the following:

SECTION 1. Section 155.0211(b), Tax Code, is amended to read as follows:

(b) The tax rate for tobacco products other than cigars is 70 ~~[40]~~ percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal.

(Harper-Brown in the chair)

Representative S. Turner moved to table Amendment No. 7.

The motion to table prevailed by (Record 778): 96 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Corte; Creighton; Crownover; Darby; Davis, J.; Deshotel; Dukes; Dunnam; Dutton; England; Farabee; Farias; Farrar; Fletcher; Flores; Gallego; Gattis; Giddings; Gonzales; Guillen; Gutierrez; Hancock; Hernandez; Herrero; Hilderbran; Hodge; Howard, D.; Isett; Jackson; Kent; King, P.; King, S.;

Kolkhorst; Laubenberg; Legler; Leibowitz; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Raymond; Riddle; Rios Ybarra; Rodriguez; Sheffield; Shelton; Smithee; Strama; Swinford; Taylor; Thibaut; Turner, C.; Turner, S.; Veasey; Vo; Walle; Woolley; Zerwas.

Nays — Berman; Bonnen; Button; Cook; Crabb; Davis, Y.; Driver; Eissler; Elkins; Flynn; Frost; Hamilton; Hardcastle; Heflin; Homer; Hopson; Howard, C.; Hunter; Jones; King, T.; Kuempel; Lewis; Menendez; Merritt; Miklos; Miller, D.; Quintanilla; Ritter; Rose; Smith, T.; Smith, W.; Thompson; Truitt; Vaught.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Kleinschmidt; Weber.

Absent, Excused, Committee Meeting — Pitts.

Absent — Alvarado; Craddick; Edwards; Eiland; Geren; Gonzalez Toureilles; Harless; Hartnett; Hochberg; Hughes; Keffer; Mallory Caraway; Morrison; Solomons; Villarreal.

### STATEMENT OF VOTE

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted yes.

Craddick

#### Amendment No. 8

Representative Geren offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 by S. Turner to **HB 2154** by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

( ) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly;

SECTION \_\_\_\_\_. The change in law made by this Act to Section 155.0211, Tax Code, applies only in a county with a population of 3 million or more.

Representative S. Turner moved to table Amendment No. 8.

The motion to table prevailed.

Amendment No. 6 was adopted by (Record 779): 76 Yeas, 63 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Craddick; Crownover; Darby; Davis, J.; Deshotel; Dunnam; Eiland; Farabee; Farias; Farrar; Flores; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hancock; Hernandez; Herrero; Hilderbran; Homer; Hughes; Jackson; Kent; King, P.; King, S.; Kolkhorst; Laubenberg; Legler; Leibowitz; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; Menendez; Miklos; Moody; Morrison; Naishtat;

Oliveira; Olivo; Ortiz; Otto; Parker; Peña; Pierson; Raymond; Rios Ybarra; Rodriguez; Rose; Shelton; Smithee; Strama; Swinford; Truitt; Turner, C.; Turner, S.; Veasey; Vo; Walle; Zerwas.

Nays — Anderson; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Cook; Corte; Crabb; Creighton; Davis, Y.; Driver; Dukes; Edwards; Eissler; Elkins; England; Fletcher; Flynn; Frost; Gattis; Geren; Hamilton; Hardcastle; Harless; Hartnett; Heflin; Hodge; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jones; King, T.; Kuempel; Lewis; Madden; Mallory Caraway; McCall; McClendon; McReynolds; Merritt; Miller, D.; Miller, S.; Orr; Patrick; Phillips; Quintanilla; Riddle; Ritter; Sheffield; Smith, T.; Smith, W.; Solomons; Taylor; Thibaut; Thompson; Vaught; Woolley.

Present, not voting — Mr. Speaker; Dutton; Harper-Brown(C).

Absent, Excused — Kleinschmidt; Weber.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hochberg; Keffer; Paxton; Pickett; Villarreal.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 779. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 779. I intended to vote no.

Miklos

I was shown voting yes on Record No. 779. I intended to vote no.

Parker

When Record No. 779 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

**HB 2154**, as amended, was passed to engrossment by (Record 780): 83 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycok; Bohac; Bolton; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Craddick; Crownover; Darby; Davis, J.; Deshotel; Dunnam; Dutton; Edwards; Farabee; Farias; Farrar; Flores; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hancock; Hernandez; Herrero; Homer; Hopson; Howard, D.; Jackson; Keffer; Kent; King, S.; King, T.; Kolkhorst; Legler; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Otto; Peña; Pickett; Pierson; Raymond; Rios Ybarra; Rodriguez; Rose; Shelton; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Cook; Corte; Creighton; Driver; Dukes; Eissler; Elkins; England; Fletcher; Frost; Gattis; Geren; Giddings; Hamilton; Hardcastle; Harless; Hartnett; Heflin; Hilderbran; Hodge; Howard, C.; Hughes; Hunter; Isett; Jones; King, P.; Kuempel; Lewis; Madden; McCall; McClendon; McReynolds; Merritt; Miller, D.; Miller, S.; Orr; Patrick; Paxton; Phillips; Quintanilla; Riddle; Ritter; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Kleinschmidt; Weber.

Absent, Excused, Committee Meeting — Pitts.

Absent — Crabb; Davis, Y.; Eiland; Flynn; Hochberg; Laubenberg; Parker.

#### **STATEMENTS OF VOTE**

When Record No. 780 was taken, my vote failed to register. I would have voted no.

Flynn

I was shown voting yes on Record No. 780. I intended to vote no.

Keffer

When Record No. 780 was taken, I was in the house but away from my desk. I would have voted no.

Laubenberg

I was shown voting yes on Record No. 780. I intended to vote no.

Miklos

When Record No. 780 was taken, I was in the house but away from my desk. I would have voted no.

Parker

#### **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).

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Culture, Recreation, and Tourism, upon dinner recess today, Desk 8, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon dinner recess today, Desk 92, for a formal meeting, to consider pending business.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Morrison requested permission for the Committee on Human Services to meet while the house is in session, at 8 p.m. today, in 3W.9.

Permission to meet was granted.



**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

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

Human Services, 8 p.m. today, 3W.9, for a formal meeting, to consider pending business.

Environmental Regulation, upon dinner recess today, Desk 26, for a formal meeting.

Transportation, upon dinner recess today, Desk 15, for a formal meeting.

**SB 1387 - RECOMMITTED**

Representative Cook moved to recommit **SB 1387** to the Committee on Environmental Regulation.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 8 p.m. today, in 3W.15.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Calendars, 8 p.m. today, 3W.15, for a formal meeting.

Urban Affairs, upon dinner recess today, Desk 88, for a formal meeting.

**RECESS**

At 6:32 p.m., the chair announced that the house would stand recessed until 7:15 p.m. today.

**NIGHT SESSION**

The house met at 7:15 p.m. and was called to order by the speaker.

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

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

**HB 1801 ON SECOND READING**

(by Bohac, Martinez Fischer, Castro, Patrick, Oliveira, et al.)

**HB 1801**, A bill to be entitled An Act relating to exemptions from the sales tax for a limited period for certain backpacks and school supplies specified by the Streamlined Sales and Use Tax Agreement.

**HB 1801** was passed to engrossment.

**POSTPONED BUSINESS**

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

**CSHB 1146 ON SECOND READING**

(by Anchia, Y. Davis, Miklos, Kent, Mallory Caraway, et al.)

**CSHB 1146**, A bill to be entitled An Act relating to the hours worked during a week by firefighters in certain municipalities.

**CSHB 1146** was read second time on May 5, postponed until 10 a.m. today, and was again postponed until this time.

**CSHB 1146** was passed to engrossment.

**MAJOR STATE CALENDAR**

(consideration continued)

**HB 3452 ON SECOND READING**

(by Gattis, Isett, Veasey, Truitt, Lucio, et al.)

**HB 3452**, A bill to be entitled An Act relating to creation of the Texas Armed Services Scholarship Program.

**Amendment No. 1**

Representative Vaught offered the following amendment to **HB 3452**:

Amend **HB 3452** (house committee report) as follows:

(1) On page 1, lines 13 through 14, strike "Texas public institution of higher education" and substitute "public or private institution of higher education located in this state".

(2) On page 2, line 7, strike "Texas public university" and substitute "public or private institution of higher education located in this state".

(3) On page 2, lines 9 through 10, strike "Texas public university" and substitute "public or private institution of higher education".

Amendment No. 1 was adopted.

**HB 3452**, as amended, was passed to engrossment.

**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. 5).

**POSTPONED BUSINESS**

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

**SB 526 ON THIRD READING**

(Martinez - House Sponsor)

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

**SB 526** was read third time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Chisum offered the following amendment to **SB 526**:

Amend **SB 526**, on third reading, by adding the following appropriately numbered SECTIONS to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter G, Chapter 403, Government Code, is amended by adding Section 403.1056 to read as follows:

Sec. 403.1056. HEALTH CARE ACCESS FUND. (a) The health care access fund is a special fund in the state treasury outside the general revenue fund.

(b) The fund is composed of:

(1) gifts and grants contributed to the fund;

(2) earnings on the principal of the fund; and

(3) other amounts deposited to the credit of the fund, including:

(A) legislative appropriations; and

(B) money deposited under Section 155.2415, Tax Code.

(c) Except as provided by Subsections (d) and (e), money in the fund may not be appropriated for any purpose and shall be used only to support federally-qualified health centers as described by Subsection (d).

(d) In each state fiscal biennium, 25 percent of the total amount available in the fund shall be appropriated to the Department of State Health Services to fund the operational costs of federally-qualified health centers, as defined by 42 U.S.C. Section 1396d(1)(2)(B), through the primary health care services program established by the department under Section 31.003, Health and Safety Code.

(e) A gift or grant to the fund may be appropriated in the same manner as money in the fund derived from other sources, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity.

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

SECTION \_\_\_\_\_. Section 155.0211, Tax Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), (b-3), (b-4), (c), (d), and (e) to read as follows:

(b) Except as provided by Subsection (c), the ~~[The]~~ tax rate for each can or package of a tobacco product ~~[products]~~ other than cigars is \$1.22 per ounce and a proportionate rate on all fractional parts of an ounce ~~[40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal].~~

(b-1) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2012, the tax rate for each can or package of a tobacco product other than cigars is \$1.19 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2013.

(b-2) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2011, the tax rate for each can or package of a tobacco product other than cigars is \$1.16 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2012.

(b-3) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2010, the tax rate for each can or package of a tobacco product other than cigars is \$1.13 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2011.

(b-4) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2009, the tax rate for each can or package of a tobacco product other than cigars is \$1.10 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2010.

(c) The tax imposed on a can or package of a tobacco product other than cigars that weighs less than 1.2 ounces is equal to the amount of the tax imposed on a can or package of a tobacco product that weighs 1.2 ounces.

(d) The computation of the tax under this section and the applicability of Subsection (c) shall be based on the net weight as listed by the manufacturer. The total tax to be imposed on a unit that contains multiple individual cans or packages is the sum of the taxes imposed by this section on each individual can or package intended for sale or distribution at retail.

(e) A change in the tax rate in effect for a state fiscal year that occurs in accordance with this section does not affect taxes imposed before that fiscal year, and the rate in effect when those taxes were imposed continues in effect for purposes of the liability for and collection of those taxes. This subsection expires December 1, 2013.

SECTION \_\_\_\_\_. Section 155.101, Tax Code, is amended to read as follows:

Sec. 155.101. RECORD OF PURCHASE OR RECEIPT. Each distributor, wholesaler, bonded agent, and export warehouse shall keep records at each place of business of all tobacco products purchased or received. Each retailer shall keep records at a single location, which the retailer shall designate as its principal place of business in the state, of all tobacco products purchased and received. These records must include the following, except that Subdivision (7) applies to distributors only and Subdivision (8) applies only to the purchase or receipt of tobacco products other than cigars:

- (1) the name and address of the shipper or carrier and the mode of transportation;
- (2) all shipping records or copies of records, including invoices, bills of lading, waybills, freight bills, and express receipts;
- (3) the date and the name of the place of origin of the tobacco product shipment;
- (4) the date and the name of the place of arrival of the tobacco product shipment;
- (5) a statement of the number, kind, and price paid for the tobacco products;
- (6) the name, address, permit number, and tax identification number of the seller;
- (7) the manufacturer's list price for the tobacco products; [~~and~~]

(8) the net weight as listed by the manufacturer for each unit; and

(9) any other information required by rules of the comptroller.

SECTION \_\_\_\_\_. Section 155.102, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the information required under Subsection (b), the records for each sale, distribution, exchange, or use of tobacco products other than cigars must show the net weight as listed by the manufacturer for each unit.

SECTION \_\_\_\_\_. Section 155.103, Tax Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) In addition to the information required under Subsection (a), the records for each sale of tobacco products other than cigars must show the net weight as listed by the manufacturer for each unit.

(b) A manufacturer who sells tobacco products to a permit holder in this state shall file with the comptroller, on or before the last day of each month, a report showing the information required to be listed by Subsections [~~the~~ ~~Subsection~~] (a) and (a-1), if applicable, for the previous month.

SECTION \_\_\_\_\_. Section 155.105(b), Tax Code, is amended to read as follows:

(b) The wholesaler or distributor shall file the report on or before the 25th day of each month. The report must contain the following information for the preceding calendar month's sales in relation to each retailer:

(1) the name of the retailer and the address of the retailer's outlet location to which the wholesaler or distributor delivered cigars or tobacco products, including the city and zip code;

(2) the taxpayer number assigned by the comptroller to the retailer, if the wholesaler or distributor is in possession of the number;

(3) the tobacco permit number of the outlet location to which the wholesaler or distributor delivered cigars or tobacco products; and

(4) the monthly net sales made to the retailer by the wholesaler or distributor, including:

(A) the quantity and units of cigars and tobacco products sold to the retailer; and

(B) for each unit of tobacco products other than cigars, the net weight as listed by the manufacturer.

SECTION \_\_\_\_\_. Section 155.111, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the information required under Subsection (b), the report must show the net weight as listed by the manufacturer for each unit of tobacco products other than cigars that is purchased, received, or acquired.

SECTION \_\_\_\_\_. Section 155.2415, Tax Code, is amended to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND AND CERTAIN OTHER FUNDS. Notwithstanding Section 155.241, the [and] proceeds from the collection of taxes imposed by Section 155.0211 shall be allocated as follows:

(1) the amount of the proceeds that is equal to the amount that, if the taxes imposed by Section 155.0211 were imposed at a rate of 40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, would be attributable to the portion of that [the] tax rate in excess of 35.213 percent [of the manufacturer's list price, exclusive of any trade discount, special discount, or deal], shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code;

(2) the amount of the proceeds that is equal to the amount that would be attributable to a tax rate of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, if the taxes were imposed by Section 155.0211 at that rate, shall be deposited to the credit of the general revenue fund; and

(3) the remaining proceeds shall be deposited to the credit of the health care access fund under Section 403.1056, Government Code.

SECTION \_\_\_\_\_. The changes in law made by this Act in amending Chapter 155, Tax Code, do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

Amendment No. 1 failed of adoption by (Record 781): 13 Yeas, 102 Nays, 1 Present, not voting.

Yeas — Brown, F.; Chisum; Christian; Crownover; Darby; Davis, J.; Fletcher; Hancock; Isett; Oliveira; Riddle; Smithee; Swinford.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Button; Callegari; Castro; Cohen; Coleman; Cook; Corte; Creighton; Davis, Y.; Deshotel; Driver; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Hardcastle; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Jones; Kent; Kuempel; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Phillips; Pickett; Pierson; Raymond; Rios Ybarra; Ritter; Sheffield; Shelton; Smith, W.; Solomons; Strama; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Vaught; Vo; Walle; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kleinschmidt; Weber.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Chavez; Crabb; Craddick; Dukes; Dunnam; Gutierrez; Harless; Heflin; Hochberg; Hughes; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Laubenberg; Legler; Martinez Fischer; Morrison; Naishtat; Parker; Paxton; Quintanilla; Rodriguez; Rose; Smith, T.; Turner, S.; Veasey; Villarreal; Zerwas.

**STATEMENTS OF VOTE**

When Record No. 781 was taken, I was in the house but away from my desk. I would have voted yes.

Craddick

When Record No. 781 was taken, I was in the house but away from my desk. I would have voted no.

Legler

When Record No. 781 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

When Record No. 781 was taken, I was in the house but away from my desk. I would have voted no.

Parker

When Record No. 781 was taken, I was in the house but away from my desk. I would have voted no.

T. Smith

When Record No. 781 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

**SB 526** was passed by (Record 782): 138 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; 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; Gallego; 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; Kent; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kleinschmidt; Weber.

Absent, Excused, Committee Meeting — Pitts.

Absent — Callegari; Frost; Harless; Keffer; Laubenberg; Paxton; Quintanilla; Smith, T.

### STATEMENTS OF VOTE

When Record No. 782 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 782 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

### MAJOR STATE CALENDAR (consideration continued)

#### CSHB 3389 ON SECOND READING (by Harper-Brown and Merritt)

**CSHB 3389**, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Law Enforcement Officer Standards and Education.

#### Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 3389**:

Amend **CSHB 3389** (House Committee Report) as follows:

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

SECTION \_\_\_\_\_. Section 1701.352, Occupations Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity; ~~and~~

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and

(C) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.



(g) The training and education program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments under Subsection (b)(2)(B) may not be provided as an online course. The commission shall:

(1) determine best practices for interacting with persons with mental impairments, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas; and

(2) review the education and training program under Subsection (b)(2)(B) at least once every 24 months.

(2) On page 15, between lines 24 and 25, add the following appropriately lettered subsection and reletter subsequent subsections accordingly:

( ) The Commission on Law Enforcement Officer Standards and Education shall modify the training program required by Section 1701.352(b), Occupations Code, as amended by this Act, and ensure that the modified program is available not later than January 1, 2010.

Amendment No. 1 was adopted.

#### **Amendment No. 2**

On behalf of Representative England, Representative Menendez offered the following amendment to **CSHB 3389**:

Amend **CSHB 3389** (house committee report) as follows:

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

SECTION 6. Sections 1701.157(a), (b), and (c), Occupations Code, are amended to read as follows:

(2) On page 5, between lines 6 and 7, insert the following:

(a) Not later than March 1 of each calendar year, the comptroller shall allocate money deposited during the preceding calendar year in the general revenue fund to the credit of the law enforcement officer standards and education fund account for expenses related to the continuing education of persons licensed under this chapter as follows:

(1) 20 percent of the money is allocated to ~~all~~ local law enforcement agencies in this state that meet the eligibility requirements described by Subsection (b) in equal shares; and

(2) 80 percent of the money is allocated to ~~all~~ local law enforcement agencies in this state that meet the eligibility requirements described by Subsection (b) in a share representing a fixed amount for each position in the agency, as of January 1 of the preceding calendar year, that is reserved to a person who:

(A) is licensed under this chapter;

(B) works as a peace officer on the average of at least 32 hours a week; and

(C) is compensated by a political subdivision of this state at least at the minimum wage and is entitled to all employee benefits offered to a peace officer by the political subdivision.

(b) To be eligible for an allocation of money under Subsection (a), a ~~Not later than November 1 of each calendar year, each~~ local law enforcement agency must ~~shall~~ report to the comptroller not later than November 1 of the preceding calendar year:

(1) the number of agency positions described by Subsection (a)(2) reserved as of January 1 of the ~~that~~ year the report is due;

(2) the number of agency positions described by Subsection (a)(2) filled as of January 1 of the year the report is due;

(3) the percentage of the money received by the agency under Subsection (a) pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due that was used by the agency before the date of the allocation made by the comptroller under Subsection (a) on or before March 1 of the year the report is due;

(4) the number of training hours received during the 12-month or approximately 12-month period described by Subdivision (3) that were funded by money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due; and

(5) that the agency has complied with the requirements of this section regarding the use of any money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due.

(3) On page 16, between lines 3 and 4, insert the following:

(e) The changes in law made by this Act to Sections 1701.157(a) and (b), Occupations Code, apply to allocations made on or after January 1, 2011. Allocations made before that date are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

### **Amendment No. 3**

Representative Menendez offered the following amendment to Amendment No. 2:

Amend the England amendment (81R30928) to **CSHB 3389** (house committee report) as follows:

(1) Strike on page 1, lines 4 and 5, and substitute the following:

SECTION 6. Subsection (b) and (c), Section 1701.157, Occupations Code, is amended to read as follows:

(2) Strike on page 1, lines 7 through 29, strike on page 2, lines 1 through 3, and substitute the following:

(b) To provide the necessary information for an allocation of money under Subsection (a) a ~~Not later than November 1 of each calendar year, each~~ local law enforcement agency must ~~shall~~ report to the comptroller not later than November 1 of the preceding calendar year:

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

**Amendment No. 4**

Representative Thompson offered the following amendment to **CSHB 3389**:

Amend **CSHB 3389** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Article 2.132(b), Code of Criminal Procedure, is amended to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the Commission on Law Enforcement Officer Standards and Education, and if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency, an annual report of the information collected under Subdivision (6) [~~if the agency is an agency of a county, municipality, or other political subdivision of the state~~].

SECTION \_\_\_\_\_. Article 2.134(b), Code of Criminal Procedure, is amended to read as follows:

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [~~local~~] law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education, and if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [~~in a manner approved by the agency~~].

SECTION \_\_\_\_\_. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.163 to read as follows:

Sec. 1701.163. COLLECTION OF INFORMATION REGARDING RACIAL PROFILING. The commission shall collect and maintain information submitted to the commission under Article 2.134, Code of Criminal Procedure.

SECTION \_\_\_\_\_. Articles 2.132(b) and 2.134(b), Code of Criminal Procedure, as amended by this Act, apply only to a report submitted by a law enforcement agency to the Commission on Law Enforcement Officer Standards and Education or to the governing body of the applicable political subdivision on or after the effective date of this Act. A report submitted before the effective date of this Act is governed by the law in effect when the report was submitted, and that law is continued in effect for that purpose.

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

Representative Fletcher offered the following amendment to Amendment No. 4:

Amend Floor Amendment No. 4 by Thompson to **CSHB 3389** (house committee printing) as follows:

- (1) On page 1, line 26, strike "and" and substitute "[~~and~~"].
- (2) On page 2, between lines 2 and 3, insert the following:

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

Amendment No. 5 was adopted.

Amendment No. 4, as amended, was adopted.

#### **Amendment No. 6**

Representative Driver offered the following amendment to **CSHB 3389**:

Amend **CSHB 3389** as follows:

(1) On page 5, line 14, strike "and 1701.162" and substitute "1701.162, and 1701.163".

- (2) On page 8, between lines 7 and 8, insert the following:

Sec. 1701.163. INFORMATION PROVIDED BY COMMISSIONING ENTITIES. (a) This section applies only to an entity authorized by statute or by the constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates a law enforcement agency or police department and first begins to commission, appoint, or employ officers on or after September 1, 2009.

(b) The entity shall submit to the commission on creation of the law enforcement agency or police department information regarding:

(1) the need for the law enforcement agency or police department in the community;

(2) the funding sources for the law enforcement agency or police department;

(3) the physical resources available to officers;

(4) the physical facilities that the law enforcement agency or police department will operate, including descriptions of the evidence room, dispatch area, and public area;

(5) law enforcement policies of the law enforcement agency or police department, including policies on:

(A) use of force;

(B) vehicle pursuit;

(C) professional conduct of officers;

(D) domestic abuse protocols;

(E) response to missing persons;

(F) supervision of part-time officers; and

(G) impartial policing;

(6) the administrative structure of the law enforcement agency or police department;

(7) liability insurance; and

(8) any other information the commission requires by rule.

Amendment No. 6 was adopted.

(Taylor in the chair)

### **Amendment No. 7**

Representative Fletcher offered the following amendment to **CSHB 3389**:

Amend **CSHB 3389** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 1701.253, Occupations Code, is amended by adding Subsection (k) to read as follows:

(k) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program for officers licensed under this chapter that covers the laws of this state and of the United States pertaining to peace officers.

SECTION \_\_\_\_\_. Section 1701.351, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) As part of the continuing education programs under Subsection (a), a peace officer must complete a training and education program that covers recent changes to the laws of this state and of the United States pertaining to peace officers.

SECTION \_\_\_\_\_. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity; and

(B) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

SECTION \_\_\_\_\_. Section 1701.402, Occupations Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on investigative topics established by the commission under Section 1701.253(b).

(i) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on civil rights, racial sensitivity, and cultural diversity established by the commission under Section 1701.253(c).

Amendment No. 7 was adopted.

**CSHB 3389**, as amended, was passed to engrossment.

#### **LEAVE OF ABSENCE GRANTED**

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

Y. Davis on motion of Alonzo.

#### **CSHB 2081 ON SECOND READING**

(by Isett)

**CSHB 2081**, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research.

Representative Isett moved to postpone consideration of **CSHB 2081** until 10 a.m. Thursday, May 14.

The motion prevailed.

#### **GENERAL STATE CALENDAR**

##### **HOUSE BILLS**

##### **SECOND READING**

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

#### **SB 1918 ON SECOND READING**

(England - House Sponsor)

**SB 1918**, A bill to be entitled An Act relating to disclosure of certain information by a property owners' association.

**SB 1918** was considered in lieu of **HB 2395**.

**SB 1918** was passed to third reading.

**HB 2395 - LAID ON THE TABLE SUBJECT TO CALL**

Representative England moved to lay **HB 2395** on the table subject to call.

The motion prevailed.

**CSHB 2609 ON SECOND READING**

(by D. Miller and Fletcher)

**CSHB 2609**, A bill to be entitled An Act relating to the prosecution and punishment of the offense of criminal trespass.

**Amendment No. 1**

Representative D. Miller offered the following amendment to **CSHB 2609**:

Amend **CSHB 2609** (house committee printing) as follows:

(1) On page 1, line 16, strike "(8) and (9)" and substitute "(8), (9), and (10)".

(2) On page 1, strike lines 17 through 22 and substitute the following:

(8) "Protected freshwater area" has the meaning assigned by Section 90.001, Parks and Wildlife Code.

(9) "Recreational vehicle park" means a tract of land that has rental spaces for two or more recreational vehicles, as defined by Section 522.004, Transportation Code.

(10) "Residential land" means real property improved by a dwelling and zoned for or otherwise authorized for single-family or multifamily use.

(3) On page 1, lines 23 and 24, strike "Section 30.05, Penal Code, is amended by amending Subsections (c) and (d) and adding Subsection (k)" and substituting "Sections 30.05(c) and (d), Penal Code, are amended".

(4) Strike page 2, line 19, through page 3, line 20, of the bill and substitute the following:

(d) An offense under this section [~~Subsection (e) is a Class C misdemeanor unless it is committed in a habitation or unless the actor carries a deadly weapon on or about the actor's person during the commission of the offense, in which event it is a Class A misdemeanor. An offense under Subsection (e) is:~~]

(1) a Class B misdemeanor, except as provided by Subdivisions (2) and (3);

(2) a Class C misdemeanor, except as provided by Subdivision (3), if the offense is committed:

(A) on agricultural land and within 100 feet of the boundary of the land; or

(B) on residential land and within 100 feet of a protected freshwater area; and

(3) [that the offense is] a Class A misdemeanor if:

(A) [(+) the offense is committed:

(i) [(+) in a habitation or a shelter center;

(ii) [(+) on a Superfund site; or

(iii) [(+) on or in a critical infrastructure facility; or

(B) [(2)] the person [actor] carries a deadly weapon [~~on or about his person~~] during the commission of the offense.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative D. Miller offered the following amendment to **CSHB 2609**:

Amend **CSHB 2609** as follows:

On page 2, line 11 after "Utilities Code," add "or a pipeline used for the transportation of oil, gas, or the products thereof or carbon dioxide."

Amendment No. 2 was adopted.

**CSHB 2609**, as amended, was passed to engrossment. (Phillips recorded voting no.)

### **HB 2986 ON SECOND READING**

(by Phillips)

**HB 2986**, A bill to be entitled An Act relating to the participation of certain retired employees of juvenile probation departments in the group benefits plan for state employees.

**HB 2986** was passed to engrossment.

### **CSHB 3551 ON SECOND READING**

(by Bonnen)

**CSHB 3551**, A bill to be entitled An Act relating to the notice to vacate the premises in forcible entry and detainer actions.

### **Amendment No. 1**

Representative Bonnen offered the following amendment to **CSHB 3551**:

Amend **CSHB 3551** (house committee printing) on page 1, line 18, by striking "September 1, 2009" and substituting "January 1, 2010".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Anchia offered the following amendment to **CSHB 3551**:

Amend **CSHB 3551** as follows:

(1) On page 1, line 9, before "A PERSON WHO INTENTIONALLY", insert the following.

A LANDLORD IS REQUIRED TO GIVE A TENANT WRITTEN NOTICE TO VACATE UNDER CHAPTER 24, TEXAS PROPERTY CODE, BEFORE THE LANDLORD MAY FILE A LAWSUIT TO EVICT THE TENANT IN JUSTICE COURT.

(2) On page 1, line 10, strike "COMMITTS" and substitute "MAY BE COMMITTING".



(3) On page 1, line 12, between the period and "DEPENDING", insert "IF A CRIME IS COMMITTED,".

Amendment No. 2 was adopted. (Phillips recorded voting no.)

### **Amendment No. 3**

Representatives Thompson, Deshotel, and Thibaut offered the following amendment to **CSHB 3551**:

Amend **CSHB 3551** by adding an appropriately numbered Section \_\_\_\_ to read as follows and renumber the subsequent sections accordingly:

SECTION \_\_\_\_\_. Section 24.005(b), Property Code, is amended and Section 24.005(b-1), Property Code, is added to read as follows:

(b) Except as provided in (b-1), if the occupant is a tenant at will or by sufferance, the landlord must give the tenant at least three days' written notice to vacate before the landlord files a forcible detainer suit unless the parties have contracted for a shorter or longer notice period in a written lease or agreement.

(b-1) If the property is the residence of the occupant, and the occupant was an owner of the property prior to a foreclosure sale of the property, the purchaser must give the occupant at least 14 days' written notice to vacate. If the property [a building] is purchased at a [tax foreclosure sale or a trustee's] foreclosure sale under a lien superior to a [the] tenant's lease and the tenant timely pays rent and is not otherwise in default under the tenant's lease after foreclosure, the purchaser must give a residential tenant of the property [building] at least 90 [30] days' written notice to vacate if the purchaser chooses not to continue or renew the lease. The tenant is considered to timely pay the rent owed for the month of the foreclosure sale under this subsection if, during the month of the foreclosure sale, the tenant pays the rent for that month to the landlord [before receiving any notice that a foreclosure sale is scheduled during the month] or pays the rent for that month to [the foreclosing lienholder or] the purchaser at foreclosure not later than the fifth day after the date of receipt of a written notice of the name and address of the purchaser that requests a payment. Before a foreclosure sale, a foreclosing lienholder may give written notice to a tenant stating that a foreclosure notice has been given to the landlord or owner of the property and specifying the date of the possible foreclosure, and may provide a warning that the removal of fixtures or the intentional damage of the property could subject the party to criminal prosecution.

(b-2) A notice to vacate given to an occupant or tenant pursuant to subsection (b-1) must state:

(1) the date the property was purchased at a foreclosure sale;

(2) the name of the owner of the property, and the contact information for the owner or the owner's agent;

(3) the date that the owner demands the occupant or tenant vacate the property; and

(4) a statement in underlined or bold print that if a person was leasing the property prior to the foreclosure, the new owner of the property may be required to honor any lease still remaining on the property in some circumstances, otherwise the new owner is entitled to elect to terminate or fail to

renew the lease and give the tenant a 90 day notice to vacate, and the failure to vacate the premises by the time stated in the notice may result in an eviction suit being filed against all occupants.

Amendment No. 3 was adopted. (Phillips recorded voting no.)

**CSHB 3551**, as amended, was passed to engrossment. (Flynn, Phillips, and Riddle recorded voting no.)

**CSHB 3623 ON SECOND READING**  
(by Elkins)

**CSHB 3623**, A bill to be entitled An Act relating to covenants not to compete by physicians.

**CSHB 3623** was passed to engrossment.

**CSHB 3846 ON SECOND READING**  
(by Swinford)

**CSHB 3846**, A bill to be entitled An Act relating to the requirement to wear safety apparel and seat belts while operating certain off-highway vehicles; changing the elements of an offense.

**CSHB 3846** was passed to engrossment. (Riddle recorded voting no.)

**CSHB 4061 ON SECOND READING**  
(by T. Smith, Callegari, Vo, Merritt, Harless, et al.)

**CSHB 4061**, A bill to be entitled An Act relating to the consequences of an arrest for or conviction of certain intoxication offenses.

Representative England moved to postpone consideration of **CSHB 4061** until 9 p.m. today.

The motion prevailed.

(Speaker in the chair)

**CSHB 4126 ON SECOND READING**  
(by Hartnett)

**CSHB 4126**, A bill to be entitled An Act relating to the construction of nonsubstantive codifications and revisions of statutes.

Representative Hartnett moved to postpone consideration of **CSHB 4126** until 6 a.m. tomorrow.

The motion prevailed.

**SB 2225 ON SECOND READING**  
(Corte - House Sponsor)

**SB 2225**, A bill to be entitled An Act relating to the civil and criminal consequences of engaging in certain conduct involving the transporting or transferring of a firearm and to creating the offense of firearm smuggling.

**SB 2225** was considered in lieu of **HB 4336**.

**SB 2225** was passed to third reading.

**HB 4336 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Corte moved to lay **HB 4336** on the table subject to call.

The motion prevailed.

**HB 176 ON SECOND READING  
(by S. King and Riddle)**

**HB 176**, A bill to be entitled An Act relating to the punishment for the offense of aggravated assault.

Representative S. King moved to postpone consideration of **HB 176** until 9 p.m. today.

The motion prevailed.

**HB 184 ON SECOND READING  
(by Alonzo, Vo, and Harless)**

**HB 184**, A bill to be entitled An Act relating to an optometry career program at the University of Houston.

**HB 184** was passed to engrossment.

**CSHB 1277 ON SECOND READING  
(by Button, Cook, Pitts, Deshotel, Giddings, et al.)**

**CSHB 1277**, A bill to be entitled An Act relating to use of money from the Texas Enterprise Fund to retain businesses that are considering relocating outside this state.

**Amendment No. 1**

Representatives Leibowitz and Button offered the following amendment to **CSHB 1277**:

Amend **CSHB 1277** (house committee printing) as follows:

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

SECTION 3. Section 481.078, Government Code, is amended by adding Subsections (f-1) and (f-2) to read as follows:

(f-1) An entity that acquires, by merger, acquisition, or other transfer, ownership or control of a grant recipient shall:

(1) report the change in ownership or control to the governor; and

(2) comply with the terms and conditions of the grant agreement entered into by the grant recipient and any other requirement imposed on the grant recipient in connection with the grant award.

(f-2) The grant agreement must include a provision regarding the requirements of Subsection (f-1). A grant recipient that is the subject of a merger, acquisition, or other transfer of ownership or control shall include language in each contract relating to the transfer that informs the acquiring entity of its duties and obligations under Subsection (f-1).

SECTION 4. Sections 481.078(f-1) and (f-2), Government Code, as added by this Act, apply only to an agreement that is entered into on or after the effective date of this Act. An agreement that is entered into before the effective date of this Act is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.

- (2) On page 2, line 4, strike "SECTION 3" and substitute "SECTION 5".
- (3) On page 2, strike lines 6 and 7 and substitute the following:
  - (b) Section 2 of this Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Thompson offered the following amendment to **CSHB 1277**:

Amend **CSHB 1277** by adding an appropriately numbered Section \_\_\_\_, to read as follows and renumber the subsequent sections appropriately:

SECTION \_\_\_\_. Section 481.078, Government Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) The grant agreement shall include a provision requiring that the grant recipient provide a health benefit plan to its employees used in any activity or project financed by the grant.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Veasey offered the following amendment to **CSHB 1277**:

Amend **CSHB 1277** (house committee printing) as follows:

(1) On page 1, line 10, between "state" and the underlined period, insert ", including a location outside of the United States".

(2) On page 1, line 20, between ";" and "subject", insert "including a location outside of the United States,".

(3) On page 2, line 3, between "state" and the underlined period, insert "including a location outside of the United States".

Amendment No. 3 was adopted.

**CSHB 1277**, as amended, was passed to engrossment.

## **HB 1229 ON SECOND READING** (by C. Howard)

**HB 1229**, A bill to be entitled An Act relating to the appointment and removal of appraisal review board members.

### **Amendment No. 1**

Representative C. Howard offered the following amendment to **HB 1229**:

Amend **HB 1229** (house committee report) as follows:

- (1) Strike page 1, lines 7-10, and substitute the following:

(d) Members of the board are appointed by resolution of a majority of the appraisal district board of directors, except that the members of the board for an appraisal district established in a county with a population of 300,000 or more are appointed by order or resolution of the commissioners court of the county. A vacancy on the board is filled in the same manner for

(2) Strike page 1, lines 16-18, and substitute the following:

In making the initial or subsequent appointments, the board of directors or commissioners court, as applicable, shall designate those members who serve terms of one

(3) Strike page 1, lines 20-22, and substitute the following:

(f) A member of the board may be removed from the board by a majority vote of the appraisal district board of directors or commissioners court that appointed the member. Grounds

(4) Strike page 2, lines 5-13, and substitute the following:

SECTION 2. (a) As soon as practicable on or after the effective date of this Act, the commissioners court of each county with a population of 300,000 or more shall in the manner provided by Section 6.41, Tax Code, as amended by this Act, appoint the members of the appraisal review board for the appraisal district established in the county. In making the initial appointments, the commissioners court shall designate those members who serve terms of one year as necessary to comply with Section 6.41(e), Tax Code, as amended by this Act.

(b) The term of a member of an appraisal review board established in a county with a population of 300,000 or more serving on December 31, 2009, expires on January 1, 2010.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative P. King offered the following amendment to **HB 1229**:

Amend **HB 1229** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 5.12(b), Tax Code, is amended to read as follows:

(b) At the written request of the governing bodies of a majority of the taxing units participating in an appraisal district [~~or of a majority of the taxing units entitled to vote on the appointment of appraisal district directors~~], the comptroller shall audit the performance of the appraisal district. The governing bodies may request a general audit of the performance of the appraisal district or may request an audit of only one or more particular duties, practices, functions, departments, or other appraisal district matters.

SECTION 2. Section 5.13(h), Tax Code, is amended to read as follows:

(h) At any time after the request for an audit is made, the comptroller may discontinue the audit in whole or in part if requested to do so by:

(1) the governing bodies of a majority of the taxing units participating in the district, if the audit was requested by a majority of those units; or

(2) ~~[the governing bodies of a majority of the taxing units entitled to vote on the appointment of appraisal district directors, if the audit was requested by a majority of those units; or~~

~~[(3)]~~ if the audit was requested under Section 5.12(c) ~~[of this code]~~, by the taxpayers who requested the audit.

SECTION 3. Section 6.03, Tax Code, is amended by amending Subsections (a), (b), and (l) and adding Subsection (a-1) to read as follows:

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the local administrative district judge in the county in which the appraisal district is established ~~[taxing units that participate in the district as provided by this section]~~. If the county assessor-collector is not appointed to the board of directors, the county assessor-collector serves as a nonvoting director. The county assessor-collector is ineligible to serve if the board enters into a contract under Section 6.05(b) or if the commissioners court of the county enters into a contract under Section 6.24(b).

(a-1) To be eligible to serve on the board of directors, an individual, other than a county assessor-collector serving as a nonvoting director, must be a resident of the appraisal district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board ~~[unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district]~~.

(b) Members of the board of directors, other than a county assessor-collector serving as a nonvoting director, serve two-year terms beginning on January 1 of odd-numbered ~~[even-numbered]~~ years.

(l) If a vacancy occurs on the board of directors, other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, the local administrative district judge shall appoint a person to fill the vacancy ~~[each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy]~~.

SECTION 4. Section 6.051(b), Tax Code, is amended to read as follows:

(b) The acquisition or conveyance of real property or the construction or renovation of a building or other improvement by an appraisal district must be approved by the governing bodies of three-fourths of the taxing units that participate in the district ~~[entitled to vote on the appointment of board members]~~. The board of directors by resolution may propose a property transaction or other action for which this subsection requires approval of the taxing units. The chief appraiser shall notify the presiding officer of each governing body entitled to vote on the approval of the proposal by delivering a copy of the board's resolution,

together with information showing the costs of other available alternatives to the proposal. On or before the 30th day after the date the presiding officer receives notice of the proposal, the governing body of a taxing unit by resolution may approve or disapprove the proposal. If a governing body fails to act on or before that 30th day or fails to file its resolution with the chief appraiser on or before the 10th day after that 30th day, the proposal is treated as if it were disapproved by the governing body.

SECTION 5. Sections 6.06(a), (b), and (i), Tax Code, are amended to read as follows:

(a) Each year the chief appraiser shall prepare a proposed budget for the operations of the district for the following tax year and shall submit copies to each taxing unit participating in the district and to the district board of directors before June 15. The chief appraiser ~~He~~ shall include in the budget a list showing each proposed position, the proposed salary for the position, all benefits proposed for the position, each proposed capital expenditure, and an estimate of the amount of the budget that will be allocated to each taxing unit. Each taxing unit participating in the district ~~entitled to vote on the appointment of board members~~ shall maintain a copy of the proposed budget for public inspection at its principal administrative office.

(b) The board of directors shall hold a public hearing to consider the budget. The secretary of the board shall deliver to the presiding officer of the governing body of each taxing unit participating in the district not later than the 10th day before the date of the hearing a written notice of the date, time, and place fixed for the hearing. The board shall complete its hearings, make any amendments to the proposed budget it desires, and finally approve a budget before September 15. If governing bodies of a majority of the taxing units participating in the district ~~entitled to vote on the appointment of board members~~ adopt resolutions disapproving a budget and file them with the secretary of the board within 30 days after its adoption, the budget does not take effect, and the board shall adopt a new budget within 30 days of the disapproval.

(i) The fiscal year of an appraisal district is the calendar year unless the governing bodies of three-fourths of the taxing units participating in the district ~~entitled to vote on the appointment of board members~~ adopt resolutions proposing a different fiscal year and file them with the secretary of the board not more than 12 and not less than eight months before the first day of the fiscal year proposed by the resolutions. If the fiscal year of an appraisal district is changed under this subsection, the chief appraiser shall prepare a proposed budget for the fiscal year as provided by Subsection (a) ~~of this section~~ before the 15th day of the seventh month preceding the first day of the fiscal year established by the change, and the board of directors shall adopt a budget for the fiscal year as provided by Subsection (b) ~~of this section~~ before the 15th day of the fourth month preceding the first day of the fiscal year established by the change. Unless the appraisal district adopts a different method of allocation under Section 6.061 ~~of this code~~, the allocation of the budget to each taxing unit shall be calculated as provided by Subsection (d) ~~of this section~~ using the amount of property taxes imposed by each participating taxing unit in the most recent tax year preceding

the fiscal year established by the change for which the necessary information is available. Each taxing unit shall pay its allocation as provided by Subsection (e) ~~[of this section]~~, except that the first payment shall be made before the first day of the fiscal year established by the change and subsequent payments shall be made quarterly. In the year in which a change in the fiscal year occurs, the budget that takes effect on January 1 of that year may be amended as necessary as provided by Subsection (c) ~~[of this section]~~ in order to accomplish the change in fiscal years.

SECTION 6. Sections 6.061(b) and (e), Tax Code, are amended to read as follows:

(b) The taxing units participating in an appraisal district may adopt a different method of allocating the costs of operating the district if the governing bodies of three-fourths of the taxing units participating in the district ~~[that are entitled to vote on the appointment of board members]~~ adopt resolutions providing for the other method. However, a change under this subsection is not valid if it requires any taxing unit to pay a greater proportion of the appraisal district's costs than the unit would pay under Section 6.06 ~~[of this code]~~ without the consent of the governing body of that unit.

(e) A change in allocation of district costs made as provided by this section remains in effect until changed in a manner provided by this section or rescinded by resolution of a majority of the governing bodies of the taxing units participating in the district ~~[that are entitled to vote on appointment of board members under Section 6.03 of this code]~~.

SECTION 7. Section 6.063(b), Tax Code, is amended to read as follows:

(b) The report of the audit is a public record. A copy of the report shall be delivered to the presiding officer of the governing body of each taxing unit participating in the district ~~[eligible to vote on the appointment of district directors]~~, and a reasonable number of copies shall be available for inspection at the appraisal office.

SECTION 8. The following provisions of the Tax Code are repealed:

- (1) Sections 6.03(c), (d), (e), (f), (g), (h), (i), (j), and (k);
- (2) Section 6.031;
- (3) Section 6.033;
- (4) Section 6.034;
- (5) Section 6.037; and
- (6) Section 6.10.

SECTION 9. Five directors shall be appointed in each appraisal district by the local administrative district judge in the county in which the appraisal district is established as provided by Section 6.03, Tax Code, as amended by this Act, to serve terms that begin January 1, 2011.

SECTION 10. (a) The change in law made by this Act does not affect the selection of appraisal district directors serving before January 1, 2011.

(b) The term of an appraisal district director serving on December 31, 2010, expires on January 1, 2011.

SECTION 11. This Act takes effect January 1, 2010.

Amendment No. 2 failed of adoption.



**HB 1229**, as amended, was passed to engrossment.

**HB 1319 ON SECOND READING**  
**(by Pierson)**

**HB 1319**, A bill to be entitled An Act relating to an exemption for school districts from security for court costs and appeal bond.

**HB 1319** was passed to engrossment.

**HB 1928 ON SECOND READING**  
**(by Flores)**

**HB 1928**, A bill to be entitled An Act relating to requirements for attorneys in fact under Lloyd's plans.

**HB 1928** was passed to engrossment. (Anderson, Berman, Christian, Hancock, Hunter, Phillips, and Riddle recorded voting no.)

**POSTPONED BUSINESS**

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

**CSHB 4061 ON SECOND READING**  
**(by T. Smith, Callegari, Vo, Merritt, Harless, et al.)**

**CSHB 4061**, A bill to be entitled An Act relating to the consequences of an arrest for or conviction of certain intoxication offenses.

**CSHB 4061** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative T. Smith offered the following amendment to **CSHB 4061**:

Amend **CSHB 4061** (House Committee Report) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 5(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) In all other cases the judge may grant deferred adjudication unless:

(1) the defendant is charged with an offense:

(A) under Section 49.07 or 49.08 [~~Sections 49.04-49.08~~], Penal Code; [or]

(B) under Section 49.04, 49.045, 49.05, 49.06, or 49.065, Penal Code, and, at the time of the offense, the defendant:

(i) held a commercial driver's license or a commercial driver learner's permit; or

(ii) was driving a commercial vehicle;

(C) for which punishment may be increased under Section 49.09, Penal Code; or

(D) for which punishment may be increased under Section 481.134(c), (d), (e), or (f), Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections;

(2) the defendant:

(A) is charged with an offense under Section 21.11, 22.011, or 22.021, Penal Code, regardless of the age of the victim, or a felony described by Section 13B(b) of this article; and

(B) has previously been placed on community supervision for any offense under Paragraph (A) of this subdivision; or

(3) the defendant is charged with an offense under:

(A) Section 21.02, Penal Code; or

(B) Section 22.021, Penal Code, that is punishable under Subsection (f) of that section or under Section 12.42(c)(3), Penal Code.

SECTION \_\_\_\_\_. Section 13, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (o) to read as follows:

(o) A judge granting deferred adjudication to a defendant for an offense under Section 49.04, 49.045, 49.05, 49.06, or 49.065, Penal Code, shall require the defendant to have an ignition interlock device installed under Subsection (i), regardless of whether the defendant would be required to have the device installed if the defendant was convicted.

SECTION \_\_\_\_\_. Section 411.081(e), Government Code, is amended to read as follows:

(e) A person is entitled to petition the court under Subsection (d) only if during the period of the deferred adjudication community supervision for which the order of nondisclosure is requested and during the applicable period described by Subsection (d)(1), (2), or (3), as appropriate, the person is not convicted of or placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for any offense other than an offense under the Transportation Code punishable by fine only. A person is not entitled to petition the court under Subsection (d) if the person was placed on the deferred adjudication community supervision for or has been previously convicted or placed on any other deferred adjudication for:

(1) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;

(2) an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;

(3) an offense under Section 19.02, 19.03, 22.04, 22.041, 25.07, or 42.072, Penal Code; ~~or~~

(4) any other offense involving family violence, as defined by Section 71.004, Family Code; or

(5) an offense under Section 49.04, 49.045, 49.05, 49.06, or 49.065, Penal Code.

SECTION \_\_\_\_\_. Sections 49.09(a), (b), and (g), Penal Code, are amended to read as follows:

(a) Except as provided by Subsection (b), an offense under Section 49.04, 49.045, 49.05, 49.06, or 49.065 is a Class A misdemeanor, with a minimum term of confinement of 30 days, if it is shown on the trial of the offense that the person has previously been convicted one time of an offense relating to the operating of

a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated.

(b) An offense under Section 49.04, 49.045, 49.05, 49.06, or 49.065 is a felony of the third degree if it is shown on the trial of the offense that the person has previously been convicted:

(1) one time of an offense under Section 49.08 or an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense under Section 49.08; or

(2) two times of any other offense relating to the operating of a motor vehicle while intoxicated, operating an aircraft while intoxicated, operating a watercraft while intoxicated, or operating or assembling an amusement ride while intoxicated.

(g) A conviction may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and Subchapter D. A deferred adjudication for an offense under Section 49.04, 49.045, 49.05, 49.06, or 49.065 is considered a conviction for purposes of enhancement of penalties under this section or Subchapter D, Chapter 12.

(2) On page 7, line 22, strike "Except as provided by Section 5 of this Act" and substitute "(a) Except as provided by Subsection (b) of this section".

(3) On page 8, line 3, strike "SECTION 5" and substitute "(b)".

(4) Renumber remaining SECTIONS of the bill accordingly.

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

### **Amendment No. 2**

Representative T. Smith offered the following amendment to **CSHB 4061**:

Amend **CSHB 4061** (house committee report) as follows:

(1) Strike page 6, line 12, through page 7, line 21, of the bill.

(2) On page 7, line 22, strike "Except as provided by Section 5 of this Act, the" and substitute "The".

(3) On page 8, strike lines 3-6.

(4) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Callegari offered the following amendment to **CSHB 4061**:

Amend **CSHB 4061** (House committee reporting) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. This Act shall be known as the Todd Levin Memorial Act.

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative T. King offered the following amendment to **CSHB 4061**:

Amend **CSHB 4061** (House committee printing) as follows:

(1) On page 1, between lines 4 and 5, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Article 17.441(c), Code of Criminal Procedure, is amended to read as follows:

(c) If the defendant is required to have the device installed, the magistrate shall require that the defendant have the device installed on the appropriate motor vehicle, at the defendant's expense, not later than the third business day after the date the defendant is released on bond. ~~before the 30th]~~

(2) On page 2, line 22, strike "before the 30th" and substitute "not later than the third business day after the date the defendant is released on bond." ~~before the 30th]~~".

(3) On page 2, lines 25-26, strike "provide evidence to the court within the 30-day period" and substitute "promptly provide evidence to the court" ~~within the 30 day period]~~".

(4) On page 5, line 14, between "shall" and "order" insert "require the ignition interlock device to be installed not later than the third business day after the date the occupational license takes effect and shall".

(5) On page 6, between lines 11 and 12, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Section 521.2476(b), Transportation Code, is amended to read as follows:

(b) The minimum standards shall require each vendor to:

(1) be authorized by the department to do business in this state;

(2) install a device only if the device is approved under Section 521.247;

(3) obtain liability insurance providing coverage for damages arising out of the operation or use of devices in amounts and under the terms specified by the department;

(4) install the device and activate any anticircumvention feature of the device not later than the third business day ~~within a reasonable time]~~ after the date the vendor receives notice that installation is ordered by a court;

(5) install and inspect the device in accordance with any applicable court order;

(6) repair or replace a device not later than 48 hours after receiving notice of a complaint regarding the operation of the device;

(7) remove a device not later than the third business day after the date the owner or operator of the vehicle requests removal and provides a copy of a court order to the vendor showing that the owner or operator is no longer restricted to the use of a motor vehicle equipped with an ignition interlock device;

(8) submit a written report of any violation of a court order to that court and to the person's supervising officer, if any, not later than 48 hours after the vendor discovers the violation;

(9) ~~(8)~~ maintain a record of each action taken by the vendor with respect to each device installed by the vendor, including each action taken as a result of an attempt to circumvent the device, until at least the fifth anniversary after the date of installation;

(10) [~~(9)~~] make a copy of the record available for inspection by or send a copy of the record to any court, supervising officer, or the department on request; and

(11) [~~(10)~~] annually provide to the department a written report of each service and ignition interlock device feature made available by the vendor.

(6) On page 7, line 22, strike "Except as provided by Section 5 of this Act" and substitute "(a) Except as provided by Subsections (b) and (c) of this section".

(7) On page 8, line 3, strike "SECTION 5" and substitute "(b)".

(8) On page 8, between lines 6 and 7, insert the following:

(c) The changes in law made by this Act in amending Articles 17.441 and 42.12, Code of Criminal Procedure, and Section 521.246, Transportation Code, relating to the time frame for installation and removal of an ignition interlock device, apply only to a court order entered on or after the effective date of this section. A court order entered before the effective date of this section is governed by the law in effect when the court order was entered, and the former law is continued in effect for that purpose.

(d) The Department of Public Safety by rule shall establish the minimum standards required by Section 521.2476(b), Transportation Code, as amended by this Act, not later than December 1, 2009.

(9) Renumber SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

**CSHB 4061**, as amended, was passed to engrossment. (Christian and Cook recorded voting no.)

**HB 176 ON SECOND READING**  
**(by S. King and Riddle)**

**HB 176**, A bill to be entitled An Act relating to the punishment for the offense of aggravated assault.

**HB 176** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Moody offered the following amendment to **HB 176**:

Amend **HB 176** (House committee printing) on page 2, line 6, between "actor" and the colon, by inserting "is in a motor vehicle, as defined by Section 501.002, Transportation Code, and".

Amendment No. 1 was adopted.

**HB 176**, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 1943 ON SECOND READING**  
**(by Herrero, Naishtat, and Kent)**

**CSHB 1943**, A bill to be entitled An Act relating to the appointment of volunteer advocates as guardians ad litem in suits affecting the parent-child relationship.

**Amendment No. 1**

Representative Lewis offered the following amendment to **CSHB 1943**:

Amend **CSHB 1943** as follows:

(1) On page 1, lines 16 and 17, strike "[~~or as a volunteer advocate for the child~~]" and substitute "or as a volunteer advocate for the child if the court makes a determination that it is in the best interest of the child to appoint the child's attorney ad litem in the dual role".

(2) Strike SECTIONS 2-6 of the bill, and renumber the remaining SECTIONS of the bill as appropriate.

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

REPRESENTATIVE HARDCASTLE: There's nothing in here that would make it mandatory on any of my judges that they have to appoint a CASA representative?

REPRESENTATIVE LEWIS: That was the major issue that we've been dealing with, and I appreciate so much Representative Herrero working with me on this. The initial concern was that this would be mandatory, that the judges would have to appoint CASA, if CASA were available. The committee substitute took care of that problem, but it also had a feature that the judges could only appoint CASA as an ad litem, they could not appoint them as a volunteer advocate. What this amendment does, it puts us back where they can appoint them as a volunteer advocate and go ahead and appoint the attorney in the dual role that many of them had been doing in the past.

HARDCASTLE: So, in areas like ours, where we don't always have CASA available, the bill, in your opinion, gives the judges discretion in doing it, if it works, and not having to worry about it if it doesn't fit?

LEWIS: That's right. It's discretionary whether to appoint CASA at all, and it will be discretionary whether to appoint CASA as a guardian ad litem or a volunteer advocate.

**REMARKS ORDERED PRINTED**

Representative Hardcastle moved to print remarks between Representative Lewis and Representative Hardcastle.

The motion prevailed.

Amendment No. 1 was adopted.

**CSHB 1943**, as amended, was passed to engrossment.

**CSSB 1206 ON SECOND READING**  
**(Edwards - House Sponsor)**

**CSSB 1206**, A bill to be entitled An Act relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program.

**CSSB 1206** was considered in lieu of **HB 1958**.

(Bonnen in the chair)

**CSSB 1206** was passed to third reading. (Flynn and Harper-Brown recorded voting no.)

**HB 1958 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Edwards moved to lay **HB 1958** on the table subject to call.

The motion prevailed.

**SB 629 ON SECOND READING**

**(Aycock, Sheffield, Giddings, Farias, S. Miller, et al. - House Sponsors)**

**SB 629**, A bill to be entitled An Act relating to the operation of certain institutions of higher education as general academic teaching institutions and to the statutory limitation imposed on certain university systems to issue revenue bonds to fund facilities at certain institutions of higher education.

**SB 629** was considered in lieu of **HB 1967**.

**SB 629** was passed to third reading.

**HB 1967 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Aycock moved to lay **HB 1967** on the table subject to call.

The motion prevailed.

**CSHB 2014 ON SECOND READING**  
**(by Vo, et al.)**

**CSHB 2014**, A bill to be entitled An Act relating to credit card marketing activities at postsecondary educational institutions.

**CSHB 2014** was passed to engrossment.

**CSHB 2070 ON SECOND READING**  
**(by Cohen, Anchia, Dukes, Pitts, Hartnett, et al.)**

**CSHB 2070**, A bill to be entitled An Act relating to the fee based on admissions to certain sexually oriented businesses.

**CSHB 2070 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **CSHB 2070** under Rule 8, Section 1 of the House Rules on the grounds that the caption does not give the legislature and the public reasonable notice of the subject of the bill.

The point of order was withdrawn.

Representative Cohen moved to postpone consideration of **CSHB 2070** until 9:45 p.m. today.

The motion prevailed.

**HB 2118 ON SECOND READING**  
**(by Olivo, Gonzales, Naishtat, S. Turner, Corte, et al.)**

**HB 2118**, A bill to be entitled An Act relating to the designation of May 9 as Willie Velasquez Day.

**HB 2118** was passed to engrossment. (Gattis and Harper-Brown recorded voting no.)

**CSHB 2669 ON SECOND READING**  
**(by Crownover, et al.)**

**CSHB 2669**, A bill to be entitled An Act relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide.

Representative Crownover moved to postpone consideration of **CSHB 2669** until 5 a.m. tomorrow.

The motion prevailed.

**HB 2705 ON SECOND READING**  
**(by Gattis)**

**HB 2705**, A bill to be entitled An Act relating to the level of maintenance and landscaping required for public rights-of-way annexed by a municipality.

**HB 2705** was passed to engrossment. (Strama recorded voting no.)

**HB 2002 ON SECOND READING**  
**(by McCall and Hodge)**

**HB 2002**, A bill to be entitled An Act relating to a right of a close relative to seek expunction of arrest records and files on behalf of a deceased person.

**HB 2002** was passed to engrossment.

**CSHB 3859 ON SECOND READING**  
**(by Herrero, Marquez, et al.)**

**CSHB 3859**, A bill to be entitled An Act relating to a staffing analysis to ensure the functionality of the Texas Integrated Eligibility Redesign System (TIERS) and benefits eligibility determination processes.

**Amendment No. 1**

Representative Guillen offered the following amendment to **CSHB 3859**:

Amend **CSHB 3859** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0525 to read as follows:



Sec. 531.0525. PILOT PROJECT TO ESTABLISH COMPREHENSIVE SINGLE POINT OF ENTRY FOR LONG-TERM SERVICES AND SUPPORTS. (a) In this section:

(1) "Aging and disability resource center" means a center established under the Aging and Disability Resource Center grant program jointly sponsored by the federal Administration on Aging and the Centers for Medicare and Medicaid Services.

(2) "Colocated long-term services and supports staff members" means:

(A) long-term services and supports staff members who are located in the same physical office; or

(B) long-term services and supports staff members who are not located in the same physical office but who work collaboratively through the use of the telephone or other technologies.

(3) "Department of Aging and Disability Services staff members" includes the department's access and intake staff members and the department's community care for the aged and disabled staff members.

(4) "Expedited service authorization" means authorization of services within seven calendar days based on a screening of applicants and tentative eligibility for receipt of services and initiation of those services as soon as possible.

(5) "Long-term services and supports" means long-term assistance or care provided to older persons and persons with physical disabilities through the Medicaid program or other programs. The term includes assistance or care provided through the following programs:

(A) the primary home care program;

(B) the community attendant services program;

(C) the community-based alternatives program;

(D) the day activity and health services program;

(E) the promoting independence program;

(F) a program funded through the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.);

(G) a community care program funded through Title XX of the federal Social Security Act (42 U.S.C. Section 301 et seq.);

(H) the program of all-inclusive care for the elderly (PACE), if the program is available in the area served by the pilot project;

(I) the in-home and family support program; and

(J) a nursing facility program.

(6) "Long-term services and supports staff" means:

(A) one or more of the commission's Medicaid eligibility determination staff members;

(B) one or more Department of Aging and Disability Services staff members; and

(C) one or more local area agency on aging staff members.

(7) "Pilot project site" means a location in an area served by the pilot project established under this section where colocated long-term services and supports staff members work collaboratively to provide information and authorize and initiate long-term services and supports.

(8) "Tentative eligibility," with respect to receipt of services, means a process by which eligibility for services is provisionally determined based on a standard screening tool that assesses both functional and financial program eligibility for receipt of services.

(b) Subject to availability of funds, the commission shall develop and implement in not more than three geographic areas of this state a pilot project to establish a comprehensive single point of entry system for long-term services and supports in which colocated long-term services and supports staff members work in collaboration to provide all necessary services in connection with long-term services and supports from the intake process to the start of service delivery. The pilot project must require that, at a minimum, the staff members work collaboratively to:

(1) inform and educate older persons, persons with physical disabilities, and their family members and other caregivers about long-term services and supports for which they may qualify;

(2) screen older persons and persons with physical disabilities requesting long-term services and supports;

(3) establish tentative eligibility for long-term services and supports;

(4) support and provide expedited service authorization for older persons and persons with physical disabilities requesting long-term services and supports for which there are no interest lists; and

(5) make final determinations of financial eligibility for long-term services and supports after a period of tentative eligibility for receipt of those services and supports.

(c) In developing and implementing the pilot project, the commission shall ensure that:

(1) at least one pilot project site has only colocated long-term services and supports staff members who are located in the same physical office;

(2) each pilot project site serves as a comprehensive single point of entry for older persons and persons with physical disabilities to obtain information about long-term services and supports for which they may qualify and access long-term services and supports in the site's service area;

(3) each pilot project site is designed and operated in accordance with best practices adopted by the executive commissioner after the commission reviews best practices for similar initiatives in other states and professional policy-based research describing best practices for successful initiatives;

(4) the colocated long-term services and supports staff members supporting each pilot project site include:

(A) one or more full-time commission staff members who determine eligibility for the Medicaid program and who:

(i) have full access to the Texas Integrated Eligibility Redesign System (TIERS);

(ii) have previously made Medicaid long-term care eligibility determinations; and

(iii) are dedicated primarily to making eligibility determinations for incoming clients at the site;

(B) sufficient Department of Aging and Disability Services staff members to carry out the screening and expedited service authorization functions at the site;

(C) sufficient area agency on aging staff members to:

(i) assist with the performance of screening functions and service coordination for services funded under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.), such as meals programs; and

(ii) identify other locally funded and supported services that will enable older persons and persons with physical disabilities to continue to reside in the community to the extent reasonable; and

(D) any available staff members from local service agencies; and

(5) the colocated long-term services and supports staff members of a pilot project site;

(A) use a standardized screening tool that:

(i) assesses both functional and financial program eligibility;

and

(ii) provides sufficient information to make a tentative eligibility determination for receipt of services;

(B) process requests for long-term services and supports in person or by telephone or through the Internet;

(C) perform all screening and assessment, eligibility determination, and service authorization functions necessary to promptly initiate appropriate service delivery;

(D) closely coordinate with local hospital discharge planners and staff members of extended rehabilitation units of local hospitals and nursing homes;

(E) give first priority to persons who urgently need services; and

(F) inform persons about community-based services available in the area served by the pilot project.

(d) An area in which the pilot project will be implemented may consist of a single county or a multicounty region, as determined by the commission. At least one of the areas must have a pilot project site located within an aging and disability resource center. If the commission finds that there is no aging and disability resource center that is willing or able to accommodate a pilot project site on the date the pilot project is to be implemented, the pilot project site may be located at a local Department of Aging and Disability Services office, an area agency on aging office, or another appropriate location.

(e) Not later than January 31, 2011, the commission shall submit a report concerning the pilot project to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services. The report must:

(1) be prepared by a person not associated with the pilot project or the commission;

(2) contain, for each area of this state in which the pilot project is being implemented, an evaluation of the operation of the pilot project in that area;

(3) contain an evaluation of the pilot project's benefits for persons who received services;

(4) contain a calculation of the costs and cost savings that can be attributed to implementation of the pilot project;

(5) include a recommendation regarding adopting improved policies and procedures concerning long-term services and supports with statewide applicability, as determined from information obtained in operating the pilot project;

(6) include a recommendation regarding the feasibility of expanding the pilot project to other areas of this state or statewide; and

(7) contain the perspectives of service providers of programs listed in Subsection (a)(5) who are operating in the area served by a pilot project site.

(f) This section expires September 1, 2013.

(b) Not later than December 31, 2009, the Health and Human Services Commission shall ensure that at least one pilot project site is in operation under the pilot project required by Section 531.0525, Government Code, as added by this section, subject to availability of funds for that purpose.

Amendment No. 1 was adopted.

**CSHB 3859**, as amended, was passed to engrossment. (Anderson, Berman, Button, Flynn, Hunter, Phillips, and Riddle recorded voting no.)

**CSHB 3680 ON SECOND READING**  
(by Riddle)

**CSHB 3680**, A bill to be entitled An Act relating to creating the offense of contributing to the delinquency of a child.

**Amendment No. 1**

Representative Riddle offered the following amendment to **CSHB 3680**:

Amend **CSHB 3680** (house committee printing) as follows:

(1) On page 1, line 9, strike "intentionally, knowingly, or recklessly" and substitute "intentionally or knowingly".

(2) On page 1, lines 23-24, strike "felony of the third degree if the actor commits the offense intentionally or knowingly" and substitute "Class A misdemeanor".

(3) On page 2, strike lines 1 and 2.

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

**Amendment No. 2**

Representative Riddle offered the following amendment to **CSHB 3680**:

Amend **CSHB 3680** (house committee printing) as follows:

(1) On page 1, line 9, strike "intentionally, knowingly, or recklessly" and substitute "intentionally or knowingly".

(2) On page 1, line 13, strike "an offense under" and substitute "a felony; or".

(3) On page 1, strike line 14.

(4) On page 1, lines 23-24, strike "felony of the third degree if the actor commits the offense intentionally or knowingly" and substitute "Class A misdemeanor".

(5) On page 2, strike lines 1 and 2.

Amendment No. 2 was adopted. (Phillips recorded voting no.)

### **Amendment No. 3**

Representative Miklos offered the following amendment to **CSHB 3680**:

Amend **CSHB 3680** (House committee printing) as follows:

(1) On page 1, strike lines 21 and 22 and substitute the following:

(b) In this section:

(1) "Child" means any person younger than 17 years of age.

(2) "Place" means:

(A) the grounds of a park, lot, or parcel of land; or

(B) a building or a portion of a building, including a distinct residential or lodging unit, but not including a residential or lodging structure that does not have a living area in common.

Amendment No. 3 was adopted.

### **CSHB 3680 - POINT OF ORDER**

Representative Gutierrez raised a point of order against further consideration of **CSHB 3680** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

**CSHB 3680**, as amended, was passed to engrossment.

### **CSHB 2846 ON SECOND READING**

(by Riddle)

**CSHB 2846**, A bill to be entitled An Act relating to the admissibility of certain hearsay statements made by a child abuse victim.

**CSHB 2846** was passed to engrossment.

### **CSHB 4009 ON SECOND READING**

(by Weber, Anchia, Thompson, Naishtat, Alvarado, et al.)

**CSHB 4009**, A bill to be entitled An Act relating to the establishment of a victim assistance program to provide services to domestic victims of trafficking.

Representative Taylor moved to postpone consideration of **CSHB 4009** until 5:01 a.m. tomorrow.

The motion prevailed.

(Y. Davis now present)

**CSHB 103 ON SECOND READING**  
**(by F. Brown)**

**CSHB 103**, A bill to be entitled An Act relating to the operation of certain health benefit plans through student health centers of certain institutions of higher education.

**Amendment No. 1**

Representative F. Brown offered the following amendment to **CSHB 103**:

Amend **CSHB 103** (House committee printing) on page 1, line 13 by striking "5,000" and substituting "8,000".

Amendment No. 1 was adopted.

**CSHB 103**, as amended, was passed to engrossment. (Rose recorded voting no.)

**CSSB 956 ON SECOND READING**  
**(Branch - House Sponsor)**

**CSSB 956**, A bill to be entitled An Act relating to the establishment of a law school in the city of Dallas by the University of North Texas System.

**CSSB 956** was considered in lieu of **HB 59**.

Representative Branch moved to postpone consideration of **CSSB 956** until 10:15 p.m. today.

The motion prevailed.

**CSHB 2003 ON SECOND READING**  
**(by McCall, Castro, and Orr)**

**CSHB 2003**, A bill to be entitled An Act relating to the creation of the offense of online harassment.

**CSHB 2003** was passed to engrossment.

**HB 357 ON SECOND READING**  
**(by Quintanilla)**

**HB 357**, A bill to be entitled An Act relating to the sale of lottery tickets at a location at which a person holds an alcoholic beverage permit.

Representative Quintanilla moved to postpone consideration of **HB 357** until 10 a.m. tomorrow.

The motion prevailed.

(Speaker in the chair)

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Otto moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Ways and Means to consider **SB 801, SB 1024, SB 1199, SB 1202, SB 1207, SB 1311, SB 1633**, and pending business.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Ways and Means, 8 a.m. tomorrow, E2.010, for a public hearing, to consider **SB 801, SB 1024, SB 1199, SB 1202, SB 1207, SB 1311, SB 1633**, and pending business.

**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 1077, SB 1489, SB 1933**, and **SB 2308**.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Education, 7:30 a.m. Thursday, May 14, E2.030, for a public hearing, to consider **SB 1077, SB 1489, SB 1933, SB 2308**, and posted business.

**ADJOURNMENT**

At 10:30 p.m., the speaker announced that the house would stand adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 2**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 12, 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 415** Villarreal SPONSOR: Uresti  
Relating to the regulation of employer-based day-care facilities.

**HB 1510** Bonnen SPONSOR: Jackson  
Relating to including information on sudden infant death syndrome in a resource pamphlet for parents of newborn children.

**HB 1622** Giddings SPONSOR: Zaffirini  
Relating to a grant program to provide children at risk of hunger or obesity with increased access to nutritious foods.

**HB 2020** Weber SPONSOR: Jackson  
Relating to parking privileges for veterans with disabilities.

**HB 2030** Zerwas SPONSOR: Deuell  
Relating to the Medicaid Drug Utilization Review Program and prescription drug use under the Medicaid program.  
(Amended)

**HB 2064** Smithee SPONSOR: Averitt  
Relating to premium discounts for certain participants in the Texas Health Insurance Risk Pool and to related tax credits for health benefit plan issuers.  
(Amended)

**HB 3413** Thompson SPONSOR: Averitt  
Relating to the sale of glassware and nonalcoholic beverages by certain wholesalers and distributors.  
(Amended)

**HB 3661** Turner, Sylvester SPONSOR: Gallegos  
Relating to standards for installing fire hydrants in certain residential areas.

**HB 4476** Cohen SPONSOR: Zaffirini  
Relating to eligibility requirements for the tuition equalization grant program.  
(Committee Substitute)

**HCR 211** Sheffield SPONSOR: Fraser  
Congratulating the Blackland Research and Extension Center on its 100th anniversary.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 1966** (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 482**  
Senate Conferees: Ellis - Chair/Carona/Lucio/Seliger/Shapiro

Respectfully,



Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 12, 2009 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 8** Nelson  
Relating to the administration, powers, and duties of the Texas Health Services Authority.

**SB 880** Hegar  
Relating to the creation of the Fort Bend County Municipal Utility District No. 200; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 1013** Hinojosa  
Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

**SB 1304** Patrick, Dan  
Relating to notice to students of a public institution of higher education of the required use of a portion of the tuition paid by the student to provide student financial aid.

**SB 1471** Gallegos  
Relating to the evaluation of certain regional planning commissions.

**SB 1984** Uresti  
Relating to certification of a person in certain counties as eligible for disabled parking privileges.

**SB 2405** Zaffirini  
Relating to a pilot program to expand access to career and technical education partnerships in rural areas.

**SB 2536** Patrick, Dan  
Relating to the powers of the West Harris County Regional Water Authority.

**SB 2543** Hegar

Relating to the enforcement of rules by the Harris-Galveston Subsidence District and the Fort Bend Subsidence District; providing penalties.

**SB 2566** Deuell

Relating to the composition and operation of the Hunt County Juvenile Board.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Tuesday, May 12, 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 541** Watson

Relating to renewable energy and to incentives for Texas renewable energy jobs and manufacturing.

**SB 1630** Wentworth

Relating to the availability of information under the public information law.

**SB 1663** Wentworth

Relating to the disregard or violation of a resident's advance directive by a nursing institution; providing penalties.

**SB 2223** Van de Putte

Relating to authorizing the creation of regional military sustainability commissions around military installations.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Tuesday, May 12, 2009 - 5

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 237** West

Relating to certain procedures and requirements for the operation of property owners' associations.

Respectfully,

Patsy Spaw

Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

#### May 11

Agriculture and Livestock - **HB 2312, SB 212, SB 867, SB 1501, SB 1806**

Appropriations - **HB 1306, HB 4583**

Business and Industry - **HB 23, HB 2672, HB 3186, HB 4693, SB 1449, SB 1592, SB 1699, SB 1701, SB 1717, SB 1918, SB 1919, SB 2121**

County Affairs - **HB 515, HB 2708, HB 3484, HB 4532, HB 4739, HB 4740, HB 4768, HB 4771, HB 4775, HB 4777, HB 4798, HB 4818, HB 4827, HB 4828, HB 4829, HJR 35**

Criminal Jurisprudence - **SB 116, SB 410, SB 727, SB 743, SB 839, SB 1091, SB 1224, SB 1236, SB 1505, SB 1506, SB 1557, SB 1681, SB 1774, SB 1847, SB 1864, SB 1916, SB 1976, SB 2048**

Defense and Veterans' Affairs - **SB 835**

Elections - **HB 478, HB 2847, HB 3843, HB 4444**

Energy Resources - **HJR 123**

Environmental Regulation - **HB 2826, HB 3317, HB 3374, HB 3582, HB 4056, HB 4524, HCR 177**

Higher Education - **HB 429, HB 3586, HB 4528, SB 93, SB 1941**

Human Services - **HB 1540, HB 1978, HB 2402, HB 3112, HB 4389**

Insurance - **HB 2884, HB 4183**

Judiciary and Civil Jurisprudence - **HB 1527, HB 3876, HB 4237, HB 4445, HB 4793, HB 4833, SB 627, SB 866, SB 1575, SB 2065**

Land and Resource Management - **HB 3709**

Licensing and Administrative Procedures - **HB 1807, HB 2091, HB 2094, HB 2598, HB 2720, HB 2837, HB 4546, SB 809, SB 1410**

Natural Resources - **HB 4212, HB 4764**

Pensions, Investments, and Financial Services - **HB 2129, HB 3252, HB 4446, SB 638, SB 654, SB 1063**

Public Education - **HB 1839, HB 4407, SB 759, SB 955, SB 1125**

Public Health - **HB 279, HB 1126, HB 1504, HB 2190, HB 2279, HB 2294, HB 2369, HB 2581, HB 2677, HB 2917, HB 2965, HB 3749, HB 3804, HB 4281, HB 4393, HB 4560, HB 4596, SB 1954**

Public Safety - **HB 1499, HB 2799, HB 2839, HB 3419, HB 3732, HB 3987, SB 650, SB 729, SB 858, SB 1005, SB 1188, SB 1237**

State Affairs - **HB 276, HB 2426, HB 2942, HB 3796, HB 3943, HB 4133, HJR 119**

Transportation - **HB 9, HB 2412, HB 3403, HB 4332, HJR 9, SB 434, SB 702, SB 1571, SB 1827, SB 2015, SB 2380**

Urban Affairs - **HB 3682, HB 4738, SB 446, SB 461, SB 764, SB 820, SB 926, SB 971, SB 1011, SB 1103, SB 1295**

Ways and Means - **HB 791, HB 1377, HB 1896, HB 2319, HB 2583, HB 3104, HB 3310, HB 3669, HB 3676, HB 4660, HB 4692**

#### ENGROSSED

May 11 - **HB 130, HB 155, HB 456, HB 556, HB 853, HB 978, HB 1399, HB 1617, HB 1810, HB 1973, HB 2242, HB 2291, HB 2308, HB 2360, HB 2504, HB 3079, HB 3095, HB 3433, HB 3650, HB 4270**

#### ENROLLED

May 11 - **HB 1205, HB 1382, HB 2042, HB 2101, HB 2238, HB 2560, HCR 121, HCR 137, HCR 194**