

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTIETH DAY — WEDNESDAY, MAY 13, 2009

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

The roll of the house was called and a quorum was announced present (Record 783).

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; 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; 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.

Absent, Excused — Kuempel.

Absent — Flores.

The invocation was offered by Randy Bales, pastor, University Baptist Church, San Antonio, as follows:

Heavenly Father, we praise you this morning as the author of life and liberty. We humbly bow our hearts and heads before you in gratitude for the privilege of bringing our requests to you. Thank you for the blessings we enjoy as citizens of this great state. Thank you for your abundant provision for Texas during these difficult economic times. Thank you, most of all, for your continued presence among us. Create in us clean hearts and clear minds. Help us to acknowledge you in all our ways. Grant to us an unmistakable understanding of your desire, and then unrelenting resolve to accomplish it.

Father, I pray for the men and women in this chamber this morning who so graciously lead our state as public servants. Give them an understanding heart to discern between right and wrong, and good and evil. Impart to them sober prudence and moral insight as they struggle with the complex issues of today. Just as you granted Solomon's request for a wise and discerning heart, Father, grant them wisdom in their deliberations today. Bless the people of Texas through the decisions that are made in this chamber. Bless them with quiet and tranquil lives in all godliness and dignity. We ask in Jesus' name. Amen.

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

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

Kuempel on motion of Geren.

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

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Gattis who presented Dr. Daniel Voss of Georgetown as the "Doctor for the Day."

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

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

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

Ortiz on motion of Gutierrez.

(Harper-Brown in the chair)

#### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 29).

(Speaker in the chair)

#### **HR 795 - PREVIOUSLY ADOPTED (by D. Miller)**

The chair laid out the following previously adopted resolution:

**HR 795**, In memory of Gheral Thomas Purdum of New Braunfels.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative D. Miller who introduced family members of Gheral Thomas Purdum.

**HR 1398 - PREVIOUSLY ADOPTED**  
**(by Naishtat)**

The chair laid out the following previously adopted resolution:

**HR 1398**, Recognizing May 9-16, 2009, as AmeriCorps Week.

**HR 1834 - ADOPTED**  
**(by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 1834**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1834**, Congratulating Ryan Leigon of Lake Jackson for being named a finalist in the National Merit Scholarship Program.

**HR 1834** was adopted.

**HR 1625 - ADOPTED**  
**(by Gattis)**

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 1625**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1625**, Honoring Bonnie Simpson on the event of her retirement as an employee of the Texas House of Representatives.

**HR 1625** was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1625** as signers thereof.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Gattis who introduced Bonnie Simpson.

**HR 1996 - ADOPTED**  
**(by McReynolds)**

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 1996**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1996**, Recognizing June 1-7, 2009, as CPR-AED Awareness Week in Texas.

**HR 1996** was adopted.

**HR 1829 - ADOPTED  
(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 1829**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1829**, Congratulating Yolanda Morado of Rio Grande City on receiving a 2008 Regents Fellow Service Award from the Texas A&M University Board of Regents.

**HR 1829** was adopted.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 1005 ON THIRD READING  
(Kolkhorst - House Sponsor)**

**SB 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.

**SB 1005** was passed by (Record 784): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; 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; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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, T.; Kleinschmidt; Kolkhorst; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Alonzo; Branch; Burnam; Christian; Dutton; Flores; Gutierrez; King, S.; Pierson; Vo.

### STATEMENT OF VOTE

When Record No. 784 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flores

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

#### SB 1918 ON THIRD 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 passed by (Record 785): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; 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.; Kleinschmidt; Kolkhorst; 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; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Edwards; Flores; King, S.; King, T.; Paxton.

### STATEMENTS OF VOTE

When Record No. 785 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flores

I was shown voting yes on Record No. 785. I intended to vote no.

Rose

### SB 2225 ON THIRD 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 passed by (Record 786): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Alonzo; Davis, Y.; Eiland; Flores.

### STATEMENT OF VOTE

When Record No. 786 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flores

**SB 1206 ON THIRD READING**  
**(Edwards - House Sponsor)**

**SB 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.

**SB 1206** was passed by (Record 787): 140 Yeas, 1 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Burnam; Callegari; Edwards; Flores; Gallego; Hochberg.

**STATEMENTS OF VOTE**

When Record No. 787 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 787 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

When Record No. 787 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flores

When Record No. 787 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gallego

I was shown voting yes on Record No. 787. I intended to vote no.

Harper-Brown

### **SB 629 ON THIRD 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 passed by (Record 788): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Cohen; Davis, Y.; Edwards; Flores; Gallego; Giddings; Hochberg.

### **STATEMENTS OF VOTE**

When Record No. 788 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flores

When Record No. 788 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

When Record No. 788 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

**POSTPONED BUSINESS**

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

**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 read second time on May 12 and was postponed until 10:15 p.m. May 12.

Representative Rose moved to postpone consideration of **CSSB 956** until 11:45 a.m. today.

The motion prevailed.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 1801 ON THIRD 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 by (Record 789): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Aycock; Bolton; Darby; Flores.

### STATEMENTS OF VOTE

When Record No. 789 was taken, I was in the house but away from my desk. I would have voted yes.

Aycock

When Record No. 789 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

When Record No. 789 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flores

### HB 3452 ON THIRD 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.

**HB 3452** was passed by (Record 790): 145 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; 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, S.; King, T.; Kleinschmidt; Kolkhorst; 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; 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 — King, P.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Flores.

#### STATEMENTS OF VOTE

When Record No. 790 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flores

I was shown voting no on Record No. 790. I intended to vote yes.

P. King

#### HB 3389 ON THIRD READING (by Harper-Brown and Merritt)

**HB 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.

**HB 3389** was passed by (Record 791): 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; 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; 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; 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, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Edwards; Flores; Turner, C.

### STATEMENT OF VOTE

When Record No. 791 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flores

### GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

#### HB 2154 ON THIRD READING (by Edwards)

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

(Flores now present)

#### HB 2154 - POINT OF ORDER

Representative Hardcastle raised a point of order against further consideration of **HB 2154** under Rule 8, Section 3 of the House Rules on the grounds that it violates the one subject rule.

The point of order was withdrawn.

Representative Edwards moved to postpone consideration of **HB 2154** until 12 p.m. today.

The motion prevailed.

#### HB 2609 ON THIRD READING (by D. Miller and Fletcher)

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

**HB 2609** was passed by (Record 792): 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; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio;

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

Nays — Phillips.

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

Absent, Excused — Kuempel; Ortiz.

Absent — Flores; Hughes; Madden; McClendon; Solomons.

### STATEMENT OF VOTE

When Record No. 792 was taken, I was temporarily out of the house chamber. I would have voted yes.

Madden

### HB 2986 ON THIRD 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 by (Record 793): 142 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Fletcher.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — King, S.; Madden; McCall; Swinford.

### STATEMENTS OF VOTE

When Record No. 793 was taken, I was temporarily out of the house chamber. I would have voted yes.

Madden

When Record No. 793 was taken, I was in the house but away from my desk. I would have voted yes.

Swinford

### HB 3551 ON THIRD READING (by Bonnen)

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

**HB 3551** was passed by (Record 794): 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; 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; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Edwards; Hochberg; Hodge.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 794. I intended to vote no.

Phillips

**HB 3623 ON THIRD READING**  
**(by Elkins)**

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

**HB 3623** was passed by (Record 795): 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; 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; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Pickett.

**HB 3846 ON THIRD READING**  
**(by Swinford)**

**HB 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.

**HB 3846** was passed by (Record 796): 145 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Pitts.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 796. I intended to vote no.

Phillips

### HB 184 ON THIRD 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 by (Record 797): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, 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; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Hunter; Shelton.

### **HB 1277 ON THIRD READING**

**(by Button, Cook, Pitts, Deshotel, Giddings, et al.)**

**HB 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.

**HB 1277** was passed by (Record 798): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; 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; 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.

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

Absent, Excused — Kuempel; Ortiz.

Absent — Shelton.

### **STATEMENT OF VOTE**

I was shown voting present, not voting on Record No. 798. I intended to vote yes.

Anderson

**HB 1229 ON THIRD 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 Hilderbran offered the following amendment to **HB 1229**:

(1) Amend **HB 1229** on page \_\_\_\_ after line \_\_\_\_ by adding a new SECTION \_\_\_\_ to read as follows:

SECTION \_\_\_\_ . Section 6.411, Tax Code, is amended to read as follows:

Sec. 6.411. EX PARTE COMMUNICATIONS; PENALTY. (a) A member of an appraisal review board commits an offense if the member communicates with the chief appraiser or another employee of the appraisal district for which the appraisal review board is established in violation of Section 41.66(f).

(b) A chief appraiser or another employee of an appraisal district commits an offense if the chief appraiser or other employee communicates with a member of the appraisal review board established for the appraisal district in a circumstance in which the appraisal review board member is prohibited by Section 41.66(f) from communicating with the chief appraiser or other employee.

(c) This section does not apply to communications [~~that do not discuss the specific evidence, argument, facts, merits, or property involved in a hearing currently pending before the appraisal review board or to communications~~] between the board and its legal counsel.

(d) An offense under this section is a Class A [€] misdemeanor.

(2) Renumber remaining SECTIONS accordingly.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative S. Miller offered the following amendment to **HB 1229**:

Amend **HB 1229** on third reading as follows:

(1) Strike SECTIONS 2 and 3 of the bill and substitute the following SECTIONS, appropriately numbered:

SECTION \_\_\_\_ . Section 6.03, Tax Code, is amended by amending Subsections (a), (b), (c), (k), and (l) and adding Subsections (a-1), (a-2), and (m) to read as follows:

(a) The appraisal district is governed by a board of seven directors. Two directors are elected at the general election for state and county officers by the voters of the county in which the district is established, and five [Five] directors are appointed by the taxing units that participate in the district as provided by this section.

(a-1) 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-2) 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. To be eligible to be elected to the board, an individual must be a resident of the county in which the district is established. An individual who is otherwise eligible to serve on the board as a member appointed by the taxing units participating in the district 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 as a member appointed by the taxing units participating in the district 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. The terms of directors elected at a general election begin on January 1 of odd-numbered years. The terms of directors appointed by the taxing units begin ~~[beginning]~~ on January 1 of even-numbered years.

(c) Members of the board of directors, other than a county assessor-collector serving as a nonvoting director and other than the elected members, are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals appointed ~~[elected]~~, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs in an appointive position on the board of directors, other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, 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 appoint ~~elect~~ by majority vote of its members one of the nominees to fill the vacancy.

(m) If a vacancy occurs in an elective position on the board of directors, the board of directors shall appoint by majority vote of its members a person to fill the vacancy. A person appointed to fill a vacancy in an elective position must have the qualifications required of a director elected at a general election.

SECTION \_\_\_\_ . Section 6.031, Tax Code, is amended to read as follows:

Sec. 6.031. CHANGES IN BOARD MEMBERSHIP ~~[OR SELECTION]~~.

(a) The board of directors of an appraisal district, by resolution adopted and delivered to each taxing unit participating in the district before May ~~August~~ 15, may increase the number of members on the board of directors of the district to not more than 13 ~~or~~ ~~]~~ change the method or procedure for appointing the members appointed by the taxing units participating in the district, or both, unless the governing body of a taxing unit that is entitled to vote on the appointment of board members adopts a resolution opposing the change in the method or procedure for appointing those members ~~]~~ and files it with the board of directors before June ~~September~~ 1. If a change in the method or procedure for appointing those members is rejected, the board shall notify, in writing, each taxing unit participating in the district before June ~~September~~ 15.

(b) The taxing units participating in an appraisal district may increase the number of members on the board of directors of the district to not more than 13 ~~or~~ ~~]~~ change the method or procedure for appointing the members appointed by the taxing units participating in the district, or both, if the governing bodies of three-fourths of the taxing units that are entitled to vote on the appointment of board members adopt resolutions providing for the change. However, a change under this subsection in the method or procedure for selecting members appointed by the taxing units participating in the district is not valid if it reduces the voting entitlement of one or more taxing units that do not adopt a resolution proposing it to less than a majority of the voting entitlement under Section 6.03 ~~[of this code]~~ or if it reduces the voting entitlement of any taxing unit that does not adopt a resolution proposing it to less than 50 percent of its voting entitlement under Section 6.03 ~~[of this code]~~ and if that taxing unit's allocation of the budget is not reduced to the same proportional percentage amount, or if it expands the types of taxing units that are entitled to vote on appointment of board members.

(c) An official copy of a resolution under Subsection (b) ~~[this section]~~ must be filed with the chief appraiser of the appraisal district after May ~~June~~ 30 and before August ~~October~~ 1 ~~[of a year in which board members are appointed]~~ or the resolution is ineffective.

(d) Before August 15 ~~October 5 of each year in which board members are appointed~~, the chief appraiser shall determine whether a sufficient number of eligible taxing units have filed valid resolutions proposing a change under Subsection (b) for the change to take effect. The chief appraiser shall notify each taxing unit participating in the district of each change that is adopted before

August 30 [~~October 10~~]. A change in the method or procedure for selecting members appointed by the taxing units participating in the district that is adopted takes effect on the date the chief appraiser notifies the taxing units of the change. An increase in the number of members of the board takes effect on January 1 of the first year after the date the chief appraiser notifies the taxing units of the increase.

(e) If the number of members of the board is increased under this section, at least one-half of the number of new members shall be elected to the board in the manner provided by Section 6.03. The board of directors by majority vote of its members may increase the number of members to be elected to more than the minimum number required by this subsection.

(f) A change in [~~membership or~~] selection of the board members appointed by the taxing units participating in the district 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 that are entitled to vote on appointment of board members under Section 6.03 [~~of this code~~].

(g) [~~(f)~~] A provision of Section 6.03 [~~of this code~~] that is subject to change under this section but is not expressly changed by resolution of a sufficient number of eligible taxing units remains in effect.

(h) [~~(g)~~] For purposes of this section, the conservation and reclamation districts in an appraisal district are considered to be entitled to vote on the appointment of appraisal district directors if:

(1) a conservation and reclamation district has filed a request to the chief appraiser to nominate and vote on directors in the current year as provided by Section 6.03(c); or

(2) conservation and reclamation districts were entitled to vote on the appointment of directors in the appraisal district in the most recent year in which directors were appointed under Section 6.03.

SECTION \_\_\_\_\_. Subchapter A, Chapter 6, Tax Code, is amended by adding Section 6.032 to read as follows:

Sec. 6.032. BALLOT PROCEDURES FOR ELECTED DIRECTORS; FILING FEE. (a) Except as provided by this section, Chapter 144, Election Code, applies to a candidate for an elective position on an appraisal district board of directors.

(b) An application for a place on the ballot must be filed with the county judge of the county in which the appraisal district is established and be accompanied by a filing fee of:

(1) \$750 for a county with a population of less than 200,000; or

(2) \$1,250 for a county with a population of 200,000 or more.

(c) A candidate's name may appear on the ballot only as an independent candidate.

(d) A filing fee received under this section shall be deposited in the county treasury to the credit of the county general fund.

SECTION \_\_\_\_\_. Sections 6.033 and 6.037, Tax Code, are amended to read as follows:

Sec. 6.033. RECALL OF APPOINTED DIRECTOR. (a) The governing body of a taxing unit may call for the recall of a member of the board of directors of an appraisal district appointed by the taxing units participating in the district under Section 6.03 [~~of this code~~] for whom the unit cast any of its votes in the appointment of the appointive board members. The call must be in the form of a resolution, be filed with the chief appraiser of the appraisal district, and state that the unit is calling for the recall of the member. If a resolution calling for the recall of a board member is filed under this subsection, the chief appraiser, not later than the 10th day after the date of filing, shall deliver a written notice of the filing of the resolution and the date of its filing to the presiding officer of the governing body of each taxing unit entitled to vote in the appointment of board members.

(b) On or before the 30th day after the date on which a resolution calling for the recall of a member of the board appointed by the taxing units participating in the district is filed, the governing body of a taxing unit that cast any of its votes in the appointment of the board for that member may vote to recall the member by resolution submitted to the chief appraiser. Each taxing unit is entitled to the same number of votes in the recall as it cast for that member in the member's appointment to [of] the board. The governing body of the taxing unit calling for the recall may cast its votes in favor of the recall in the same resolution in which it called for the recall.

(c) Not later than the 10th day after the last day provided by this section for voting in favor of the recall, the chief appraiser shall count the votes cast in favor of the recall. If the number of votes in favor of the recall equals or exceeds a majority of the votes cast for the member in the member's appointment to [of] the board, the member is recalled and ceases to be a member of the board. The chief appraiser shall immediately notify in writing the presiding officer of the appraisal district board of directors and of the governing body of each taxing unit that voted in the recall election of the outcome of the recall election. If the presiding officer of the appraisal district board of directors is the member whose recall was voted on, the chief appraiser shall also notify the secretary of the appraisal district board of directors of the outcome of the recall election.

(d) If a vacancy occurs on the board of directors after the recall of a member of the board under this section, the taxing units that were entitled to vote in the recall election shall appoint a new board member to the vacancy. Each taxing unit is entitled to the same number of votes as it originally cast to appoint the recalled board member. Each taxing unit entitled to vote may nominate one candidate by resolution adopted by its governing body. The presiding officer of the governing body of the unit shall submit the name of the unit's nominee to the chief appraiser on or before the 30th day after the date it receives notification from the chief appraiser of the result of the recall election. On or before the 15th day after the last day provided for a nomination to be submitted, the chief appraiser shall prepare a ballot, listing the candidates nominated alphabetically according to each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote. On or before the 15th day after the date on which a taxing unit's ballot is delivered, the governing body of the taxing unit shall determine its vote by resolution and submit it to the

chief appraiser. On or before the 15th day after the last day on which a taxing unit may vote, the chief appraiser shall count the votes, declare the candidate who received the largest vote total appointed, and submit the results to the presiding officer of the governing body of the appraisal district and of each taxing unit in the district and to the candidates. The chief appraiser shall resolve a tie vote by any method of chance.

(e) If the members appointed by the taxing units participating in the district to the board of directors of an appraisal district are ~~is~~ appointed by a method or procedure adopted under Section 6.031 ~~[of this code]~~, the governing bodies of the taxing units that voted for or otherwise participated in the appointment of a member of the board may recall that member and appoint a new member to the vacancy by any method adopted by resolution of a majority of those governing bodies. If the appointment was by election by the taxing units participating in the district, the method of recall and of appointing a new member to the vacancy is not valid unless it provides that each taxing unit is entitled to the same number of votes in the recall and in the appointment to fill the vacancy as the unit ~~[#]~~ originally cast for the member being recalled.

Sec. 6.037. PARTICIPATION OF CONSERVATION AND RECLAMATION DISTRICTS IN APPRAISAL DISTRICT MATTERS. In this title, a reference to the taxing units entitled to vote on the appointment of appraisal district board members includes the conservation and reclamation districts participating in the appraisal district, without regard to whether the conservation and reclamation districts are currently entitled to do so under Section 6.03(c). In a provision of this title other than Section 6.03 or 6.031 that grants authority to a majority or other number of the taxing units entitled to vote on the appointment of appraisal district directors, including the disapproval of the appraisal district budget under Section 6.06 ~~[and the disapproval of appraisal district board actions under Section 6.10]~~, the conservation and reclamation districts participating in the appraisal district are given the vote or authority of one taxing unit. That vote or authority is considered exercised only if a majority of the conservation and reclamation districts take the same action to exercise that vote or authority. Otherwise, the conservation and reclamation districts are treated in the same manner as a single taxing unit that is entitled to act but does not take any action on the matter.

SECTION \_\_\_\_\_. Section 52.092, Election Code, is amended by adding Subsection (k) to read as follows:

(k) The secretary of state shall prescribe procedures for listing the office of appraisal district director on the ballot.

SECTION \_\_\_\_\_. Sections 6.034 and 6.10, Tax Code, are repealed.

SECTION \_\_\_\_\_. (a) The appropriate number of appraisal district directors holding elective positions shall be elected in each appraisal district as provided by Section 6.03, Tax Code, as amended by this Act, and Section 6.032, Tax Code, as added by this Act, beginning with the general election for state and county officers conducted in 2010. Members then elected take office January 1, 2011.

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

SECTION \_\_\_\_\_. (a) As soon as practicable on or after January 1, 2010, 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.

SECTION \_\_\_\_\_. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect January 1, 2011.

(b) Section 6.41, Tax Code, as amended by this Act, takes effect January 1, 2010.

(c) Section 52.092, Election Code, as amended by this Act, takes effect September 1, 2009.

(2) Renumber the existing SECTION of the bill accordingly.

Amendment No. 2 was adopted. (S. King recorded voting no.)

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 29).

#### **HB 1229 - (consideration continued)**

Representative C. Howard moved to postpone consideration of **HB 1229** until 11:45 a.m. today.

The motion prevailed.

#### **HB 1319 ON THIRD 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 by (Record 799): 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; 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; Otto; Parker(C); 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, Excused — Kuempel; Ortiz.

Absent — Edwards; Giddings; King, S.; Lewis.

**HB 1928 ON THIRD 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 by (Record 800): 86 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Corte; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Keffer; Kent; King, P.; King, S.; King, T.; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Aycok; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Button; Chisum; Christian; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Miller, D.; Miller, S.; Orr; Otto; Patrick; Paxton; Phillips; Riddle; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Woolley.

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

Absent, Excused — Kuempel; Ortiz.

Absent — Edwards; Giddings; Weber.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 800. I intended to vote no.

Madden

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted no.

Weber

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

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

**Amendment No. 1**

Representative Harless offered the following amendment to **HB 4061**:

Amend **HB 4061** on third reading in SECTION 1 of the bill by striking "Todd Levin" and substituting "Todd Levin-Lilly Lalime".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative T. King offered the following amendment to **HB 4061**:

Amend **HB 4061** on third reading as follows:

(1) On page 1, line 12 (second reading engrossment), strike "third business" and substitute "10th".

(2) On page 4, line 8 (second reading engrossment), strike "third business" and substitute "10th".

(3) On page 9, line 13 (second reading engrossment), strike "third business" and substitute "10th".

(4) On page 10, lines 23-24 (second reading engrossment), strike "third business" and substitute "10th".

(5) On page 11, line 4 (second reading engrossment), strike "third business" and substitute "10th".

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative B. Brown offered the following amendment to **HB 4061**:

Amend **HB 4061**, on third reading, as follows:

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

SECTION \_\_\_\_\_. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0184 to read as follows:

Art. 102.0184. ADDITIONAL COSTS ATTENDANT TO INTOXICATION CONVICTIONS: MEMORIAL SIGNS. (a) In addition to other costs on conviction imposed by this chapter, a person convicted of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, that involved the operating of a motor vehicle and resulted in the death of another person shall pay a memorial sign fee not to exceed \$300 as a court cost on conviction of the offense.

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

- (1) a sentence is imposed on the person; or
- (2) the person is placed on community supervision.

(c) A clerk of the court shall collect the costs and pay them to the comptroller for deposit to the credit of the memorial sign account established under Section 201.9095, Transportation Code.

SECTION \_\_\_\_\_. Subchapter K, Chapter 201, Transportation Code, is amended by adding Section 201.9095 to read as follows:

Sec. 201.9095. MEMORIAL SIGN ACCOUNT. The memorial sign account is created as a dedicated account in the general revenue fund of the state treasury. Money in the account may be appropriated only to the Texas Department of Transportation to pay costs incurred in posting memorial signs under Section 201.909.

SECTION \_\_\_\_\_. (a) Section 102.021, Government Code, is amended to conform to Chapter 1263 (**HB 3060**), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

(1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) . . . \$4;

(2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(3) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(B) executing or processing an issued arrest warrant, [~~or~~] capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$50;

(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

(F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;

(I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

(J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;

(4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;

(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(8) court costs on an offense of truancy or contributing to truancy (Art. 102.014, Code of Criminal Procedure) . . . \$20;

(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;

(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

(11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

(13) cost for DNA testing for certain felonies (Art. 102.020, Code of Criminal Procedure) . . . \$250;

(14) court cost on an offense of public lewdness or indecent exposure (Art. 102.020, Code of Criminal Procedure) . . . \$50;

(15) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12; ~~and~~

(16) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action (Art. 45.041, Code of Criminal Procedure) . . . part or all of the costs as directed by the judge;

(17) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 469, Health and Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$50; and

(18) costs attendant to convictions of certain offenses under Chapter 49, Penal Code, for the memorial sign program under Section 201.909, Transportation Code (Art. 102.0184, Code of Criminal Procedure) . . . not to exceed \$300.

(b) Section 102.0215, Government Code, is repealed.

SECTION \_\_\_\_\_. The Texas Department of Transportation by rule shall ensure that a memorial sign posted under Section 201.909, Transportation Code, is released at the end of the one-year posting period to the person who requested the posting under Subsection (d) of that section, regardless of whether the person was required to submit a fee to help defray the costs of posting.

SECTION \_\_\_\_\_. Article 102.0184, Code of Criminal Procedure, as added by this Act, applies only to a cost on conviction for an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

(2) On page 11, lines 23 and 24 (second reading engrossment), strike "provided by Subsection (b) of this section, the change in law made by this Act applies" and substitute "otherwise provided by this Act, the changes in law made by this Act apply".

Amendment No. 3 was adopted.

**HB 4061**, as amended, was passed by (Record 801): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Ortiz.

Absent — Dutton; Elkins; Guillen; Raymond; Thompson.

### STATEMENT OF VOTE

When Record No. 801 was taken, my vote failed to register. I would have voted yes.

Guillen

(Rose in the chair)

### HB 176 ON THIRD 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 passed by (Record 802): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; 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.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Kuempel; Ortiz.

Absent — Alonzo; Davis, Y.; Dutton; Elkins; Gonzalez Toureilles; Laubenberg; Miller, S.; Paxton; Thompson; Villarreal.

### STATEMENTS OF VOTE

When Record No. 802 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

When Record No. 802 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**HB 1943 ON THIRD READING**  
**(by Herrero, Naishtat, Kent, and Bolton)**

**HB 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.

**HB 1943** was passed by (Record 803): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, 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; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose(C); 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.

Absent, Excused — Kuempel; Ortiz.

Absent — Morrison; Thompson.

**STATEMENT OF VOTE**

When Record No. 803 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

**HB 2014 ON THIRD READING**  
**(by Vo, et al.)**

**HB 2014**, A bill to be entitled An Act relating to credit card marketing activities at postsecondary educational institutions.

**HB 2014** was passed by (Record 804): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Kuempel; Ortiz.

Absent — Dutton; Elkins; Flynn; Merritt; Thompson.

#### STATEMENTS OF VOTE

When Record No. 804 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

When Record No. 804 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, Investments, and Financial Services, upon lunch recess today, Desk 6, for a formal meeting, to consider pending business.

#### HR 2039 - ADOPTED (by Riddle)

Representative Riddle moved to suspend all necessary rules to take up and consider at this time **HR 2039**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2039**, Honoring Dr. Donald R. Butts on his selection as the Distinguished Houston Surgeon for 2009 by the Houston Surgical Society.

**HR 2039** was adopted.

**HR 2049 - ADOPTED**  
**(by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 2049**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2049**, Honoring Joe Beene of Odessa for his many achievements.

**HR 2049** was adopted.

**POSTPONED BUSINESS**

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

**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 read second time on May 12, postponed until 10:15 p.m. May 12, and was again postponed until this time.

**Amendment No. 1**

Representatives Chavez and Martinez offered the following amendment to **CSSB 956**:

Amend **CSSB 956** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill to read as follows:

SECTION \_\_\_\_\_. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0665 to read as follows:

Sec. 61.0665. STUDY REGARDING ESTABLISHMENT OF LAW SCHOOLS. (a) The board shall conduct a study to examine the need for and feasibility of establishing a public law school in areas of the state where a law school is not located, including the Texas-Mexico border region. The study shall be conducted using the same criteria used for determining the need for and feasibility of establishing the University of North Texas College of Law.

(b) Not later than November 1, 2010, the board shall report the results of the study required by Subsection (a) to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative standing committee with primary jurisdiction over higher education.

(c) This section expires January 31, 2011.

Amendment No. 1 was adopted.

**CSSB 956**, as amended, was passed to third reading.

**HB 59 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Branch moved to lay **HB 59** on the table subject to call.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 2118 ON THIRD 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 by (Record 805): 140 Yeas, 0 Nays, 1 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; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Rodriguez; Rose(C); Shelton; Smith, T.; Smith, W.; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Ortiz.

Absent — Aycock; Gattis; Harper-Brown; Ritter; Sheffield; Smithee; Thompson.

**STATEMENTS OF VOTE**

When Record No. 805 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 805. I intended to vote no.

Hartnett

When Record No. 805 was taken, I was in the house but away from my desk. I would have voted no.

Sheffield

When Record No. 805 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**POSTPONED BUSINESS**

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

**HB 1229 ON THIRD READING**  
(by C. Howard)

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

**HB 1229** was read third time earlier today, amendments were offered and disposed of, and **HB 1229** was postponed until this time.

**HB 1229**, as amended, was passed by (Record 806): 140 Yeas, 4 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; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; 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, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose(C); Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Heflin; Maldonado; Otto; Turner, C.

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Ortiz.

Absent — Edwards; Flores; King, S.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 806. I intended to vote no.

Anchia

I was shown voting yes on Record No. 806. I intended to vote no.

Gonzales

I was shown voting yes on Record No. 806. I intended to vote no.

Gutierrez

I was shown voting yes on Record No. 806. I intended to vote no.

Hartnett

I was shown voting yes on Record No. 806. I intended to vote no.

D. Howard

I was shown voting yes on Record No. 806. I intended to vote no.

Pierson

I was shown voting yes on Record No. 806. I intended to vote no.

Strama

I was shown voting yes on Record No. 806. I intended to vote no.

Thibaut

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 2705 ON THIRD 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 by (Record 807): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; 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; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose(C); Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Strama.

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Ortiz.

Absent — Callegari; Mallory Caraway; Orr.

**HB 2002 ON THIRD 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 by (Record 808): 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; 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; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose(C); Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Ortiz.

Absent — Flores.

**HB 3859 ON THIRD READING**  
**(by Herrero, Marquez, et al.)**

**HB 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.

**HB 3859** was passed by (Record 809): 94 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Branch; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hilderbran;

Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Otto; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose(C); Smith, W.; Solomons; Strama; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Walle.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Cook; Craddick; Creighton; Driver; Eissler; Elkins; Fletcher; Flynn; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hughes; Hunter; Isett; Jackson; Jones; King, P.; Kolkhorst; Laubenberg; Legler; Lewis; Madden; McCall; Miller, D.; Miller, S.; Orr; Parker; Patrick; Paxton; Riddle; Sheffield; Shelton; Smith, T.; Smithee; Swinford; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Ortiz.

Absent — Gattis; Vo.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 809. I intended to vote no.

Corte

I was shown voting yes on Record No. 809. I intended to vote no.

Crabb

I was shown voting yes on Record No. 809. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 809. I intended to vote no.

Morrison

I was shown voting yes on Record No. 809. I intended to vote no.

Solomons

I was shown voting yes on Record No. 809. I intended to vote no.

Truitt

### HB 3680 ON THIRD READING

(by Riddle)

**HB 3680**, A bill to be entitled An Act relating to creating the offense of contributing to the delinquency of a child.

**HB 3680** was passed by (Record 810): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Craddick; Creighton; 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; 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; 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; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose(C); Sheffield; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Ortiz.

Absent — Cohen; Crownover; Hamilton; Peña; Shelton; Solomons; Thompson.

### STATEMENT OF VOTE

When Record No. 810 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

### HB 2846 ON THIRD READING (by Riddle)

**HB 2846**, A bill to be entitled An Act relating to the admissibility of certain hearsay statements made by a child abuse victim.

**HB 2846** was passed by (Record 811): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Otto; Parker; Patrick; Paxton;

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

Nays — Dutton.

Present, not voting — Mr. Speaker; Mallory Caraway.

Absent, Excused — Kuempel; Ortiz.

Absent — Branch; King, P.; Solomons; Taylor; Thompson.

### STATEMENT OF VOTE

When Record No. 811 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

### HB 103 ON THIRD READING

(by F. Brown)

**HB 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.

**HB 103** was passed by (Record 812): 143 Yeas, 4 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; 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; 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; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Crabb; Flynn; Geren; Rose(C).

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Ortiz.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 812. I intended to vote yes.

Crabb

I was shown voting no on Record No. 812. I intended to vote yes.

Flynn

(Speaker in the chair)

**HB 2003 ON THIRD READING  
(by McCall, Castro, and Orr)**

**HB 2003**, A bill to be entitled An Act relating to the creation of the offense of online harassment.

**HB 2003** was passed by (Record 813): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Anchia; Hochberg; Legler; Strama.

**STATEMENTS OF VOTE**

When Record No. 813 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 813 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 1146 ON THIRD READING**

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

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

**HB 1146** was passed by (Record 814): 127 Yeas, 17 Nays, 1 Present, not voting.

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

Nays — Anderson; Aycock; Bonnen; Brown, B.; Brown, F.; Chisum; Christian; Darby; Gattis; Hancock; Laubenberg; Lewis; Madden; Paxton; Sheffield; Shelton; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Hochberg; Hughes; Phillips.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 814. I intended to vote no.

Riddle

**POSTPONED BUSINESS**

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

**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** was read second time on May 12 and was postponed until 9:45 p.m. May 12.

**CSHB 2070 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **CSHB 2070** under Rule 4, Section 41 of the House Rules on the grounds that the committee substitute is not germane to the bill.

The point of order was withdrawn.

Representative Cohen moved to postpone consideration of **CSHB 2070** until 1:15 p.m. today.

The motion prevailed.

**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.

**CSHB 2669** was read second time on May 12 and was postponed until 5 a.m. today.

Representative Crownover moved to postpone consideration of **CSHB 2669** until 6 a.m. tomorrow.

The motion prevailed.

**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.

**CSHB 4009** was read second time on May 12 and was postponed until 5:01 a.m. today.

**CSHB 4009** was passed to engrossment.

**SB 2038 ON SECOND READING**  
**(Hartnett - House Sponsor)**

**SB 2038**, A bill to be entitled An Act relating to the construction of nonsubstantive codifications and revisions of statutes.

**SB 2038** was considered in lieu of **CSHB 4126**.

**SB 2038** was read second time and was passed to third reading.

**CSHB 4126 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hartnett moved to lay **CSHB 4126** on the table subject to call.

The motion prevailed.

**CSHB 1128 ON SECOND READING  
(by McReynolds)**

**CSHB 1128**, A bill to be entitled An Act relating to certain corrective actions by the Texas Board of Nursing, including a pilot program on deferred disciplinary action; providing corrective actions.

**CSHB 1128** was read second time on May 8 and was postponed until 8 a.m. today.

Representative McReynolds moved to postpone consideration of **CSHB 1128** until 6 p.m. today.

The motion prevailed.

**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.

**HB 357** was read second time on May 12 and was postponed until 10 a.m. today.

Representative Quintanilla moved to postpone consideration of **HB 357** until 10 a.m. Tuesday, June 2.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

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

**RECESS**

At 12:10 p.m., the speaker announced that the house would stand recessed until 1 p.m. today.

**AFTERNOON SESSION**

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

**POSTPONED BUSINESS**

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

**HB 2154 ON THIRD READING  
(by Edwards)**

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

**HB 2154** was read third time earlier today and was postponed until this time.

**HB 2154** was passed by (Record 815): 90 Yeas, 38 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **HB 2154** was passed by Record No. 816.)

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Craddick; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farias; Farrar; Flores; Flynn; Frost; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hancock; Heflin; Hernandez; Hilderbran; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Jackson; Keffer; King, S.; King, T.; Kleinschmidt; Laubenberg; Legler; Leibowitz; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miklos; Miller, D.; Moody; Naishtat; Olivo; Otto; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Rose; Shelton; Smithee; Strama; Swinford; Thibaut; Thompson; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Cook; Corte; Crabb; Driver; England; Fletcher; Gattis; Hardcastle; Harless; Harper-Brown; Hartnett; Hughes; Hunter; Isett; Jones; Kent; Lewis; Madden; Mallory Caraway; McCall; McReynolds; Miller, S.; Oliveira; Orr; Parker; Patrick; Riddle; Ritter; Sheffield; Solomons; Truitt; Vaught.

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

Absent, Excused — Kuempel; Ortiz.

Absent — Alvarado; Branch; Chavez; Creighton; Crownover; Farabee; Gallego; Geren; Hamilton; Herrero; Homer; King, P.; Kolkhorst; Morrison; Paxton; Smith, T.; Smith, W.; Taylor.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 815. I intended to vote no.

Anderson

I was shown voting no on Record No. 815. I intended to vote yes.

Bohac

When Record No. 815 was taken, I was in the house but away from my desk. I would have voted no.

Branch

When Record No. 815 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

When Record No. 815 was taken, I was in the house but away from my desk. I would have voted no.

Creighton

When Record No. 815 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

I was shown voting yes on Record No. 815. I intended to vote no.

Flynn

When Record No. 815 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

I was shown voting yes on Record No. 815. I intended to vote no.

Keffer

When Record No. 815 was taken, I was in the house but away from my desk. I would have voted no.

P. King

I was shown voting yes on Record No. 815. I intended to vote no.

Miklos

When Record No. 815 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

I was shown voting yes on Record No. 815. I intended to vote no.

Phillips

I was shown voting no on Record No. 815. I intended to vote yes.

Vaught

### **HB 2154 - VOTE RECONSIDERED**

Representative Edwards moved to reconsider the vote by which **HB 2154** was passed.

The motion to reconsider prevailed.

### **HB 2154 ON THIRD READING (by Edwards)**

The speaker laid before the house, on its third reading and final passage,

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

**HB 2154** was read third time earlier today and was passed by Record No. 815.

### **MESSAGE FROM THE SENATE**

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

### **HB 2154 - (consideration continued)**

**HB 2154** was passed by (Record 816): 79 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Craddick; Crownover; Darby; Davis, J.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farabee; Farias; Farrar; Flores; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Gutierrez; Hamilton; Hancock; Hernandez; Herrero; Hochberg; Homer; Hopson; Howard, D.; Jackson; King, S.; King, T.; Kleinschmidt; Leibowitz; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Moody; Naishtat; Oliveira; Olivo; Otto; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Rose; Shelton; Smith, T.; Smithee; Strama; Swinford; Thibaut; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson; Berman; Bolton; Bonnen; Brown, B.; Brown, F.; Button; Cook; Corte; Crabb; Creighton; Davis, Y.; Driver; Eiland; Eissler; Elkins; England; Fletcher; Flynn; Gattis; Geren; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hodge; Howard, C.; Hughes; Hunter; Isett; Jones; Kent; King, P.; Kolkhorst; Laubenberg; Legler; Lewis; Madden; Mallory Caraway; McCall; McReynolds; Merritt; Miklos; Miller, D.; Miller, S.; Morrison; Orr; Parker; Patrick; Paxton; Phillips; Riddle; Ritter; Sheffield; Smith, W.; Solomons; Taylor; Thompson; Truitt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel; Ortiz.

Absent — Branch; Frost; Guillen; Keffer; Maldonado; Pitts; Vaught.

**STATEMENTS OF VOTE**

When Record No. 816 was taken, I was in the house but away from my desk. I would have voted no.

Branch

I was shown voting no on Record No. 816. I intended to vote yes.

Eiland

When Record No. 816 was taken, I was in the house but away from my desk. I would have voted no.

Keffer

I was shown voting no on Record No. 816. I intended to vote yes.

Kent

I was shown voting no on Record No. 816. I intended to vote yes.

Kolkhorst

I was shown voting no on Record No. 816. I intended to vote yes.

Legler

I was shown voting yes on Record No. 816. I intended to vote no.

T. Smith

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**SB 254 ON SECOND READING  
(Peña - House Sponsor)**

**SB 254**, A bill to be entitled An Act relating to the exemption of volunteer fire departments from certain motor fuel taxes.

**SB 254** was considered in lieu of **HB 387**.

**SB 254** was passed to third reading. (Anderson recorded voting no.)

**HB 387 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Peña moved to lay **HB 387** on the table subject to call.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

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

Pitts on motion of Lewis.

**CSHB 821 ON SECOND READING**

**(by Leibowitz, Naishtat, Herrero, Rodriguez, Cook, et al.)**

**CSHB 821**, A bill to be entitled An Act relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

**CSHB 821 - STATEMENT OF LEGISLATIVE INTENT**

**REPRESENTATIVE HARDCASTLE**: Thank you, Mr. Leibowitz. I applaud your effort in working on this bill, and I understand that there's a large group of you that have been working on this. I think recycling is a grand idea, but I have a couple questions. First, I see in your bill that it says the retailers are not required to collect the TV equipment for recycling. Can you explain to me how my constituents in the far-off counties, in the small counties, how they're going to deal with the recycling of an old TV set without it costing money for them to take it somewhere?

**REPRESENTATIVE LEIBOWITZ**: Okay, it's not going to cost them money. First off, the retailers' responsibilities—they only have to provide written information from the TCEQ on how to recycle the televisions. This information can be provided as part of the product packaging, it can be included with the sales receipt, or through a toll free number or web address provided to the consumers. A retailer does not have collect the televisions themselves, but the manufacturers will enter into contracts—if a retailer wants to enter into a contract with a manufacturer to recycle the TVs, they can do so. That's going to be between the

manufacturers and the retailers, but Goodwill—there will be a lot of these companies that will want to recycle the TVs, and they will, in turn, enter into contracts with the manufacturers.

**HARDCASTLE:** I understand that the manufacturers are supposed to be responsible for collecting the TVs, but how is a manufacturer going to pick up the equipment out in rural Texas? I have counties with populations of less than 1,500 people, and I can assure you that a small mom-and-pop store is not going to be able to incur any additional costs of recycling if the manufacturers don't come up with a good program.

**LEIBOWITZ:** The mom-and-pop stores are not going to have an obligation to recycle it. It's going to be through another approach that the manufacturers are going to set up with the TCEQ, and they're going to base it upon market share as the years progress, and there's going to be a system in place, in the bill, to allow these parameters to be created.

### **REMARKS ORDERED PRINTED**

Representative Hardcastle moved to print remarks between Representative Leibowitz and Representative Hardcastle.

The motion prevailed.

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

Representative Leibowitz offered the following amendment to **CSHB 821**:

Amend **CSHB 821** (house committee printing) by striking added Section 361.990, Health and Safety Code (page 14, line 25 through page 15, line 18).

Amendment No. 1 was adopted.

**CSHB 821**, as amended, was passed to engrossment. (Fletcher, Flynn, and C. Howard recorded voting no.)

(Ortiz now present)

(Leibowitz in the chair)

### **HB 1657 ON SECOND READING**

**(by Giddings, Solomons, Eiland, Hughes, Smithee, et al.)**

**HB 1657**, A bill to be entitled An Act relating to workers' compensation insurance coverage regarding certain contractors.

Representative Giddings moved to postpone consideration of **HB 1657** until 1:52 p.m. today.

The motion prevailed.

### **CSHB 1669 ON SECOND READING**

**(by Callegari, W. Smith, C. Howard, Pitts, and Ritter)**

**CSHB 1669**, A bill to be entitled An Act relating to certificates of public convenience and necessity for water or sewer services.

Representative Callegari moved to postpone consideration of **CSHB 1669** until 2 p.m. today.

The motion prevailed.

**CSHB 1795 ON SECOND READING**  
**(by Pierson, Vaught, Dukes, Kent, Naishtat, et al.)**

**CSHB 1795**, A bill to be entitled An Act relating to newborn screening and the creation of the Newborn Screening Advisory Committee.

**CSHB 1795** was passed to engrossment. (Fletcher recorded voting no.)

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Thompson requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, at 2 p.m. today, in 3W.15, for a formal meeting, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Licensing and Administrative Procedures, 2 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**CSHB 1993 ON SECOND READING**  
**(by Anchia, et al.)**

**CSHB 1993**, A bill to be entitled An Act relating to certain energy security technologies for critical governmental facilities.

**CSHB 1993** was passed to engrossment. (Anderson, Button, Fletcher, Harper-Brown, Hunter, and Morrison recorded voting no.)

**POSTPONED BUSINESS**

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

**HB 1657 ON SECOND READING**  
**(by Giddings, Solomons, Eiland, Hughes, Smithee, et al.)**

**HB 1657**, A bill to be entitled An Act relating to workers' compensation insurance coverage regarding certain contractors.

**HB 1657** was read second time earlier today and was postponed until this time.

**HB 1657 - POINT OF ORDER**

Representative Kleinschmidt raised a point of order against further consideration of **HB 1657** under Rule 4, Section 11 and Rule 4, Section 14 of the House Rules on the grounds that proper notice of the committee meeting was not given.

The point of order was withdrawn.

Representative Giddings moved to postpone consideration of **HB 1657** until 2:45 p.m. today.

The motion prevailed.

(Darby in the chair)

**CSHB 1669 ON SECOND READING**  
**(by Callegari, W. Smith, C. Howard, Pitts, and Ritter)**

**CSHB 1669**, A bill to be entitled An Act relating to certificates of public convenience and necessity for water or sewer services.

**CSHB 1669** was read second time earlier today and was postponed until this time.

**CSHB 1669 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE LAUBENBERG: Bill, this issue about the CCN going beyond a municipality's ETJ—we dealt with this in 2003, or was it 2005?

REPRESENTATIVE CALLEGARI: Two-thousand-five, yes.

LAUBENBERG: Two-thousand-five, then 2007, and we have language in the bill now that protects the landowner, that sets up requirements and procedures for the city or the landowner to go through if they want to get out of the city's CCN.

CALLEGARI: Right.

LAUBENBERG: The language in your bill right now takes us back to the problems we were having back in 2003 for small—and I'm getting to my question—for small and medium-sized cities that have gone through the process of getting their CCN. This section would restrict them from holding that CCN beyond their ETJ, is that correct?

CALLEGARI: Jodie, I'm not sure if I followed the entire question. And it was in 2005, not 2003.

LAUBENBERG: Two-thousand-five, right.

CALLEGARI: I don't think this bill takes anything away from them—the bill in 2005 basically did that. What we're trying to do here is give the landowner an option to opt out. The two major provisions are that they can consider price as well as just whether or not somebody can provide service, but it does have a provision that says that if a municipality has plans or lines in the ground to provide service outside their ETJ, that this does not prevent them from maintaining that CCN. If they have a break in the line with no plans to do so, then yes, they might lose that CCN.

LAUBENBERG: But here is the concern, because you're right—in 2003, it was 2003, right?

CALLEGARI: Two-thousand-five.

LAUBENBERG: I'm sorry—five—that pulled it away from the cities—CCN outside the ETJ.

CALLEGARI: Right, and this is a landowner protection thing. We're trying to keep the right balance between landowner and the municipality.

LAUBENBERG: Isn't that what we did in 2007 by setting up the ability for the landowner to pull out of the CCN because—

CALLEGARI: We set up a de-certification process TCEQ has to do. Basically, the bill refines that process.

LAUBENBERG: I think you're going to have unintended consequences, because this section right here will prohibit a city, a small town, a medium-sized town, from having the CCN beyond their ETJ. You know as cities grow, they extend out their ETJ.

CALLEGARI: Yes.

LAUBENBERG: And the idea is not to stop the development, it is not to restrict the landowner from doing what he wants to do on his land. It is to make sure there is a consistent, coherent planning process to provide water for the growth of the area. I think we both have shown in committee, we're very pro-development, absolutely.

CALLEGARI: Right.

LAUBENBERG: But you've got to have a plan, and this would even supercede the plans. I just am concerned—

CALLEGARI: That's my point. The intent of this bill is that if they have a plan on the ground or a specific plan that's been certified—it's not our intention this bill would affect that. They can go ahead and accomplish that plan.

LAUBENBERG: But you're not sure, because we were talking earlier, and you're not sure that there could be some unintended consequences.

CALLEGARI: I think it does. I think you question whether it's accurate or not, and as I told you, I'll be happy if we have to come up with some different language that specifies what I'm talking about. I don't have a problem doing that when we go to third reading. My understanding of the way the bill reads is that if they have a plan and are providing services, this won't decertify their CCN. And the TCEQ does have a voice in that, as well.

LAUBENBERG: Right, well TCEQ had the voice. We put that in in 2007.

CALLEGARI: Yes, right.

LAUBENBERG: In '07, I think it was. They didn't have anything in 2005. But I'm afraid—how do I ask this as a question—could there be some unintended consequences, that it could actually negate the TCEQ's ability to make those determinations on pulling out of the CCN? In this section, could that happen?

CALLEGARI: I don't see that that could negate the TCEQ's ability to do that. I certainly can't guarantee that we never have unintended consequences, because we have that potential on every bill that we pass. But it's not the intention to try to undo some existent service or existent agreement that a city has. It's going forward and, as I said, it's landowner protection. If you remember, the basic

problem was that we had people who were creating CCNs, and when some landowner tried to develop and ask for service, sometimes they couldn't be provided. So they either couldn't develop their land or were asked to pay exorbitant amounts to get out of the CCN. I'm not saying cities did that.

LAUBENBERG: That usually happened with some of the smaller water or utility companies, but not with the cities. Have there been any problems?

CALLEGARI: I think you're probably right about that.

LAUBENBERG: The problems aren't with the cities.

CALLEGARI: We did have some cities that went out and annexed areas way beyond their city limits and ETJs.

LAUBENBERG: But they can't annex beyond the boundaries that we set up by law—it's the CCN—and in order to get the CCN they have to apply with TCEQ. They have to go through a whole process and procedure, right?

CALLEGARI: Right.

LAUBENBERG: I know you want to move on, on this bill. Let me ask you this: are you willing to help me take care of the high growth, small and medium-sized cities, so that there isn't any unintended, inadvertent—

CALLEGARI: Right, but I want to make it clear. My intention is that if they have plans—as we've stated in other parts of this document—to provide service and have made steps to do that, I'm okay with that. I also have to make it clear that if they don't have plans, and they just want to annex area for future growth—the original intent of this was not to allow that.

LAUBENBERG: Okay, here's the question. They already have the CCN, so are you willing, if they already have the CCN—and it's a municipality, I'm not talking about, not any of the water supply companies. I'm talking about the municipalities, who are very willing, very compliant in their planning process—to make sure that they are not hurt in that planning for growth?

CALLEGARI: As long as they have some kind of a plan to provide that service.

LAUBENBERG: Okay, so that can be something that we can work on for tomorrow. If they have their plan, that they have their CCN already in place, and it does go beyond their ETJ, that you would—

CALLEGARI: Again, we don't want to disturb a plan that exists.

LAUBENBERG: I'm not dealing generically.

CALLEGARI: The answer is yes.

LAUBENBERG: How would this affect a city that already has a CCN beyond their ETJ—extraterritorial jurisdiction—they have their comprehensive plan in place, and usually when the cities and towns do their comprehensive plan, that includes their roads, and their water, but it may not be—especially with the economy slowing down—implemented for another three to five, or so, years. How would this section—in Section 2 of your bill—affect that? I think what Chairman Ritter was talking about is getting new CCN approval. I'm talking

about a municipality that already has the CCN, it has its comprehensive plan, but it may not be able to implement that plan until several years down the road. How would that affect—

CALLEGARI: I think the agreement that we had made was that if there was a plan and the service would be provided within a certain period of time, I think it was five years from the time the plan was done, if I remember right.

LAUBENBERG: Five years, okay. Right now, what was put in place in 2007 was to allow the landowner to de-certify through TCEQ, and that's been done, that has happened. My question is, you have the city, that has the CCN in place already beyond their ETJ—they have their comprehensive plan—does this section, could this section, inadvertently undo all of that?

CALLEGARI: I don't think it does, if the plan addresses service to that particular area that's in question. Now, if there's a comprehensive plan that says, "we're going to serve everything within X miles of the city," I don't think it does apply, but if there's a plan in place to provide service to that area within a reasonable period of time and, again, I can't find the time period, that maybe then it applies.

LAUBENBERG: I don't know if it gives a specific time frame.

CALLEGARI: Let me read what it says to you.

LAUBENBERG: What page are you reading on?

CALLEGARI: Page one. "If the municipality is not entered into a binding commitment to serve the area that is the subject of the application on or before 180 days after the date of the formal request for service is made, on the same or substantially similar terms as provided by the Retail Public Utilities Application, including a capital improvements plan, as required in Section 13.244(d)(3)."

### REMARKS ORDERED PRINTED

Representative Laubenberg moved to print remarks between Representative Callegari and Representative Laubenberg.

The motion prevailed.

#### Amendment No. 1

Representative Callegari offered the following amendment to **CSHB 1669**:

Amend **CSHB 1669** (house committee printing) on page 2, line 25, by striking "extended" and substituting "extended. This subsection does not apply to a transfer of a certificate as approved by the commission"

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Aycock offered the following amendment to **CSHB 1669**:

Amend **CSHB 1669** (house committee printing) as follows:

(1) On page 3, line 4, strike "Section 13.246(h), Water Code, is" and substitute "Sections 13.246(a) and (h), Water Code, are".

(2) On page 3, between lines 5 and 6, insert:

(a) If an application for a certificate of public convenience and necessity or for an amendment to a certificate is filed, the commission shall cause notice of the application to be given to affected parties and to each county and groundwater conservation district that is wholly or partly included in the area proposed to be certified. If ~~[-if]~~ requested, the commission shall fix a time and place for a hearing and give notice of the hearing. Any person affected by the application may intervene at the hearing.

Amendment No. 2 was adopted.

**CSHB 1669**, as amended, was passed to engrossment. (Flores, Gonzales, Lucio, Peña, Phillips, and Rios Ybarra recorded voting no.)

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

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 4 p.m. today, in 2W.6, for a formal meeting, to consider the calendar.

Permission to meet was granted.

### **PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

Representative Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. Friday, May 15.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, 4 p.m. today, 2W.6, for a formal meeting, to consider the calendar.

### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

Representative McClendon moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. tomorrow.

The motion prevailed.

### **MAJOR STATE CALENDAR (consideration continued)**

### **CSHB 2730 ON SECOND READING (by Kolkhorst, Merritt, and Driver)**

**CSHB 2730**, A bill to be entitled An Act relating to the continuation and functions of the Department of Public Safety of the State of Texas and the Texas Private Security Board; providing a penalty.

### **Amendment No. 1**

Representative Kolkhorst offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) on page 77, line 22 by striking "2021" and inserting "2015".

Amendment No. 1 was adopted.

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

Representative Kolkhorst offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) on page 51, line 6 by striking "Before an individual may" and inserting "To".

Amendment No. 2 was adopted.

#### **Amendment No. 3**

Representative Madden offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) by adding the following appropriately numbered SECTION to Article 1 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. \_\_\_\_\_. Section 548.006(i), Transportation Code, is amended to read as follows:

(i) The committee shall hold a meeting [~~at least two meetings~~] at least once each quarter [~~year~~].

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative Madden offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of ARTICLE 1 accordingly:

SECTION 1. \_\_\_\_\_. Section 548.501(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Sections 548.503 and 548.504, the fee for inspection of a motor vehicle other than a moped is \$15.50 [~~\$12.50~~]. The fee for inspection of a moped is \$6.75 [~~\$5.75~~]. The fee for a verification form issued as required by Section 548.256 is \$2 [~~\$1~~].

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

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

Amend Floor Amendment No. 4 for **CSHB 2730** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 1. \_\_\_\_\_. Section 548.501, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) An inspection station may collect the applicable inspection fee at the time of the original inspection of a vehicle, regardless of whether an inspection certificate is issued at that time. An inspection fee may be included with charges

for other products or services but must be shown on a work order for the products or services as a separate item. An inspection fee may be advertised in conjunction with other products or services.

Amendment No. 5 was withdrawn.

Amendment No. 4 was withdrawn.

### **Amendment No. 6**

Representative Corte offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) as follows:

(1) On page 2, line 25, strike "~~governor~~" and substitute "with the approval of the governor".

(2) On page 4, strike lines 1 and 2, and substitute the following: governor, or the emergency management council or chief of the division [state coordinator] if designated by the governor, may

(3) On page 4, strike lines 6 and 7, and substitute the following: funds in the amount the governor or the governor's designee may determine.

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

(18) House Committee on Defense and Veterans' Affairs [~~and State Federal Relations~~];

(5) On page 7, lines 26 and 27, strike "and shall make the list available to members of the legislature on request".

(6) On page 8, lines 8 and 9, strike "and shall make the list available to members of the legislature on request".

(7) On page 10, line 5, strike "~~and~~" and substitute "and".

(8) On page 10, line 7, strike the underlined semicolon and substitute a period.

(9) On page 10, strike lines 8 and 9.

Amendment No. 6 was adopted. (Anchia and Martinez recorded voting no.)

### **Amendment No. 7**

Representative Madden offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of ARTICLE 1 accordingly:

SECTION 1. \_\_\_\_ . Section 548.501(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Sections 548.503 and 548.504, the fee for inspection of a motor vehicle other than a moped is \$15.50 [~~\$12.50~~]. The fee for inspection of a moped is \$6.75 [~~\$5.75~~]. The fee for a verification form issued as required by Section 548.256 is \$2 [~~\$1~~].

### **Amendment No. 8**

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

Amend Amendment No. 7 to **CSHB 2730** by Madden (# 815010) on page 1 of the amendment, line 7, by striking "\$15.50" and substituting "\$14.00".

Amendment No. 8 was adopted.

### **Amendment No. 9**

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

Amend Floor Amendment No. 7 for **CSHB 2730** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 1. \_\_\_\_\_. Section 548.501, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) An inspection station may collect the applicable inspection fee at the time of the original inspection of a vehicle, regardless of whether an inspection certificate is issued at that time. An inspection fee may be included with charges for other products or services but must be shown on a work order for the products or services as a separate item. An inspection fee may be advertised in conjunction with other products or services.

### **AMENDMENT NO. 9 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE FARABEE: In your amendment, in the first sentence, you say, quote, "an inspection station may collect the applicable inspection fee at the time of the original inspection of a vehicle, regardless of whether an inspection certificate is issued at that time." For legislative intent, my question to you is, if someone brings their vehicle in, and let's say that they have a turn signal that does not operate properly, and so the person doing the inspection says, "I cannot issue you a certificate," and the person feels like they are a home repair, or a car repair person and they want to take their vehicle down to an auto parts store and fix that on their own, and so no inspection sticker is issued that day. I just want to get, for legislative intent, that by that first sentence you are not giving the inspection station the opportunity to say, "I've done your inspection, and therefore you owe me the money even though I'm not giving you the certificate." It's just that first sentence, I want to be clear—they do the inspection, it may take nine, ten, twelve minutes, and they don't issue a certificate. I want to get for legislative intent that it is not your intent that you do owe them something for the inspection even though no certificate was issued because you didn't pass.

REPRESENTATIVE CORTE: It's my understanding, and I've worked on this issue for about four years, Mr. Farabee, with several of the inspection station owners across the state. It's my understanding that if someone comes in, you don't usually pay up front, they do the work, and then you pay out—that's my terminology—they do have to fix the car before they can have it inspected. So they can get a little piece of paper saying that they didn't pass, but they do have to fix the car, and it's my understanding that they don't have to pay. Sometimes you can pay, and come back, and get the sticker if you've made the repairs somewhere else. This is the problem that I'm trying to amend. Instead of people having to

go to one place that doesn't do repairs, if someone does repairs and also does inspections, they don't have that problem. It gives them the choice, instead of being mandated by the fact that they can't do it, or the way it's been done.

FARABEE: For legislative intent, if the station does not issue the sticker, as you call it, does the person owe the person who did the inspection anything if the sticker is not issued?

CORTE: Yes, that's correct.

### REMARKS ORDERED PRINTED

Representative Farabee moved to print remarks between Representative Corte and Representative Farabee.

The motion prevailed.

Amendment No. 9 was adopted.

Amendment No. 7, as amended, was adopted. (Phillips recorded voting no.)

### Amendment No. 10

Representative Farrar offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) in ARTICLE 2 of the bill as follows:

1. On page 2, line 27, insert the following after "director":  
shall possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services and emergency response

Amendment No. 10 was withdrawn.

### Amendment No. 11

Representative Herrero offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) in SECTION 2A.02 by adding the following:

(d) The Division of Emergency Management shall provide Emergency Management Training to any and all representatives referenced in (b) and any elected officials whose duties may include emergency management responsibilities or who plays a role in emergency preparedness, response, or recovery. The plan approved by the division may not be less than three hours and must regard regarding the responsibilities of state and local governments under this chapter that is appropriate to the public officer's position.

### Amendment No. 12

Representative Herrero offered the following amendment to Amendment No. 11:

Amend Floor Amendment No. 11 by Herrero to **CSHB 2730** (#815036) by striking the text of the amendment and substituting the following:

Amend **CSHB 2730** by adding the following appropriately numbered SECTIONS to ARTICLE 6 of the bill and renumbering subsequent SECTIONS of that ARTICLE as appropriate:

SECTION 6.\_\_\_\_. The heading to Section 418.005, Government Code, is amended to read as follows:

Sec. 418.005. EMERGENCY MANAGEMENT TRAINING FOR APPOINTED OFFICERS.

SECTION 6.\_\_\_\_. Subchapter A, Chapter 418, Government Code, is amended by adding Section 418.0051 to read as follows:

Sec. 418.0051. EMERGENCY MANAGEMENT TRAINING FOR ELECTED PUBLIC OFFICERS. An elected public officer of the state or of a political subdivision whose duties include emergency management responsibilities or who plays a role in emergency preparedness, response, or recovery may attend the training provided under Section 418.005 appropriate to the individual's position.

Amendment No. 12 was adopted.

Amendment No. 11, as amended, was adopted.

### **Amendment No. 13**

Representative P. King offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730**, Article 2, Part A, by adding:

SECTION 2A.05. Section 431.082, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A member of the Texas State Guard called to state active duty in response to a state emergency is a temporary employee of the state while on state active duty.

Amendment No. 13 was adopted.

### **Amendment No. 14**

Representative Farrar offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) in ARTICLE 5 of the bill by adding the following appropriately numbered SECTION to that ARTICLE and renumbering the remaining SECTIONS of that ARTICLE accordingly:

SECTION 5.\_\_\_\_. Section 411.005, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The commission shall appoint a citizen of the United States ~~[this state]~~ as public safety director. The director serves until removed by the commission.

(c) The commission shall select the director, and the director shall select an assistant director, on the basis of the person's training, experience, and qualifications for the position. The director and each ~~an~~ assistant director must, during the six-year period before appointment to the department as the director or as an assistant director, have been serving for a period of not less than five consecutive years as:

(1) a full-time peace officer commissioned by a state, federal, local, or tribal law enforcement agency; and

(2) the head of or a senior manager in a state, federal, local, or tribal law enforcement agency [~~five years' experience, preferably in police or public administration~~].

(d) The director and an assistant director are entitled to annual salaries as provided by the legislature.

Amendment No. 14 was adopted.

### **Amendment No. 15**

Representative Menendez offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House Committee Printing) by adding the following appropriately numbered SECTION to ARTICLE 6 of the bill and renumbering subsequent SECTIONS in Article 6 accordingly:

SECTION 6. \_\_\_\_\_. (a) In this section:

(1) "Authorized employee" means an officer of the Texas Highway Patrol or other law enforcement officer commissioned by the director of the department.

(2) "Department" means the Department of Public Safety.

(3) "Pilot program" means the pilot fingerprint identification program established under this section.

(b) If sufficient funds are available, the department shall develop and implement a program in one or more counties of this state to pilot the use by authorized employees of a mobile fingerprint identification system to perform fingerprint checks in the field as an aid to law enforcement.

(c) In implementing the pilot program, the department shall use a portable, lightweight mobile fingerprint scanner developed for law enforcement that is secure, uses encrypted data transmissions for protection of the public, and does not require the authorized employee to carry additional equipment for the scanner to receive the data. The department shall make its existing automated fingerprint identification system available for use during the period of the pilot program.

(d) The department shall comply with all state procurement requirements in implementing the pilot program.

(e) The department may work with and enter into memorandums of understanding with municipalities to implement the pilot program.

(f) Under the pilot program, an authorized employee may not check the fingerprint of a person without the verbal consent of that person.

(g) The department may extend the pilot program to additional counties if the department determines that the expansion would be cost-effective.

(h) The department shall begin implementation of the pilot program not later than January 1, 2010, and shall conduct the pilot program for at least 12 months.

(i) Not later than February 1, 2011, the department shall report to the governor, the lieutenant governor, the speaker of the house of representatives, and the Sunset Advisory Commission regarding the pilot program. The report must include the department's recommendations for continuation or expansion of the pilot program and an evaluation of the department's use of the mobile fingerprint identification system, including:

- (1) the appropriateness of conducting remote fingerprint checks;
- (2) the value of remote fingerprint checking in combating crime and enforcing department rules and other laws of this state;
- (3) the impact of using remote fingerprint checks on the efficiency of authorized employees;
- (4) the impact of using remote fingerprint checks on the safety of authorized employees; and
- (5) any reduction in inconvenience to a person who is not carrying a required license.

Amendment No. 15 was adopted.

### **Amendment No. 16**

Representative Phillips offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 5 of the bill, and renumbering subsequent SECTIONS of ARTICLE 5 of the bill accordingly:

SECTION \_\_\_\_\_. Section 411.190, Government Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) The department shall ensure that an applicant may renew certification under Subsection (d) from any county in this state by using an online format to complete the required retraining courses if:

- (1) the applicant is renewing certification for the first time; or
- (2) the applicant completed the required retraining courses in person the previous time the applicant renewed the certificate.

SECTION \_\_\_\_\_. The Department of Public Safety of the State of Texas shall take action as necessary to ensure that an applicant may renew a qualified handgun instructor certification from any county in this state, as required by Section 411.190(d-1), Government Code, as added by this Act, not later than March 1, 2010.

Amendment No. 16 was adopted.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### **CSHB 2730 - (consideration continued)**

### **Amendment No. 17**

Representative Kolkhorst offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) by striking Article 7 of the bill (page 88, line 10, through page 103, line 13) and renumbering subsequent articles of the bill accordingly.

Amendment No. 17 was adopted. (England, Frost, Hopson, Jones, Merritt, Phillips, and T. Smith recorded voting no.)

**Amendment No. 18**

Representatives Isett and McClendon offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) in Article 7 of the bill by adding the following SECTION to that article, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION 7. \_\_\_\_\_. Section 521.005, Transportation Code, is amended to read as follows:

Sec. 521.005. RULEMAKING AUTHORITY. (a) The department may adopt rules necessary to administer this chapter.

(b) The department may not adopt or implement a rule or directive that is consistent with the REAL ID Act of 2005 (49 U.S.C. Section 30301 et seq.).

**Amendment No. 19**

Representatives Isett and McClendon offered the following amendment to Amendment No. 18:

Amend the Isett/McClendon amendment to **CSHB 2730** by adding the following SECTION to that article, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION 7. \_\_\_\_\_. Insert in appropriate location: Section 521.005, Transportation Code, is amended to read as follows:

Sec. 521.005. RULEMAKING AUTHORITY. (a) The department may adopt rules necessary to administer this chapter.

(b) The department may not adopt or implement a new rule or directive that is consistent with the REAL ID Act of 2005 (49 U.S.C. Section 30301 et seq.), unless otherwise authorized by this chapter.

Amendment No. 19 was adopted.

Amendment No. 18, as amended, was adopted.

**Amendment No. 20**

Representative Merritt offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) in Article 7 of the bill by adding the following SECTION to that article, appropriately numbered, and renumbering subsequent SECTIONS of that article accordingly:

SECTION 7. \_\_\_\_\_. Subchapter S, Chapter 521, Transportation Code, is amended by adding Section 521.4565 to read as follows:

Sec. 521.4565. CONSPIRING TO MANUFACTURE COUNTERFEIT LICENSE OR CERTIFICATE. (a) In this section:

(1) "Combination," "conspires to commit," "profits," and "criminal street gang" have the meanings assigned by Section 71.01, Penal Code.

(2) "Conspires to manufacture or produce" means that:

(A) a person agrees with one or more other persons to engage in the manufacture or production of a forged or counterfeit instrument; and

(B) the person and one or more of the other persons perform an overt act in pursuance of the agreement.

(3) "Instrument" means a driver's license, commercial driver's license, or personal identification certificate.

(4) "Public servant" has the meaning assigned by Section 1.07, Penal Code.

(b) A person commits an offense if the person establishes, maintains, or participates in or conspires to establish, maintain, or participate in a combination or criminal street gang, or participates in the profits of a combination or criminal street gang, with the intent to manufacture or produce a forged or counterfeit instrument for the purpose of selling, distributing, or delivering the instrument. An agreement that constitutes conspiring to manufacture or produce may be inferred from the acts of the parties.

(c) An offense under this section is a state jail felony, except that an offense committed by a public servant is a felony of the third degree.

Amendment No. 20 was adopted.

### **Amendment No. 21**

Representative Gonzales offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 7 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 7.\_\_\_\_. Subchapter C, Chapter 522, Transportation Code, is amended by adding Section 522.034 to read as follows:

Sec. 522.034. HEALTH MANAGEMENT AND WELLNESS PROGRAM.

(a) The department shall establish a health management and wellness program to educate each applicant for a commercial driver's license or commercial driver learner's permit on health risks that may increase the risk that an operator may cause an accident while driving a commercial motor vehicle. At a minimum, the program must include information on:

- (1) high blood pressure;
- (2) high cholesterol; and
- (3) diabetes.

(b) The department shall make the health management and wellness information required by Subsection (a) available to each applicant:

- (1) in person, at the time the applicant submits an application for a commercial driver's license or commercial driver learner's permit; and
- (2) on the department's Internet website.

Amendment No. 21 was adopted.

### **Amendment No. 22**

Representative Burnam offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House Committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 411.007, Government Code, is amended to read as follows:

(e) An officer or employee of the department may not be discharged without just cause. The director shall determine whether an officer or employee is to be discharged. An officer or employee ordered discharged may appeal to the State Office of Administrative Hearings [~~commission~~], and during the appeal the officer or employee shall be suspended without pay. Except as provided by Subsection (f), the department may not discharge, suspend, or demote a commissioned officer except for the isolation of a specific commission rule. If the department discharges, suspends, or demotes an officer, the department shall deliver to the officer a written statement giving the reasons for the action taken. The written statement must point out each commission rule alleged to have been violated by the officer and must describe the alleged acts of the officer that the department contends are in violation of the commission rules.

(f) The commission shall establish necessary policies and procedures for the appointment, promotion, reduction, suspension, and discharge of all employees. A discharged officer or employee is entitled, on application to the commission, to a public hearing before the State Office of Administrative Hearings. [~~commission;~~] A proceeding under this section is a contested case governed by Chapter 2001, Government Code, subject to judicial review by a Travis County district court under the substantial evidence standard of review, [who shall affirm or set aside the discharge. The commission shall affirm or set aside a discharge on the basis of the evidence presented. If the commission affirms the discharge, the discharged officer may seek judicial review, not later than the 90th day after the date the commission affirms the discharge, in a district court under the substantial evidence standard of review,] and the officer remains suspended without pay while the case is under judicial review. A noncommissioned employee inducted into the service of the department is on probation for the first one year of service, and an officer is on probation from the date the person is inducted into the service of the department until the anniversary of the date the person is commissioned. At any time during the probationary period, a person may be discharged without the public hearing provided for by this subsection if the director, with the advice and consent of the commission, finds the person to be unsuitable for the work.

Amendment No. 22 was withdrawn.

### **Amendment No. 23**

Representative Farrar offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles of the bill accordingly:

ARTICLE \_\_\_\_\_. GRANTS FOR HOMELAND SECURITY AND BORDER  
SECURITY PURPOSES

SECTION \_\_\_\_\_.01. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0133 to read as follows:

Sec. 411.0133. HOMELAND SECURITY AND BORDER SECURITY GRANTS. (a) Notwithstanding any other law, including Section 772.006, the department is the only entity of state government that may select the recipient of state or federal funds granted by the state for homeland security or border security purposes.

(b) Another state entity with state or federal funds to be granted for homeland security or border security purposes shall:

(1) remit the funds to the department, which shall administer the grant;

or

(2) notify the department and award the grant to the person selected by the department.

(c) The department by rule shall adopt a formula for selecting the recipients of grants for homeland security and border security purposes. The formula must fully consider the needs of the communities or entities applying for the grants and must give emphasis to:

(1) the quality of homeland security or border security information collected by applicants;

(2) the number of suspects with authority in a criminal enterprise apprehended by the applicants; and

(3) the amount of illegal substances, contraband currency, and ammunition and number of firearms and stolen vehicles seized by the applicants.

(d) The department may not award a grant using a method other than the formula under Subsection (c).

(e) Not later than December 1 of each year, the department shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature regarding the department's activities under this section during the preceding state fiscal year.

SECTION \_\_\_\_.02. Sections 421.0025(b) and (c), Government Code, are amended to read as follows:

(b) The Border Security Council shall develop and recommend to the Department of Public Safety of the State of Texas ~~[office of the governor]~~ performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the department ~~[office of the governor]~~ for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds.

(c) The Border Security Council shall advise the Department of Public Safety of the State of Texas ~~[office of the governor]~~ regarding the allocation of funds by the department ~~[office]~~ for purposes related to security at or near this state's international border. Recommendations relating to the allocation of those funds must be made by a majority of the members of the council.

SECTION \_\_\_\_.03. The heading to Subchapter D, Chapter 421, Government Code, is amended to read as follows:

SUBCHAPTER D. COOPERATION AND ASSISTANCE~~[-FUNDING]~~

SECTION \_\_\_\_.04. Section 421.072, Government Code, is repealed.

SECTION \_\_\_\_\_.05. This article takes effect September 1, 2009.

Amendment No. 23 was adopted.

#### **Amendment No. 24**

Representative Raymond offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

#### ARTICLE \_\_\_\_\_. SAFE SCHOOLS UNIT

SECTION \_\_\_\_\_.01. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0203 to read as follows:

Sec. 411.0203. SAFE SCHOOLS UNIT. (a) The commission shall establish a safe schools unit pilot program in the department for the 2010-2011 school year to provide school districts in counties that participate in the program with information and other assistance concerning the issues of juvenile delinquency, juvenile substance abuse, and other law enforcement issues that affect school districts.

(b) Not later than February 1, 2010, the director shall select five counties to participate in the pilot program. The director may select only a county that has a population of less than 500,000. At least one of the counties the director selects must have a population of more than 190,000, be located along the southern portion of the border between this state and Mexico, and contain a municipality with a population of more than 175,000. Each school district in a participating county shall participate in the pilot program.

(c) The director shall administer the pilot program and adopt rules to implement and administer the program. In adopting rules, the director shall ensure that the pilot program addresses law enforcement issues that affect school districts, including the prevention of and intervention in juvenile delinquency and substance abuse.

(d) This section expires August 31, 2011.

SECTION \_\_\_\_\_.02. As soon as practicable after the effective date of this Act, the public safety director shall adopt rules as necessary to implement Section 411.0203, Government Code, as added by this Act.

Amendment No. 24 was adopted.

(Maldonado in the chair)

#### **Amendment No. 25**

Representative Farrar offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles of the bill accordingly:

#### ARTICLE \_\_\_\_\_. DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION REGARDING PUBLIC SCHOOL EMPLOYEES

SECTION \_\_\_\_\_.01. Section 411.084, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (c) to read as follows:

(a) Criminal history record information obtained from the department under this subchapter, including any identification information that could reveal the identity of a person about whom criminal history record information is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

(1) is for the exclusive use of the authorized recipient of the information; and

(2) may be disclosed or used by the recipient only if, and only to the extent that, disclosure or use is authorized or directed by:

(A) this subchapter;

(B) another statute;

(C) a rule adopted under a statute; or

(D) an order of a court of competent jurisdiction.

(a-1) The term "criminal history record" information under Subsection (a) does not refer to any specific document produced to comply with this subchapter but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

(c) An agency or individual may not confirm the existence or nonexistence of criminal history record information to any person that is not eligible to receive the information.

SECTION \_\_\_\_\_.02. Subsections (b) and (c), Section 411.090, Government Code, are amended to read as follows:

(b) Criminal history record information obtained by the board in the original form or any subsequent form ~~under Subsection (a)~~:

(1) may be used only for a [any] purpose related to the issuance, denial, suspension, or cancellation of a certificate issued by the board;

(2) may not be released to any person except:

(A) the person who is the subject of the information;

(B) the Texas Education Agency;

(C) a local or regional educational entity as provided by Section 411.097; or

(D) by [on] court order [or with the consent of the applicant for a certificate]; [and]

(3) is not subject to disclosure as provided by Chapter 552; and

(4) shall be destroyed by the board after the information is used for the authorized purposes.

(c) The department shall notify the State Board for Educator Certification of the arrest of any educator, as defined by Section 5.001, Education Code, who has fingerprints on file with the department. Any record of the notification and any information contained in the notification is not subject to disclosure as provided by Chapter 552.

SECTION \_\_\_\_\_.03. Section 411.0901, Government Code, is amended to read as follows:

Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education Agency is entitled to obtain criminal history record information maintained by the department about a person who:

(1) is employed or is an applicant for employment by a school district or open-enrollment charter school;

(2) is employed or is an applicant for employment by a shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present; or

(3) is employed or is an applicant for employment by an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement if:

(A) the employee or applicant has or will have continuing duties relating to the contracted services; and

(B) the employee or applicant has or will have direct contact with students.

(b) Criminal history record information obtained by the agency in the original form or any subsequent form:

(1) may be used only for a purpose authorized by the Education Code;

(2) may not be released to any person except:

(A) the person who is the subject of the information;

(B) the State Board for Educator Certification;

(C) a local or regional educational entity as provided by Section 411.097; or

(D) by court order;

(3) is not subject to disclosure as provided by Chapter 552; and

(4) shall be destroyed by the agency after the information is used for the authorized purposes.

SECTION \_\_\_\_\_.04. Section 411.097, Government Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) Criminal history record information obtained by a school district, charter school, private school, service center, commercial transportation company, or shared services arrangement in the original form or any subsequent form:

(1) ~~under Subsection (a), (b), or (c)]~~ may not be released ~~[or disclosed]~~ to any person except:

(A) ~~[, other than]~~ the individual who is the subject of the information;

(B) ~~;~~ the Texas Education Agency;

(C) ~~;~~ the State Board for Educator Certification;

(D) ~~;~~ the chief personnel officer of the transportation company, if the information is obtained under Subsection (a)(2); or

(E) by court order;

(2) is not subject to disclosure as provided by Chapter 552; and

(3) shall be destroyed by the school district, charter school, private school, service center, commercial transportation company, or shared services arrangement on the earlier of:

(A) the first anniversary of the date the information was originally obtained; or

(B) the date the information is used for the authorized purpose.

(f) An employee of a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement may request from the employer a copy of any criminal history record information relating to that employee that the employer has obtained as provided by Subchapter C, Chapter 22, Education Code. The employer may charge a fee to an employee requesting a copy of the information in an amount not to exceed the actual cost of copying the requested criminal history record information.

SECTION \_\_\_\_ .05. Subchapter C, Chapter 22, Education Code, is amended by adding Section 22.08391 to read as follows:

Sec. 22.08391. CONFIDENTIALITY OF INFORMATION.

(a) Information collected about a person to comply with this subchapter, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records:

(1) may not be released except:

(A) to comply with this subchapter;

(B) by court order; or

(C) with the consent of the person who is the subject of the information;

(2) is not subject to disclosure as provided by Chapter 552, Government Code; and

(3) shall be destroyed by the requestor or any subsequent holder of the information not later than the first anniversary of the date the information is received.

(b) Any criminal history record information received by the State Board for Educator Certification as provided by this subchapter is subject to Section 411.090(b), Government Code.

(c) Any criminal history record information received by the agency as provided by this subchapter is subject to Section 411.0901(b), Government Code.

(d) Any criminal history record information received by a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by this subchapter is subject to Section 411.097(d), Government Code.

SECTION \_\_\_\_ .06. The change in law made by this article applies to information collected, assembled, or maintained before, on, or after the effective date of this article.

Amendment No. 25 was withdrawn.

**Amendment No. 26**

Representative Parker offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles of the bill accordingly:

ARTICLE \_\_\_\_ . ALTERNATIVE METHODS OF OBTAINING CRIMINAL HISTORY INFORMATION AND REGISTRATION OF PRIVATE VENDORS TO OBTAIN CRIMINAL HISTORY INFORMATION

SECTION \_\_\_\_ .01. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0852 to read as follows:

Sec. 411.0852. PRIVATE VENDORS PROVIDING CRIMINAL HISTORY RECORD INFORMATION; REGISTRATION OF VENDORS.

(a) In this section:

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

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

(b) An entity authorized or required under the laws of this state to obtain criminal history record information, including national criminal history record information, regarding a person may elect, as an alternative, to contract with a private vendor registered under this section to obtain both the criminal history record information and identity verification through electronic-based data records.

(c) The commission by rule shall develop criteria for a vendor to register with the state to provide criminal history record information and perform identity verification. In developing the criteria, the commission shall consult with law enforcement officials and industry experts to ascertain the latest trends in and technologies available for conducting criminal background checks and identity verification. The commission may annually update the criteria based on the latest trends and the latest technologies available in conducting criminal background checks.

(d) A private vendor may not provide criminal history record information or perform identity verification for any entity authorized or required under the laws of this state to obtain the information or verification unless the vendor is registered in accordance with this section and rules adopted under this section. A vendor must submit to the department on the form prescribed by the department an application requesting registration to provide criminal history record information and perform identity verification for entities required or authorized to obtain criminal history record information. The department shall approve or deny the application not later than the 30th day after the date the department receives the application.

(e) The department may charge an application fee in an amount sufficient to cover the costs to administer this section to vendors who apply for registration under this section.

(f) A vendor registered by the department to perform electronic criminal background checks and identity verification may annually renew the registration by submitting to the department a renewal application on the form prescribed by the department.

(g) The vendor shall report the results of a criminal background check and identity verification to the contracting entity by e-mail. The vendor's report must be viewable to the contracting entity through a secure Internet website.

(h) A private vendor is liable to this state for a civil penalty of not more than \$1,000 for each violation if the vendor violates this section or a rule adopted under this section.

(i) The amount of the penalty assessed under Subsection (h) shall be based on:

- (1) the seriousness of the violation;
- (2) the history of previous violations;
- (3) the amount necessary to deter a future violation; and
- (4) any other matter that justice may require.

(j) The attorney general may sue to collect a civil penalty under this section. In the suit the attorney general may recover, on behalf of the state, the reasonable expenses incurred in obtaining the penalty, including investigation and court costs, reasonable attorney's fees, witness fees, and other expenses.

SECTION \_\_\_\_.02. Not later than December 1, 2009, the Texas Commission of Licensing and Regulation shall develop criteria for registering a vendor to perform criminal background checks and identity verification under Section 411.0852, Government Code, as added by this article.

Amendment No. 26 was withdrawn.

### **Amendment No. 27**

Representative Raymond offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . CRIMINAL HISTORY RECORD INFORMATION  
CONCERNING CERTAIN INTOXICATION OFFENSES

SECTION \_\_\_\_ .01. Section 411.135(a), Government Code, is amended to read as follows:

(a) Any person is entitled to obtain from the department:

(1) any information described as public information under Chapter 62, Code of Criminal Procedure, [~~as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997,~~] including, to the extent available, a recent photograph of each person subject to registration under that chapter; [~~and~~]

(2) criminal history record information maintained by the department that relates to the conviction of or a grant of deferred adjudication to a person for any criminal offense, including arrest information that relates to the conviction or grant of deferred adjudication; and

(3) any information described as public information under Section 411.1355(a).

SECTION \_\_\_\_ .02. Subchapter F, Chapter 411, Government Code, is amended by adding Sections 411.1355 and 411.1356 to read as follows:

Sec. 411.1355. PUBLIC ACCESS TO CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES. (a) Criminal history record information that concerns a person's conviction for an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, is public information if the person has been previously convicted of an offense under one of those sections.

(b) The department shall design and implement an Internet website to allow any person, free of charge, to electronically search for and receive information described by Subsection (a) by entering specific search criteria into the website, including a zip code, city, county, or name of a person. The search results:

(1) must include:

(A) the municipality in which the last known address of the person convicted is located; and

(B) a recent photograph of the person convicted taken attendant to the person's arrest; and

(2) may not include:

(A) any information regarding the convicted person's social security number, driver's license number, or telephone number;

(B) any information that would identify a victim of the offense; or

(C) any information regarding a person if 15 years have elapsed since the date the person committed the most recent offense for which the person was convicted under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

Sec. 411.1356. CRIMINAL HISTORY RECORD INFORMATION CONCERNING CERTAIN INTOXICATION OFFENSES PROVIDED TO PEACE OFFICER ON REQUEST. The department shall establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a driver's license number, personal identification certificate number, or license plate number is automatically provided information as to whether the department has criminal history record information concerning an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, about the person to whom the driver's license, personal identification certificate, or license plate is issued. The procedure must allow a peace officer to request the information from the location of a motor vehicle stop and to receive a response to the request during the duration of a reasonable motor vehicle stop.

SECTION \_\_\_\_ .03. Not later than May 1, 2010, the Department of Public Safety shall make criminal history record information available to a requesting person as required by Sections 411.1355 and 411.1356, Government Code, as added by this Act.

Amendment No. 27 was adopted.

### **Amendment No. 28**

Representative Flynn offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (Committee Report Printing) by adding the appropriately numbered SECTION to the bill and renumbering subsequent sections accordingly:

SECTION \_\_\_\_ Section 411.172, Government Code, is amended by striking subsections (11) and (12) and renumbering subsequent subsections accordingly.

Amendment No. 28 was adopted.

**Amendment No. 29**

On behalf of Representative Darby, Representative Kolkhorst offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (Committee Report Printing) by adding the appropriately numbered SECTION to the bill and renumbering subsequent sections accordingly:

SECTION \_\_\_\_ Section 411.171, Government Code, is amended by adding subsection (c) to read as follows:

(4) "Convicted" means an adjudication of guilt or, except as provided in Section 411.1711, an order of deferred adjudication entered against a person by a court of competent jurisdiction whether or not the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged; ~~or~~

(B) pardoned under the authority of a state or federal official, or

(C) otherwise vacated, set aside, annulled, invalidated, voided, or sealed under any state or federal law.

Amendment No. 29 was adopted.

**Amendment No. 30**

Representative Taylor offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . APPLICATION FOR LICENSE TO  
CARRY A CONCEALED HANDGUN

SECTION \_\_\_\_ .01. Section 411.175, Government Code, is repealed.

SECTION \_\_\_\_ .02. Section 411.172(a), Government Code, is amended to read as follows:

(a) A person is eligible for a license to carry a concealed handgun if the person:

(1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);

(2) is at least 21 years of age;

(3) has not been convicted of a felony;

(4) is not charged with the commission of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code, or of a felony under an information or indictment;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor;

(6) is not a chemically dependent person;

(7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;

(8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code;

(9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;

(12) has not been finally determined to be in default on a loan made under Chapter 57, Education Code;

(13) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;

(14) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and

(15) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174 ~~[or in a request for application submitted pursuant to Section 411.175]~~.

SECTION \_\_\_\_\_.03. Section 411.176, Government Code, is amended to read as follows:

Sec. 411.176. REVIEW OF APPLICATION MATERIALS. (a) On receipt of ~~the~~ application materials by the department at its Austin headquarters, the department shall conduct the appropriate criminal history record check of the applicant through its computerized criminal history system. Not later than the 30th day after the date the department receives the application materials, the department shall forward the materials to the director's designee in the geographical area of the applicant's residence so that the designee may conduct the investigation described by Subsection (b). For purposes of this section, the director's designee may be a noncommissioned employee of the department.

(b) The director's designee as needed shall conduct an additional criminal history record check of the applicant and an investigation of the applicant's local official records to verify the accuracy of the application materials. The director's designee may access any records necessary for purposes of this subsection. The scope of the record check and the investigation are at the sole discretion of the department, except that the director's designee shall complete the record check

and investigation not later than the 60th day after the date the department receives the application materials. The department shall send a fingerprint card to the Federal Bureau of Investigation for a national criminal history check of the applicant. On completion of the investigation, the director's designee shall return all materials and the result of the investigation to the appropriate division of the department at its Austin headquarters.

(c) The director's designee may submit to the appropriate division of the department, at the department's Austin headquarters, along with the application materials a written recommendation for disapproval of the application, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of a ground for denial under Section 411.172. The director's designee [~~in the appropriate geographical area~~] may also submit the application and the recommendation that the license be issued.

(d) On receipt at the department's Austin headquarters of the application materials and the result of the investigation by the director's designee, the department shall conduct any further record check or investigation the department determines is necessary if a question exists with respect to the accuracy of the application materials or the eligibility of the applicant, except that the department shall complete the record check and investigation not later than the 180th day after the date the department receives the application materials from the applicant.

SECTION \_\_\_\_\_.04. Section 411.177(b), Government Code, is amended to read as follows:

(b) The department shall, not later than the 60th day after the date of the receipt by the director's designee of the completed application materials:

(1) issue the license;

(2) notify the applicant in writing that the application was denied:

(A) on the grounds that the applicant failed to qualify under the criteria listed in Section 411.172;

(B) based on the affidavit of the director's designee submitted to the department under Section 411.176(c) [~~411.176(b)~~]; or

(C) based on the affidavit of the qualified handgun instructor submitted to the department under Section 411.189(c); or

(3) notify the applicant in writing that the department is unable to make a determination regarding the issuance or denial of a license to the applicant within the 60-day period prescribed by this subsection and include in that notification an explanation of the reason for the inability and an estimation of the amount of time the department will need to make the determination.

SECTION \_\_\_\_\_.05. The changes in law made by this article in repealing Section 411.175, Government Code, apply only to an application for the issuance of a license that is submitted to the Department of Public Safety on or after September 1, 2009. An application submitted before September 1, 2009, is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_.06. This article takes effect September 1, 2009.

Amendment No. 30 was adopted.

**Amendment No. 31**

Representative Isett offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_\_. DISPLAY OF LICENSE TO  
CARRY A CONCEALED HANDGUN

SECTION \_\_\_\_.01. Sections 411.187(a) and (c), Government Code, are amended to read as follows:

(a) A license may be suspended under this section if the license holder:

(1) is charged with the commission of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code, or of a felony under an information or indictment;

(2) ~~fails to display a license as required by Section 411.205;~~

~~[(3)]~~ fails to notify the department of a change of address or name as required by Section 411.181;

(3) ~~[(4)]~~ carries a concealed handgun under the authority of this subchapter of a different category than the license holder is licensed to carry;

(4) ~~[(5)]~~ fails to return a previously issued license after a license is modified as required by Section 411.184(d);

(5) ~~[(6)]~~ commits an act of family violence and is the subject of an active protective order rendered under Title 4, Family Code; or

(6) ~~[(7)]~~ is arrested for an offense involving family violence or an offense under Section 42.072, Penal Code, and is the subject of an order for emergency protection issued under Article 17.292, Code of Criminal Procedure.

(c) A license may be suspended under this section:

(1) for 30 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), (3) ~~[(a)(3)]~~, or (4), ~~[(or (5))]~~ except as provided by Subdivision (2) ~~[(3)]~~;

(2) ~~for 90 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), except as provided by Subdivision (3);~~

~~[(3)]~~ for not less than one year and not more than three years if the person's license is subject to suspension for a reason listed in Subsection (a), other than the reason listed in Subsection (a)(1), and the person's license has been previously suspended for the same reason;

(3) ~~[(4)]~~ until dismissal of the charges if the person's license is subject to suspension for the reason listed in Subsection (a)(1); or

(4) ~~[(5)]~~ for the duration of or the period specified by:

(A) the protective order issued under Title 4, Family Code, if the person's license is subject to suspension for the reason listed in Subsection (a)(5) ~~[(a)(6)]~~; or

(B) the order for emergency protection issued under Article 17.292, Code of Criminal Procedure, if the person's license is subject to suspension for the reason listed in Subsection (a)(6) ~~[(a)(7)]~~.

SECTION \_\_\_\_.02. Section 411.205, Government Code, is amended to read as follows:

Sec. 411.205. REQUIREMENT TO DISPLAY [~~DISPLAYING~~] LICENSE [~~;- PENALTY~~]. [~~(a)~~] If a license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification, the license holder shall display both the license holder's driver's license or identification certificate issued by the department and the license holder's handgun license. [~~A person who fails or refuses to display the license and identification as required by this subsection is subject to suspension of the person's license as provided by Section 411.187.~~]

[~~(b) A person commits an offense if the person fails or refuses to display the license and identification as required by Subsection (a) after previously having had the person's license suspended for a violation of that subsection. An offense under this subsection is a Class B misdemeanor.~~]

SECTION \_\_\_\_.03. An offense under Section 411.205, Government Code, may not be prosecuted after the effective date of this article. If, on the effective date of this article, a criminal action is pending for an offense under Section 411.205, the action is dismissed on that date. However, a final conviction for an offense under Section 411.205 that exists on the effective date of this article is unaffected by this article.

SECTION \_\_\_\_.04. This article takes effect September 1, 2009.

Amendment No. 31 was adopted.

### **Amendment No. 32**

Representative Isett offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2055 to read as follows:

Sec. 411.2055. LIMITATION ON PROVISION OF LICENSING INFORMATION TO PEACE OFFICER. (a) The department by rule shall establish a procedure by which a peace officer who provides the department with a person's driver's license number, personal identification certificate number, or vehicle license plate number as part of a motor vehicle stop or other law enforcement inquiry is prohibited from receiving information from the department as to whether the person is the holder of a license issued under this subchapter unless the officer indicates that the information is necessary for proper law enforcement purposes related to the person's possession or carrying of a handgun.

(b) In adopting rules under Subsection (a), the department shall describe specifically those situations in which information relating to whether a particular person is a license holder is necessary for proper law enforcement purposes related to the person's possession or carrying of a handgun.

SECTION \_\_\_\_\_. As soon as practicable after the effective date of this Act, the Department of Public Safety shall adopt the rules required by Section 411.2055, Government Code, as added by this Act.

Amendment No. 32 was withdrawn.

**Amendment No. 33**

Representative Hughes offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** by adding the following appropriately numbered SECTION to Part B, Article 2 of the bill and renumbering subsequent SECTIONS of that part accordingly:

SECTION 2B.\_\_\_\_. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.050 to read as follows:

Sec. 418.050. REENTRY CREDENTIALING PILOT PROGRAM. (a) The division shall consider implementing a pilot program for a reentry credentialing process for reentry into areas previously evacuated because of a disaster or threat of disaster.

(b) If the division implements a pilot project under this section, the reentry credentials issued under the project must:

(1) be uniform and commonly constructed;

(2) have common card holder information; and

(3) have security features equivalent to the security features of a Texas driver's license.

**Amendment No. 34**

Representative Hughes offered the following amendment to Amendment No. 33:

Amend Amendment No. 33 by Hughes to **CSHB 2730** (barcode number 815016) by adding the following at the end of the amendment:

(c) The division may not require residents of an evacuated area to participate in or comply with a reentry credentialing process under this section.

Amendment No. 34 was adopted.

Amendment No. 33, as amended, was adopted.

**Amendment No. 35**

Representative Gallego offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 614.151(2), Government Code, as added by Chapter 1159 (**HB 12**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(2) "Law enforcement officer" means a person who[±

~~(A)~~ is a commissioned peace officer[±

~~(B) is~~ employed by a law enforcement agency[±~~and~~

~~(C) is compensated according to:~~

~~[(i) Schedule C of the position classification salary schedule prescribed by the General Appropriations Act if the person is employed by a law enforcement agency other than the Parks and Wildlife Department; or~~

~~[(ii) Schedule B or C of the position classification salary schedule prescribed by the General Appropriations Act if the person is employed by the Parks and Wildlife Department].~~

SECTION \_\_\_\_\_. Section 614.152, Government Code, as added by Chapter 1159 (**HB 12**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 614.152. PHYSICAL READINESS [FITNESS] STANDARDS. (a) Out of appropriated funds, each law enforcement agency, in consultation with physical readiness experts, shall adopt physical readiness [fitness] standards that a law enforcement officer appointed or employed by the agency must meet [to continue employment with the agency as a law enforcement officer]. The standards as applied to an officer must directly relate to the officer's functional job description and performance standards and must include individual readiness goals relative to an officer's age, weight, and gender [job duties]. A law enforcement agency shall use the services of a consultant to aid the agency in developing the standards.

(b) An agency may adopt physical readiness standards independent of other law enforcement agencies.

(c) A [Except as provided by Subsection (e), a] violation of a standard adopted under Subsection (a) is not just cause to discharge an officer or to[

(1)] transfer the [an] officer to a position that is [not] compensated at a level less than the officer's current position is compensated according to the [Schedule C of the position classification] salary schedule applicable to the officer's current position. An officer who fails to meet a standard adopted under Subsection (a) may be transferred to a position classified at the same or a higher salary level [prescribed by the General Appropriations Act; or

(2) for a law enforcement officer employed by the Parks and Wildlife Department and compensated according to Schedule B of the position classification salary schedule prescribed by the General Appropriations Act, transfer the officer to a position that does not require the employee to be a commissioned peace officer].

(d) [(e)] A law enforcement agency may temporarily exempt a law enforcement officer from a standard under Subsection (a) based on the facts and circumstances of the individual case, including whether an officer was injured in the line of duty.

### **Amendment No. 36**

Representative Gallego offered the following amendment to Amendment No. 35:

Amend Amendment No. 35 by Gallego (Bar Code #812113) to **CSHB 2730** by striking the text of the amendment and substituting the following:

Amend **CSHB 2730** (House Committee Printing) as follows:

(1) In ARTICLE 6 of the bill, add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION 6. \_\_\_\_\_. Section 614.151(2), Government Code, as added by Chapter 1159 (HB 12), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

- (2) "Law enforcement officer" means a person who[~~;~~ ~~(A)~~] is a commissioned peace officer[~~;~~ ~~(B)~~] ~~is~~ employed by a law enforcement agency[~~;~~ ~~(C)~~] ~~is compensated according to:~~

~~[(i) Schedule C of the position classification salary schedule prescribed by the General Appropriations Act if the person is employed by a law enforcement agency other than the Parks and Wildlife Department; or~~

~~[(ii) Schedule B or C of the position classification salary schedule prescribed by the General Appropriations Act if the person is employed by the Parks and Wildlife Department].~~

(2) On page 87, line 6, strike "Out of appropriated funds, each" and substitute "Each [~~Out of appropriated funds, each~~]".

(3) On page 87, lines 9-10, strike "to continue employment with the agency as a law enforcement officer" and substitute "[~~to continue employment with the agency as a law enforcement officer~~]".

(4) On page 87, line 11, strike "may" and insert "shall".

(5) On page 87, lines 12-13, strike "and sex" and substitute ", weight, and gender".

(6) On page 87, between lines 19 and 20, insert the following:

(a-2) An agency may adopt physical readiness standards independent of other law enforcement agencies.

(7) On page 87, lines 22-23, strike "discharge an officer or[~~;~~ ~~and substitute~~ [~~discharge an officer or~~]."

(8) On page 88, line 5, strike "temporarily".

Amendment No. 36 was adopted.

**AMENDMENT NO. 35 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE KOLKHORST: Chairman, we talked this morning about some of the problems with the amendment, but just for clarification, what you're trying to say is this is on DPS officers in the new physical test that we have in place, that started in 2005. We kind of ramped up to where we are right now, we're doing fairly well—we have some that are not passing—we have a wellness program that's starting this June, and just to make sure on your amendment, that we are saying that you have to participate?

REPRESENTATIVE GALLEGU: Absolutely, no I think you need to participate. That's not the issue. The issue for me was essentially threefold. The first is that those requirements have to be reasonably related to the job that you're doing. For example, when we're here one night at two or three in the morning, passing legislation, and then had to be here the next morning, it was a lot easier for me, as a freshman member at 27 years old, to bounce back than it is now for me at 47 years old to bounce back. There's a huge difference, and, so, what the

department essentially was doing is the standards for 22-year-old officer were the same as they were for the 52-year-old officer, and that's not particularly realistic. In addition, about 80 percent of the women who were taking a particular test were failing a particular test, and I know that our goal is not to deprive the department of female officers. So again, this asks them to take some things into consideration as they do their physical fitness programs. It still requires them to participate in those physical fitness programs, because our goal, clearly, is to have the most physically fit department of public safety troopers that we can possibly have. But it asks the department to take certain things, some practical considerations, into account.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 35, as amended, was adopted.

### LEAVE OF ABSENCE GRANTED

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

Gattis on motion of Sheffield.

### CSHB 2730 - (consideration continued)

#### Amendment No. 37

Representative Farrar offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee report) on page 2, line 27, after the period, by inserting "The chief must possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services, and emergency response.".

Amendment No. 37 was adopted.

#### Amendment No. 38

Representative Hughes offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES accordingly:

ARTICLE \_\_\_\_ . DRIVER'S LICENSE ISSUED TO CERTAIN FEDERAL AND STATE JUDGES AND SPOUSES

SECTION \_\_\_\_ .01. Section 521.001, Transportation Code, is amended by adding Subdivisions (3-a) and (8-a) to read as follows:

(3-a) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court; or

(D) a magistrate judge of a United States district court.

(8-a) "State judge" means:

(A) the judge of an appellate court, a district court, or a county court at law of this state; or

(B) an associate judge appointed under Chapter 201, Family Code.

SECTION \_\_\_\_\_.02. Sections 521.054(a) and (b), Transportation Code, are amended to read as follows:

(a) This section applies to a person who:

(1) after applying for or being issued a ~~[the]~~ license or certificate moves to a new residence ~~[from the]~~ address ~~[stated in the person's application for a license or certificate];~~

(2) has used the procedure under Section 521.121(d) and whose status as a federal judge, a state judge, or the spouse of a federal or state judge becomes inapplicable ~~[moves from the address shown on the license or certificate held by the person]; or~~

(3) changes the person's name by marriage or otherwise.

(b) A person subject to this section shall notify the department of the change not later than the 30th day after the date on which the change takes effect and apply for a duplicate license or certificate as provided by Section 521.146. The duplicate license must include the person's current residence address.

SECTION \_\_\_\_\_.03. Section 521.121, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The driver's license must include:

(1) a distinguishing number assigned by the department to the license holder;

(2) a color photograph of the entire face of the holder;

(3) the full name and<sup>[s]</sup> date of birth~~[-and residence address]~~ of the holder; ~~[and]~~

(4) a brief description of the holder; and

(5) the license holder's residence address or, for a license holder using the procedure under Subsection (d), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge.

(d) The department shall establish a procedure for a federal judge, a state judge, or the spouse of a federal or state judge to omit the license holder's residence address on the license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, state judge, or the spouse of a federal or state judge.

SECTION \_\_\_\_\_.04. Section 521.142(c), Transportation Code, is amended to read as follows:

(c) The application must state:

(1) the sex of the applicant;

(2) the residence address of the applicant, or if the applicant is a federal judge, a state judge, or the spouse of a federal or state judge using the procedure developed under Section 521.121(d), the street address of the courthouse in which the applicant or the applicant's spouse serves as a federal judge or a state judge;

(3) whether the applicant has been licensed to drive a motor vehicle before;

(4) if previously licensed, when and by what state or country;

(5) whether that license has been suspended or revoked or a license application denied;

(6) the date and reason for the suspension, revocation, or denial;

(7) whether the applicant is a citizen of the United States; and

(8) the county of residence of the applicant.

Amendment No. 38 was adopted.

### **Amendment No. 39**

Representative Hughes offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

#### ARTICLE \_\_\_\_ . OPERATION OF MOTOR VEHICLES

SECTION \_\_\_\_ .01. Section 545.413(e), Transportation Code, is amended to read as follows:

(e) It is a defense to prosecution under this section that:

(1) the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;

(2) the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;

(3) the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;

(4) the person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;

(5) the person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle; ~~[or]~~

(6) the ~~[The]~~ person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.163 that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more; or

(7) the person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

SECTION \_\_\_\_\_.02. The change in law made by this article to Section 545.413(e), Transportation Code, as amended by this article, applies only to an offense under Section 545.413(a) of that code, regardless of whether the offense was committed before, on, or after the effective date of this Act.

Amendment No. 39 was adopted.

#### **Amendment No. 40**

Representative Alonzo offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

##### ARTICLE \_\_\_\_\_. MOTOR VEHICLE SAFETY RESPONSIBILITY

SECTION \_\_\_\_\_.01. Section 601.053, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), an ~~At~~ operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Section 601.051.

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle.

SECTION \_\_\_\_\_.02. Subchapter N, Chapter 601, Transportation Code, as added by Chapter 1325 (**HB 3588**), Acts of the 78th Legislature, Regular Session, 2003, is repealed.

(Moody in the chair)

Amendment No. 40 was adopted.

#### **Amendment No. 41**

Representative S. Turner offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** by amending the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Amend Sec. 708.157, Transportation Code, AMNESTY AND INCENTIVES as follows:

(c) The department by rule ~~may~~ shall establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department.

Amendment No. 41 was adopted.

#### **Amendment No. 42**

Representative S. Turner offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sec. 708.151, Transportation Code, is amended as follows:

NOTICE OF SURCHARGE. (a) The department shall send notices as required by Subsection (b) to [notify] the holder of a driver's license when [of the assessment of] a surcharge is assessed on that license. Each notice must:

(1) be sent by first class mail [sent] to the person's most recent address as shown on the records of the department or to the person's most recent forwarding address on record with the United States Postal Service if it is different;

(2)[-The notice must] specify the date by which the surcharge must be paid;

(3) state the total dollar amount of the surcharge which must be paid, the number of monthly payments required under an installment payment plan, and the minimum monthly payment required for a person to enter and maintain an installment payment plan with the department; and

(4) state the consequences of a failure to pay the surcharge.

(b) The department shall send a first notice not later than the fifth day after the date the surcharge is assessed. Any notice under this section shall also include a conspicuous notice regarding the ability of a person to qualify as indigent under Section 708.158 Transportation Code, the procedures to establish with the Department their indigent status so that they may qualify for the reduced surcharges as set forth in 708.158 Transportation Code.

(c) Once a person is recognized as an indigent under 708.158 Transportation Code, the department shall send a new notification to that person which accurately reflects the reduced surcharges owed.

(d) If on or before the 45th day after the date the first notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a second notice. If on or before the 60th day after the date the second notice was sent the person fails to pay the amount of the surcharge or fails to enter into an installment payment agreement with the department, the department shall send a third notice which advises the person that his/her driving privileges are suspended.

SECTION \_\_\_\_\_. Section 708.152(a), Transportation Code, is amended to read as follows:

(a) If on the 60th day after the date the department sends a second notice under Section 708.151 the person fails to pay the amount of a surcharge on the person's license or fails to enter into an installment payment agreement with the department, the license of the person is automatically suspended. The person's license may not be suspended under this section before the 105th day after the surcharge was assed by the Department.

SECTION \_\_\_\_\_. Section 708.153(b), Transportation Code, is amended to read as follows:

(b) A rule under this section:

(1) may not require [permit] a person to pay a surcharge over a period of less [more] than 36 consecutive months for surcharges in the amount of \$500 or more; may not require a person to pay a surcharge over a period of less than 24

consecutive months for surcharges \$250 to \$499; and may not require a person to pay a surcharge over a period of less than 12 consecutive months for surcharges of \$249 or less; and

(2) may provide that if the person fails to make [a] any required monthly installment payment, the department may reestablish the installment plan upon receipt of a payment in the amount at least equal to a required monthly installment payment. [or declare the amount of the unpaid surcharge immediately due and payable.]

SECTION \_\_\_\_\_. Subchapter D, Chapter 708, Transportation Code, is amended by adding Section 708.158 to read as follows:

Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES. (a) The department shall waive 75 percent of all surcharges assessed under Chapter 708 of the Transportation Code for a person meeting the criteria set forth in Subsections (b) and (c) hereof.

(b) The department shall waive 80 percent of all surcharges against a person who is indigent. For the purposes of this subsection, a person is indigent if:

(1) the person provides evidence described by Subsection (c) to the department; or

(2) the person is a full-time student taking twelve or more credit hours who:

(A) is enrolled in an accredited public, private, or independent institution of higher education; and

(B) provides evidence described by Subsection (d) to the department.

(c) A person must provide the following information to the department that the person's income or the person's household income does not exceed 125 percent of the applicable income level established by the federal poverty guidelines, the following documentation may be used as such proof:

(1) a copy of the person's most recent federal income tax return; or

(2) a copy of the person's most recent statement of wages; or

(3) documentation from a federal agency, state agency, or school district that indicates that the person or, if the person is a dependent as defined by Section 152 of Internal Revenue Code, the taxpayer claiming the person as a dependent, receives assistance from:

(A) the food stamp program or the financial assistance program established under Chapter 31, Human Resources Code;

(B) the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786;

(C) the medical assistance program under Chapter 32, Human Resources Code;

(D) the child health plan program under Chapter 62, Health and Safety Code; or

(E) the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.

Amendment No. 42 was adopted. (Harper-Brown, Hunter, and Phillips recorded voting no.)

**Amendment No. 43**

Representative Driver offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_\_. CARRYING OF CONCEALED HANDGUNS ON THE  
CAMPUSES OF INSTITUTIONS OF HIGHER EDUCATION

SECTION \_\_\_\_\_.01. Sections 46.03(a) and (c), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes on the physical premises of an institution of higher education or private or independent institution of higher education, or on any grounds or building on which an activity sponsored by the institution is being conducted, with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) [(1)] "Premises" has the meaning assigned by Section 46.035.

(3) [(2)] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

SECTION \_\_\_\_ .02. Section 46.035, Penal Code, is amended by adding Subsection (k) to read as follows:

(k) Subsection (b)(2) does not apply on the premises where a collegiate sporting event is taking place if the actor was not given effective notice under Section 30.06.

SECTION \_\_\_\_ .03. Section 46.11(c)(1), Penal Code, is amended to read as follows:

(1) "Premises" has the meaning [~~"Institution of higher education" and "premises" have the meanings~~] assigned by Section 481.134, Health and Safety Code.

SECTION \_\_\_\_ .04. Sections 46.03(a) and (c), Penal Code, as amended by this article, and Section 46.035(k), Penal Code, as added by this article, apply only to an offense committed on or after the effective date of this article. An offense committed before the effective date of this article is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this article if any element of the offense occurred before that date.

SECTION \_\_\_\_ .05. This article takes effect September 1, 2009.

#### **Amendment No. 43 - Point of Order**

Representative Farrar raised a point of order against further consideration of Amendment No. 43 under Rule 8, Section 3 and Rule 11, Section 2 of the House Rules on the grounds that the amendment violates the one subject rule and is not germane to the bill.

The point of order was withdrawn.

Amendment No. 43 was withdrawn.

#### **Amendment No. 44**

Representative Hopson offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . IMPERSONATING UNITED STATES CITIZEN

SECTION \_\_\_\_ . Chapter 37, Penal Code, is amended by adding Section 37.115 to read as follows:

Sec. 37.115. IMPERSONATING UNITED STATES CITIZEN. (a) A person commits an offense if the person is a citizen of a country other than the United States and the person:

(1) exercises a right that, under state or federal law, may be exercised only by a citizen of the United States;

(2) makes an entry in a governmental record that state or federal law authorizes to be made only by a citizen of the United States; or

(3) obtains a benefit reserved under state or federal law for a citizen of the United States only.

(b) An offense under this section is a felony of the third degree.

Amendment No. 44 was withdrawn.

### LEAVE OF ABSENCE GRANTED

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

Isett on motion of F. Brown.

### CSHB 2730 - (consideration continued)

#### Amendment No. 45

Representative T. Smith offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

#### ARTICLE \_\_\_\_ . SOBRIETY CHECKPOINTS

SECTION \_\_\_\_.01. Title 1, Code of Criminal Procedure, is amended by adding Chapter 65 to read as follows:

#### CHAPTER 65. SOBRIETY CHECKPOINTS

Art. 65.01. DEFINITIONS. In this chapter:

(1) "Highway or street" and "limited-access or controlled-access highway" have the meanings assigned by Section 541.302, Transportation Code.

(2) "Law enforcement agency" means:

(A) the Department of Public Safety;

(B) the sheriff's department of a county with a population of 250,000 or more; or

(C) the police department of a municipality with a population of 325,000 or more.

(3) "Sobriety checkpoint" means a checkpoint authorized under Article 65.02.

Art. 65.02. AUTHORIZATION FOR SOBRIETY CHECKPOINTS. (a) Except as provided by Subsection (b), a law enforcement agency may operate a temporary checkpoint as provided by this chapter to determine whether persons operating motor vehicles on a highway or street are intoxicated and in violation of Section 49.04 or 49.045, Penal Code. The checkpoint must be operated on a highway or street other than:

(1) a limited-access or controlled-access highway;

(2) an overpass;

(3) a bridge or causeway; or

(4) the single ingress to or egress from a designated area.

(b) The Department of Public Safety may not operate a temporary checkpoint in a county with a population of less than 250,000.

Art. 65.03. LAW ENFORCEMENT AGENCY COORDINATION. Each law enforcement agency shall coordinate efforts with other law enforcement agencies as appropriate to implement this chapter.

Art. 65.04. APPROVAL OF AND PROCEDURES FOR SOBRIETY CHECKPOINTS. (a) As applicable, a captain for the Texas Highway Patrol, the sheriff elected to that position, or the mayor of the municipality must approve the operation of a sobriety checkpoint by peace officers of the Department of Public Safety, a sheriff's department, or a municipal police department and the procedures to be used in the operation of the checkpoint before the checkpoint begins operation.

(b) The law enforcement agency must record in writing and publish on an appropriate publicly accessible Internet website the procedures:

(1) used in selecting each site for a sobriety checkpoint; and

(2) to be used in the operation of each sobriety checkpoint, including procedures regarding the selection of motor vehicles to be stopped.

(c) The procedures for the operation of a sobriety checkpoint must ensure that the selection of motor vehicles to be stopped is reasonably predictable and nonarbitrary.

(d) The criteria for selecting the location for a sobriety checkpoint must include the number of traffic accidents in the vicinity of the location in which the use of alcohol was a factor and that occurred in the preceding 12 months and the number of convictions for intoxication-related offenses in that vicinity in the preceding 12 months. The selection of the location of a sobriety checkpoint must be made without regard to the ethnic or socioeconomic characteristics of the area in which the checkpoint is located.

(e) The law enforcement agency, in establishing the location, time, and design of a sobriety checkpoint, shall consider the safety of the public entering the checkpoint and the peace officers operating the checkpoint. The law enforcement agency shall make reasonable efforts to place signs or other devices to advise operators of oncoming motor vehicles of the sobriety checkpoint and the purpose of the checkpoint, to demarcate the checkpoint with flares, flags, or traffic cones, and to otherwise illuminate the checkpoint as necessary.

(f) The peace officer who makes the initial traffic directive or other communication with the operator of a motor vehicle at the sobriety checkpoint must be wearing a uniform of the law enforcement agency that is distinguishable from civilian dress.

(g) The law enforcement agency shall establish procedures governing the encounters between motor vehicle operators and the peace officers to ensure that:

(1) a video and audio recording is made of the encounter;

(2) intrusion on the operator is minimized; and

(3) an inquiry is reasonably related to determining whether the operator is intoxicated and in violation of Section 49.04 or 49.045, Penal Code.

(h) Notwithstanding Section 521.025 or 601.053, Transportation Code, a peace officer may not request a person operating a motor vehicle at the sobriety checkpoint to display the person's driver's license or concealed handgun license or to furnish evidence of financial responsibility unless the officer has reasonable suspicion or probable cause to believe that the person has committed or is committing an offense. A peace officer may not direct the operator of a motor vehicle to leave the vehicle or move the vehicle off the highway or street or

routine sobriety checkpoint diversion route unless the officer has reasonable suspicion or probable cause to believe that the person has committed or is committing an offense. The design of a sobriety checkpoint may require that each motor vehicle passing through the checkpoint be diverted to a location adjacent to the highway or street to ensure safety.

(i) A peace officer at the sobriety checkpoint may not require a motor vehicle operator to perform a sobriety test unless the officer has reasonable suspicion or probable cause to believe that the operator is in violation of Section 49.04 or 49.045, Penal Code. A peace officer who requires or requests an operator to provide a specimen of breath, blood, or urine must comply with Chapter 724, Transportation Code.

(j) Unless a peace officer has reasonable suspicion or probable cause to detain a motor vehicle operator for a criminal offense, the time during which an officer makes an inquiry of an operator should not exceed three minutes, and the total time during which the operator must wait to pass through the checkpoint should not exceed 10 minutes. The law enforcement agency shall make reasonable efforts to reduce these periods to not more than one and five minutes, respectively.

(k) Before beginning the operation of a sobriety checkpoint, the law enforcement agency shall publicize through the use of the media the date and time for the operation of a sobriety checkpoint but is not required to disclose the location of the checkpoint.

(l) A law enforcement agency may not operate a sobriety checkpoint at one location for more than four hours and may not operate a checkpoint at the same location more than once in a 12-month period. For the purposes of this subsection, sobriety checkpoints located within one mile of each other are considered to be at the same location.

(m) A law enforcement agency shall maintain until at least the fifth anniversary of the date on which the agency concludes the operation of a sobriety checkpoint a record of the operation of the checkpoint that contains:

(1) the date, time, location, and duration of the checkpoint;

(2) the procedures used in selecting the site for the checkpoint;

(3) the number and characteristics of motor vehicles stopped at the checkpoint and the number and nature of arrests made and citations issued at the checkpoint; and

(4) the identities of the peace officers operating the checkpoint.

(n) A law enforcement agency shall maintain until at least the second anniversary of the date on which the agency concludes the operation of a sobriety checkpoint any video or audio recording made at the checkpoint of an encounter between a motor vehicle operator and a peace officer under Subsection (g)(1).

Art. 65.05. REPORT ON EFFECTIVENESS OF CHECKPOINTS. (a) Not later than January 15 of each calendar year, a law enforcement agency shall report the operation of each checkpoint during the preceding calendar year to the traffic safety section of the traffic operations division of the Texas Department of Transportation at its offices in Austin.

(b) The traffic operations division is entitled to inspect any information in the possession of the law enforcement agency that relates to the operation of a sobriety checkpoint by the agency.

(c) Not later than February 1, 2015, the traffic operations division shall submit a report on the effectiveness of sobriety checkpoints operated under this chapter to the governor, the lieutenant governor, and the speaker of the house of representatives.

Art. 65.06. EXPIRATION. This chapter expires August 31, 2015.

SECTION \_\_\_\_\_.02. A law enforcement agency authorized to operate a sobriety checkpoint under Chapter 65, Code of Criminal Procedure, as added by this Act, shall submit the first report required by Article 65.05 of that chapter not later than January 15, 2010.

Amendment No. 45 was withdrawn.

#### **Amendment No. 46**

Representative Burnam offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House Committee Report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Article 2.131, Code of Criminal Procedure, is amended to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. (a) A peace officer may not engage in racial profiling.

(b) A civilian employee of the Department of Public Safety assigned to a driver's license facility of that department may not engage in racial profiling in issuing an original, renewal, or duplicate driver's license, commercial driver's license, or personal identification certificate.

SECTION 2. Article 2.132, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) To the extent that they can be made applicable, the provisions of Subsections (b)(1), (2), (3), (4), and (5) also apply to civilian employees of the Department of Public Safety who are assigned to the driver's license facilities of the department.

Amendment No. 46 was adopted.

#### **Amendment No. 47**

Representative Rose offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 22.0834, Education Code, is amended by adding Subsection (k) to read as follows:

(k) The requirements of this section apply to an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement and any subcontractor of the entity. For purposes of this subsection,

"subcontractor" means an entity that contracts with another entity that is not a school district, open-enrollment charter school, or shared services arrangement to provide services to a school district, open-enrollment charter school, or shared services arrangement.

Amendment No. 47 was adopted.

**Amendment No. 48**

Representative Truitt offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730**, House Committee Report, as follows:

Add a new ARTICLE 7 and renumber subsequent ARTICLES accordingly.

The new ARTICLE 7 will read as follows:

ARTICLE 7. CERTAIN AGENCY ACCESS TO DATA BASES.

SECTION 7.01. Chapter 481, Subchapter C, Health and Safety Code, is amended to add a new Section 481.0762 to read as follows:

Sec. 481.0762. CERTAIN AGENCY ACCESS TO DATA BASES.

Notwithstanding any other provision of law, the director shall permit the Texas State Board of Pharmacy and the Texas Medical Board to have independent direct access to any information submitted to the director or the department for their respective applicants or licensees relating to controlled substance prescriptions, including information submitted by electronic transfer of prescriptions for controlled substances created under Chapter 481, Subchapter C, Health and Safety Code, including any information received, collected, maintained or compiled under sections 481.076 or 481.0761.

Amendment No. 48 was withdrawn.

**Amendment No. 49**

Representative Walle offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS accordingly:

SECTION \_\_\_\_\_. The Department shall develop customer service training requirements that at a minimum must be completed by the staff of the Driver License Division that interact with the public. Each new employee of the Division that is required to complete this training, as a condition of employment, must do by the end of the third month of employment. Thereafter, each employee that the training applies to shall participate annually in this training.

Amendment No. 49 was adopted.

**Amendment No. 50**

Representative Walle offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS accordingly:

SECTION \_\_\_\_\_. The Department shall develop cultural diversity training requirements to be completed by all staff of the Drivers License Division. Each new employee of the Division, as a condition of employment, must complete the training by the end of the third month of employment. Thereafter, each employee in the Division shall participate annually in the diversity training.

Amendment No. 50 was adopted.

#### **Amendment No. 51**

Representative Hernandez offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS accordingly:

SECTION \_\_\_\_\_. The Department shall develop training requirements regarding proof of citizenship documents. At a minimum, this training must be completed by all staff in the Drivers License Division. Each new employee of this Division, as a condition of employment, must complete the training by the end of the third month of employment. Thereafter, each employee of the Division shall participate annually in this training.

Amendment No. 51 was adopted.

#### **Amendment No. 52**

Representative Parker offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) as follows:

(1) On page 97, line 5, strike "Subsection (d)" and substitute "Subsections (d), (e), (f), and (g)".

(2) On page 98, between lines 2 and 3, insert the following:

(e) If the department issues or renews a driver's license under this section to a person who is subject to Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in, the department shall print "RSO" in black on the reverse side of each driver's license issued to or renewed by the person before the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure.

(f) The department may collect an additional fee to implement the requirements of Subsection (e).

(g) The department shall post information on the department's Internet website explaining that a person whose driver's license has "RSO" on the license is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in.

(3) Add the following SECTIONS, appropriately numbered, to ARTICLE 7 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 7.\_\_\_\_. Section 521.103, Transportation Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) If the department issues or renews a personal identification certificate under this section to a person who is subject to Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in, the department shall print "RSO" in black on the reverse side of each personal identification certificate issued to or renewed by the person before the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure.

(d) The department may collect an additional fee to implement the requirements of Subsection (c).

(e) The department shall post information on the department's Internet website explaining that a person whose personal identification certificate has "RSO" on the certificate is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in.

SECTION 7.\_\_\_\_. Section 522.033, Transportation Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) If the department issues or renews a commercial driver's license or commercial driver learner's permit under this section to a person who is subject to Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in, the department shall print "RSO" in black on the reverse side of each license or learner's permit issued to or renewed by the person before the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure.

(d) The department may collect an additional fee to implement the requirements of Subsection (c).

(e) The department shall post information on the department's Internet website explaining that a person whose commercial driver's license or commercial driver learner's permit has "RSO" on the license or learner's permit is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in.

### **Amendment No. 53**

Representative Parker offered the following amendment to Amendment No. 52:

Amend Amendment No. 52 to **CSHB 2730** by Parker (barcode number 812177) by striking the text of the amendment and substituting the following:

Amend **CSHB 2730** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CERTIFICATES ISSUED TO REGISTERED SEX OFFENDERS

SECTION \_\_\_\_ . Section 521.272, Transportation Code, is amended by adding Subsections (d), (e), and (f), to read as follows:

(d) If the department issues or renews a driver's license under this section to a person who is subject to Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in, the department shall print "RSO" in black on the reverse side of each driver's license issued to or renewed by the person before the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure.

(e) The department may collect an additional fee to implement the requirements of Subsection (d).

(f) The department shall post information on the department's Internet website explaining that a person whose driver's license has "RSO" on the license is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in.

SECTION \_\_\_\_ . Section 521.103, Transportation Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) If the department issues or renews a personal identification certificate under this section to a person who is subject to Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in, the department shall print "RSO" in black on the reverse side of each personal identification certificate issued to or renewed by the person before the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure.

(d) The department may collect an additional fee to implement the requirements of Subsection (c).

(e) The department shall post information on the department's Internet website explaining that a person whose personal identification certificate has "RSO" on the certificate is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in.

SECTION \_\_\_\_ . Section 522.033, Transportation Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) If the department issues or renews a commercial driver's license or commercial driver learner's permit under this section to a person who is subject to Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in, the department shall print "RSO" in black on the reverse side of each license or learner's permit issued to or renewed by the person before the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure.

(d) The department may collect an additional fee to implement the requirements of Subsection (c).

(e) The department shall post information on the department's Internet website explaining that a person whose commercial driver's license or commercial driver learner's permit has "RSO" on the license or learner's permit is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, as a result of a reportable conviction or adjudication that is based on an offense or conduct the victim of which was younger than 14 years of age at the time the offense was committed or the conduct was engaged in.

Amendment No. 53 was adopted.

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

Representative Cook requested permission for the Committee on Environmental Regulation to meet while the house is in session, at 5:30 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Cook moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Environmental Regulation to consider **SB 1387**.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Environmental Regulation, 5:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

#### **CSHB 2730 - (consideration continued)**

#### **Amendment No. 54**

Representative Miklos offered the following amendment to Amendment No. 52:

Amend Floor Amendment No. 52 by Parker to **CSHB 2730** (#812177) as follows:

(1) On page 1, strike lines 12-14 and substitute the following:  
to or renewed by the person before the earlier of:

(1) the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure; or

(2) the last date on which that person was required to register under Chapter 62, Code of Criminal Procedure.

(2) On page 2, strike lines 9-11 and substitute the following:  
the person before the earlier of:

(1) the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure; or

(2) the last date on which that person was required to register under Chapter 62, Code of Criminal Procedure.

(3) On page 3, strike lines 1-3 and substitute the following:  
renewed by the person before the earlier of:

(1) the 20th anniversary of the date that the person was first required to register under Chapter 62, Code of Criminal Procedure; or

(2) the last date on which that person was required to register under Chapter 62, Code of Criminal Procedure.

Amendment No. 54 was adopted.

Amendment No. 52, as amended, failed of adoption.

(Leibowitz in the chair)

#### **Amendment No. 55**

Representative Truitt offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730**, House Committee Report, as follows: Add a new ARTICLE 7 and renumber subsequent ARTICLES accordingly. The new ARTICLE 7 will read as follows:

ARTICLE 7. CERTAIN AGENCY ACCESS TO DATA BASES.

SECTION 7.01. Chapter 481, Subchapter C, Health and Safety Code, is amended to add a new Section 481.0762 to read as follows:

Sec. 481.0762. CERTAIN AGENCY ACCESS TO DATA BASES. Notwithstanding any other provision of law, the director shall permit the Texas State Board of Pharmacy and the Texas Medical Board to have independent direct access to any information submitted to the director or the department for their respective applicants or licensees relating to controlled substance prescriptions, including information submitted by electronic transfer of prescriptions for controlled substances created under Chapter 481, Subchapter C, Health and Safety Code, including any information received, collected, maintained or compiled under sections 481.076 or 481.0761.

#### **Amendment No. 56**

Representative Truitt offered the following amendment to Amendment No. 55:

Amend Amendment No. 55 by Truitt to **CSHB 2730** (barcode number 812141) on page 1, line 10 of the amendment, before "permit" by inserting "when it becomes technologically feasible".

Amendment No. 56 was adopted.

Amendment No. 55, as amended, was adopted.

**Amendment No. 57**

Representative Martinez offered the following amendment to **CSHB 2730**:

Amend **CSHB 2730** (House committee printing) by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS accordingly:

SECTION \_\_\_\_\_. All department employees charged with processing applications for and issuing driver's licenses and/or identification cards shall receive a one time pay raise in the amount of \$3,000 per year upon meeting the following qualifications:

- (1) completion of all training requirements
- (2) A minimum of 6 months consecutive employment with the department in the same position and;
- (3) A satisfactory job review by the employee's immediate supervisor

**Amendment No. 58**

Representative Martinez offered the following amendment to Amendment No. 57:

Amend Floor Amendment No. 57 by Martinez to **CSHB 2730** (barcode number 815012) by striking the text of the amendment and substituting the following:

Amend **CSHB 2730** (House committee printing) by adding the following appropriately numbered SECTION to ARTICLE 6 of the bill and renumbering the remaining SECTIONS in ARTICLE 6 accordingly:

SECTION \_\_\_\_\_. Subject to the availability of funds, all department employees charged with processing applications for and issuing driver's licenses and/or identification cards shall receive a one time pay raise in the amount of \$3,000 per year upon meeting the following qualifications:

- (1) completion of all training requirements;
- (2) A minimum of 6 months consecutive employment with the department in the same position; and
- (3) A satisfactory job review by the employee's immediate supervisor.

Amendment No. 58 was adopted.

(Isett now present)

Amendment No. 57, as amended, was adopted. (Legler recorded voting no.)

**CSHB 2730**, as amended, was passed to engrossment.

(Geren in the chair)

**CSHB 3245 ON SECOND READING**  
(by Solomons, et al.)

**CSHB 3245**, A bill to be entitled An Act relating to certain protections for customers in the restructured electric services market.

**Amendment No. 1**

Representative Solomons offered the following amendment to **CSHB 3245**:

Amend **CSHB 3245** (house committee printing) on page 6, line 5, by striking "strategies," and substituting "strategies and".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative S. Turner offered the following amendment to **CSHB 3245**:

Amend **CSHB 3245** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsection (h)" and substitute "Subsections (a) and (h)".

(2) On page 1, between lines 7 and 8, insert:

(a) The [~~Before customer choice begins on January 1, 2002, the~~] commission shall ensure that retail customer protections are established that entitle a customer:

(1) to safe, reliable, and reasonably priced electricity, including protection against service disconnections in an extreme weather emergency as provided by Subsection (h) or in cases of medical emergency or nonpayment for unrelated services;

(2) to privacy of customer consumption and credit information;

(3) to bills presented in a clear format and in language readily understandable by customers;

(4) to the option to have all electric services on a single bill, except in those instances where multiple bills are allowed under Chapters 40 and 41;

(5) to protection from discrimination on the basis of race, color, sex, nationality, religion, or marital status;

(6) to accuracy of metering and billing;

(7) to information in English and Spanish and any other language as necessary concerning rates, key terms and conditions, in a standard format that will permit comparisons between price and service offerings, and the environmental impact of certain production facilities;

(8) to information in English and Spanish and any other language as necessary concerning low-income assistance programs and deferred payment plans; [~~and~~]

(9) to other information or protections necessary to ensure high-quality service to customers; and

(10) to a refund of a security deposit or other money owed to the customer on the withdrawal of the customer's retail electric provider from competition in this state.

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

SECTION \_\_\_\_\_. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.110 to read as follows:

Sec. 39.110. CUSTOMER DEPOSIT FUND. (a) The customer deposit fund is a trust fund held outside the state treasury by a financial institution eligible to be a state depository under Chapter 404, Government Code, that is selected by the commission. Money in the fund may be used only to repay a security deposit to a customer of a retail electric provider.

(b) The commission shall:

(1) deposit each customer deposit remitted under Subsection (c) to the credit of the customer deposit fund;

(2) remit to a retail electric provider an amount equal to the amount of a customer's security deposit plus interest on the deposit, when the retail electric provider demonstrates that the security deposit has been returned to the customer with interest as provided by Chapter 183, minus any deductions for payments due;

(3) remit to a retail electric provider an amount equal to the amount of interest on a deposit remitted to a customer on request as provided by Section 183.004 when the retail electric provider demonstrates that the interest has been paid to the customer; and

(4) conduct an annual review of the customer deposit fund, including a review of the interest projected to be earned by the fund.

(c) A retail electric provider shall remit to the commission each security deposit the provider receives from a customer. The commission may require a retail electric provider to submit a report regarding remissions of security deposits for deposit to the fund or returns of security deposits to customers. A report submitted under this subsection must contain any information the commission requires to evaluate a retail electric provider's compliance with this section.

(d) The commission quarterly shall publish a report of customer deposit fund deposits, disbursements, and earnings.

(e) The commission shall adopt rules to implement this section. At a minimum, the rules must establish:

(1) the procedures by which a retail electric provider shall remit security deposits to the commission;

(2) the information that must be contained in a report required under Subsection (c);

(3) a schedule for the return of a customer's security deposit by a retail electric provider and the reimbursement of a retail electric provider from the fund for returned deposits, minus any deductions for payments due; and

(4) procedures for the review required by Subsection (b)(4), including a method of administrative review that ensures that a retail electric provider remits each customer's security deposit to the commission and returns each customer's security deposit and interest to the customer when necessary, minus any deductions for payments due.

SECTION \_\_\_\_\_. (a) The Public Utility Commission of Texas shall adopt rules consistent with Section 39.110, Utilities Code, as added by this Act, not later than December 1, 2009.

(b) The changes in law made by Section 39.101(a), as amended by this Act, and Section 39.110, as added by this Act, apply only to a security deposit that is received by a retail electric provider on or after the effective date of this Act. A security deposit that is received before the effective date of this Act is subject to the law in effect on the date of receipt, and that law is continued in effect for that purpose.

Amendment No. 2 was withdrawn.

Representative Solomons moved to postpone consideration of **CSHB 3245** until 6:30 p.m. today.

The motion prevailed.

### **POSTPONED BUSINESS**

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

#### **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** was read second time on May 12, postponed until 9:45 p.m. May 12, and was again postponed until this time.

Representative Cohen moved to postpone consideration of **CSHB 2070** until 10 a.m. Thursday, June 4.

The motion prevailed.

#### **HB 1657 ON SECOND READING (by Giddings, Solomons, Eiland, Hughes, Smithee, et al.)**

**HB 1657**, A bill to be entitled An Act relating to workers' compensation insurance coverage regarding certain contractors.

**HB 1657** was read second time earlier today and was postponed until this time.

### **HB 1657 - POINT OF ORDER**

Representative Kleinschmidt raised a point of order against further consideration of **HB 1657** under Rule 4, Section 11, Rule 4, Section 16, and Rule 4, Section 18 of the House Rules on the grounds that proper notice of the committee meeting was not given, a quorum was not present at the committee meeting, and the committee minutes are incomplete.

(Gattis now present)

The chair overruled the point of order, speaking as follows:

Representative Kleinschmidt raises a point of order against further consideration of **HB 1657** under Rule 4, Sections 11, 16, and 18 of the House Rules.

House Rules give the chair of a committee substantial discretion and latitude in appointing and scheduling the work of a subcommittee. (See Rule 4, Section (6)(2) and Rule 4, Sections 43, 44, 48, and 50). There is no requirement in the House Rules that action be taken by the full committee in order for the chair to perform its administrative functions nor is there a requirement that these functions be referenced in the minutes or the committee action report.

The chair of the committee may recall a bill from subcommittee and lay out a bill before the full committee at any time. These are long standing practices of the house and are consistent with the rules. The chair can find no precedent that would limit a committee chair's powers to perform these functions.

It is true that the chair can find no minutes or documentation that reflects any action taken by the subcommittee on **HB 1657**. It appears that the subcommittee never met at all and that the bill was referred to subcommittee by the chair and then promptly recalled. This procedure is consistent with House Rules and is not a sustainable point of order.

Accordingly, the point of order is respectfully overruled.

### **Amendment No. 1**

Representative Hilderbran offered the following amendment to **HB 1657**:

Amend **HB 1657**, house committee printing, as follows:

(1) On page 1, between lines 17 and 18, insert the following:

SECTION 2. Subchapter F, Chapter 406, Labor Code, is amended by adding Section 406.128 to read as follows:

Sec. 406.128. APPLICATION TO CERTAIN PREMISES OWNERS. (a) In this section, "small business" has the meaning assigned by Section 2006.011, Government Code.

(b) Notwithstanding any other provision of this subchapter, a premises owner who is a homeowner, general small business, or a small business engaged in agriculture may operate as a general contractor for purposes of this chapter in procuring the performance of work or a service on the premises of that premises owner.

(2) On page 1, line 18, strike "SECTION 2" and substitute "SECTION 3".

Amendment No. 1 was adopted.

### **HB 1657 - POINT OF ORDER**

Representative P. King raised a point of order against further consideration of **HB 1657** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

### **RECESS**

At 6:32 p.m., the chair announced that the house would stand recessed until 7:02 p.m. today.

### **NIGHT SESSION**

The house met at 7:02 p.m. and was called to order by Representative Geren.

**HB 1657 - (pending business)**

A point of order was pending at the time of recess.

The chair overruled the point of order, speaking as follows:

Representative P. King raises a point of order against further consideration of **HB 1657** on the grounds that the bill analysis is materially and substantially misleading. Mr. King specifically bases his objection on the premise that the Background and Purpose section of the bill analysis incorrectly states that the Entergy opinion that was decided in 2007 "did not consider the legislative intent of the definition of 'general contractor'."

Although the chair declines to discuss the long procedural history of the case, it is clear that the case that is referenced in the background paragraph of the bill analysis is the one that was decided by the Texas Supreme Court in August 2007. In that case, the court discussed the term "general contractor" and based its ruling on the plain meaning of the words of the statute, rejecting a claim of legislative intent as a sufficient basis for its ruling. In a subsequent opinion, the court discussed legislative intent in greater depth.

While ambiguously stated, a review of the background against the opinion indicates that the bill analysis is not materially or substantially misleading and complies with the stated purpose of the rules.

Accordingly, the point of order is respectfully overruled.

**Amendment No. 2**

Representative P. King offered the following amendment to **HB 1657**:

Amend **HB 1657** as follows:

Delete Section 1.

Insert the following:

Section 1. INTERIM STUDY BENEFITS AND IMMUNITY. (a) A select interim committee is created to study the benefits of employees covered by workers' compensation and the immunity provided to premises owners and others who provide workers' compensation to employees.

(b) The committee shall be composed of:

- (1) three Representatives from the House, appointed by the Speaker;
- (2) three Senators, appointed by the Lieutenant Governor;
- (3) three representatives of the executive branch, appointed by the Governor;
- (4) representative members from labor, industry, business, insurance, plaintiff's bar, defense bar and the tort reform groups, appointed by the Governor.

(e) On the request of the committee, the Texas Department of Insurance shall provide to Interim Study Committee any information necessary to perform its duties under this section.

(f) Not later than December 1, 2010, the committee shall report the committee's findings and recommendations to the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor. The committee may include in its recommendations specific legislation that the committee considers desirable to address topics studied by the committee.

(g) The committee is abolished and this Act expires January 16, 2011.

**Amendment No. 2 - Point of Order**

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

The point of order was withdrawn.

Representative Smithee moved to table Amendment No. 2.

The motion to table prevailed by (Record 817): 77 Yeas, 69 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farias; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Howard, D.; Hughes; Keffer; Kent; King, T.; Leibowitz; Lewis; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Smithee; Solomons; Swinford; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycok; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Farabee; Fletcher; Flynn; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Homer; Hopson; Howard, C.; Hunter; Isett; Jackson; Jones; King, P.; King, S.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lucio; Madden; Marquez; McCall; Merritt; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Rios Ybarra; Rose; Sheffield; Shelton; Smith, W.; Strama; Taylor; Truitt; Weber; Woolley; Zerwas.

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

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

**MESSAGE FROM THE SENATE**

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

**HB 1657 - (consideration continued)**

**HB 1657 - REMARKS**

REPRESENTATIVE GATTIS: Members, I know y'all are tired, and I know y'all don't want to listen to this anymore. I hear you, I hear you. Look, I've stayed off this mic all session, and that's very unusual for me mostly, so I'm going to take a little privilege at this point in time. Let me tell you that I come and stand before you tonight as a tort reformer. I've been a tort reformer since I walked into this

body. In 2003, I served as vice-chair of Civil Practices and I helped carry tort reform on this floor, and I spent way too much time on this mic for two-and-a-half days defending that bill—as Mr. Geren tells me all the time, as some of you freshmen have already experienced this year. I carried the forum non conveniens bill that has helped us make Texas not a dumping ground for everyone else's lawsuits. I carried the court reorganization bill last session that Ms. Thompson killed on a point of order right here in this last week because of some issues that were going on across the state. I'm a tort reformer, standing before you, saying that you need to vote for this bill.

The reason I'm telling you to vote for this bill is this: because I'm a conservative. I ran in this body, and I ran continuously saying that one of the things that we do not want to have is an activist judicial system. We want to be the body that makes the law. We don't want our courts to make the law. I cannot stand before you and accept a right-wing court making the law any more than I can stand before you and let a left-wing court make the law. It is a fundamental constitutional issue of separation of powers. You are getting a lot of pressure here today; you've had it for weeks on end. You've had it from the trial lawyers, you've had it from TLR, you've had it from businesses, you've had it from everybody else. I'm telling you today to push all those things aside, because it's not about any of those issues, and it's not about them. It's about us.

The supreme court, in their original ruling, came up and said that a premise owner could be considered a general contractor and achieve sole remedy protections in their decision, something that's been trying to be passed in this body for 20 years. It's never been passed by this body. And in their original decision, they said it's through a recodification that we found you could do this, and this body erupted and said that we can't stand that recodification means legislative intent—means we don't change anything. The supreme court said that didn't matter. And then, after we erupted, they said, wait a minute, it wasn't the 1993 recodification, it was the 1989 change in law. And then they said, wait a minute, it wasn't the 1989 change in law, actually it's the 1917. You've been able to do this forever. Why do I say it's an activist court? Because we have one ultimate policy decision and three different ways to get there over time. There's no other way to look at this than they were trying to get to a result. A result that this body has refused to do. I'm going to tell you that it's a result that I think we should do.

I believe in the policy. I believe that a general contractor and a premise owner should be the same person. But I think that the only way you can do that is to revamp comp, which everybody in this body says we need to do. How do you get anybody at the table when they've already gotten what they want? You can't get them there.

I stand before you saying that the policy that was in this decision by the supreme court, I agree with. But I disagree with the process. We've been talking about process in this body for years and that it matters. I'm telling you to get rid of the outside pressures, because what this is, is about us. Do we matter? Does legislative intent matter? I stand before you on the policy side—I agreed with what they did, but I disagreed with why they got there, and that's a constitutional

issue. And when I'm faced with a Hobson's choice—not a Chuck Hopson, but a Hobson's choice—of picking one over the other, I have to fall back to the constitution because it's what I was sent here and swore to uphold. I ask that you vote for this bill. God bless you.

**HB 1657**, as amended, was passed to engrossment by (Record 818): 75 Yeas, 69 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Howard, D.; Hughes; Kent; King, T.; Leibowitz; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Smithee; Solomons; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Lucio; Madden; McCall; Merritt; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Rios Ybarra; Rose; Sheffield; Shelton; Smith, W.; Strama; Swinford; Taylor; Truitt; Weber; Zerwas.

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

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Guillen; Marquez.

#### STATEMENTS OF VOTE

When Record No. 818 was taken, my vote failed to register. I would have voted yes.

Marquez

I was shown voting yes on Record No. 818. I intended to vote no.

Woolley

#### REMARKS ORDERED PRINTED

Representative Herrero moved to print remarks by Representative Gattis.

The motion prevailed.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Coleman moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **SB 1500**.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 9:15 p.m. today, in 3W.9, for a formal meeting, to consider **SB 1500**.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

County Affairs, 9:15 p.m. today, 3W.9, for a formal meeting, to consider **SB 1500**.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **SB 411, SB 413, SB 414, SB 415, SB 449, SB 689, SB 1454, SB 1530, SB 1707, SB 2224, SB 2438**, and the previously posted agenda.

The motion prevailed.

**POSTPONED BUSINESS**

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

**CSHB 1128 ON SECOND READING**  
**(by McReynolds)**

**CSHB 1128**, A bill to be entitled An Act relating to certain corrective actions by the Texas Board of Nursing, including a pilot program on deferred disciplinary action; providing corrective actions.

**CSHB 1128** was read second time on May 8, postponed until 8 a.m. today, and was again postponed until this time.

Representative McReynolds moved to postpone consideration of **CSHB 1128** until 10 p.m. today.

The motion prevailed.

**SB 1203 - RECOMMITTED**

Representative Cook moved to recommit **SB 1203** to the Committee on Environmental Regulation.

The motion prevailed.

(Speaker in the chair)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, 9:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**CSHB 3245 ON SECOND READING**  
**(by Solomons, et al.)**

**CSHB 3245**, A bill to be entitled An Act relating to certain protections for customers in the restructured electric services market.

**CSHB 3245** was read second time earlier today, amendments were offered and disposed of, and **CSHB 3245** was postponed until this time.

**Amendment No. 3**

Representative S. Turner offered the following amendment to **CSHB 3245**:

Amend **CSHB 3245** (house committee printing) in SECTION 1 of the bill as follows:

(1) On page 1, line 6, strike "Subsection (h)" and substitute "Subsections (b) and (h)".

(2) On page 1, between lines 7 and 8 insert:

(b) A customer is entitled:

(1) to be informed about rights and opportunities in the transition to a competitive electric industry;

(2) to choose the customer's retail electric provider consistent with this chapter, to have that choice honored, and to assume that the customer's chosen provider will not be changed without the customer's informed consent;

(3) to have access to providers of energy efficiency services, to on-site distributed generation, and to providers of energy generated by renewable energy resources;

(4) to be served by a provider of last resort that offers a commission-approved standard service package;

(5) to a written contract with a service provider, on a standard form approved by the commission that includes conspicuous standardized topical headings to be identified by the commission, and that provides the consumer with [receive] sufficient information to make an informed choice of service provider;

(6) to be protected from unfair, misleading, or deceptive practices, including protection from being billed for services that were not authorized or provided; and

(7) to have an impartial and prompt resolution of disputes with its chosen retail electric provider and transmission and distribution utility.

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative S. Turner offered the following amendment to **CSHB 3245**:

Amend **CSHB 3245** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 39.352, Utilities Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Subject to Subsection (d), a retail electric provider shall at all times maintain compliance with the requirements for certification prescribed by Subsection (b) and with all other applicable requirements prescribed by this title or by a commission order or rule, including customer protection requirements, disclosure requirements, and marketing guidelines. At least annually and at any other time the commission may require, a retail electric provider shall submit a report to the commission concerning the financial viability of the retail electric provider. At any time, the commission, on its own motion or on complaint, may:

(1) investigate the financial, managerial, and technical performance of a retail electric provider; and

(2) inspect the books and records of a retail electric provider.

SECTION \_\_\_\_\_. Section 39.352(e), Utilities Code, is repealed.

Amendment No. 4 was adopted.

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

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 9:30 p.m. today, in 3W.15, for a formal meeting.

Permission to meet was granted.

### **CSHB 3245 - (consideration continued)**

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

Representative S. Turner offered the following amendment to **CSHB 3245**:

Amend **CSHB 3245** (house committee printing) as follows:

(1) On page 1, line 6, between "Subsections" and "(i)", insert "(e-1),".

(2) On page 1, between lines 7 and 8, insert:

(e-1) A retail electric provider, power generation company, aggregator, or other entity that provides retail electric service shall print clearly on each customer's bill an itemized list of all surcharges, including each surcharge imposed as a flat fee or a surcharge that is computed according to electricity used, and the amount billed for each surcharge for that billing cycle. The commission may adopt rules as necessary to implement and enforce this subsection and has jurisdiction over all providers of electric service in enforcing this subsection. The commission may assess administrative penalties under Section 15.023 and seek civil penalties under Section 15.028 for a violation of this subsection. The listed surcharges must include:

(1) each nonbypassable surcharge;

(2) each charge for securitized costs;

(3) smart meter charges;

(4) charges for the system benefit fund;

(5) charges related to competitive renewable energy zones;

(6) charges related to the implementation of a nodal market;

(7) charges related to an independent organization certified under

Section 39.151; and

(8) charges related to a recovery factor for costs of an energy efficiency program.

### **CSHB 3245 - POINT OF ORDER**

Representative S. Miller raised a point of order against further consideration of **CSHB 3245** under Rule 4, Section 9 and Rule 4, Section 18 of the House Rules on the grounds that the committee was not given permission to meet while the house is in session and the committee minutes are incomplete

The point of order was withdrawn.

Representative Solomons moved to postpone consideration of **CSHB 3245** until 10:30 p.m. today.

The motion prevailed.

### **MAJOR STATE CALENDAR (consideration continued)**

#### **CSHB 4299 ON SECOND READING (by Rose)**

**CSHB 4299**, A bill to be entitled An Act relating to rainwater harvesting and other water conservation initiatives.

**CSHB 4299** was passed to engrossment. (Anderson and Harper-Brown recorded voting no.)

#### **CSHB 4833 ON SECOND READING (by Hunter)**

**CSHB 4833**, A bill to be entitled An Act relating to the creation of district courts and statutory county courts and to the composition of the juvenile boards in certain counties.

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

Representative Hunter offered the following amendment to **CSHB 4833**:

Amend **CSHB 4833** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.576 to read as follows:

Sec. 24.576. 432ND JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 432nd Judicial District is composed of Tarrant County.

(b) The 432nd District Court shall give preference to criminal matters.

(b) The 432nd Judicial District is created on the effective date of this Act.

Amendment No. 1 was adopted.

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

Representative Hunter offered the following amendment to **CSHB 4833**:

Amend **CSHB 4833** (house committee printing) on page 2 by striking lines 22 through 27 and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative T. Smith offered the following amendment to **CSHB 4833**:

Amend **CSHB 4833** as follows:

Add new Section \_\_\_\_ and renumber subsequent Sections accordingly:

Section \_\_\_\_\_. (a) Effective September 1, 2009, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.576 to read as follows:

Sec. 24.576. 432ND JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 432nd Judicial District is composed of Tarrant County.

(b) The 432nd District Court shall give preference to criminal matters.

(b) The 432nd Judicial District is created on September 1, 2009.

Amendment No. 3 was withdrawn.

### **Amendment No. 4**

On behalf of Representative Flynn, Representative Hunter offered the following amendment to **CSHB 4833**:

Amend **CSHB 4833** (house committee printing) as follows:

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

(d) Effective October 1, 2010, Section 152.2401 (a), Human Resources Code, is amended to read as follows:

(a) The Van Zandt County Juvenile Board is composed of the county judge, the criminal district attorney of Van Zandt County, ~~and~~ the judge of the 294th Judicial District, and the judge of the 441st Judicial District.

(2) On page 12, strike "(a) Effective September 1, 2010, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.2361 and 25.2362 to read as follows" and replace it with "Chapter 969 (**HB 4139**), Acts of the 80th Legislature, Regular Session, 2007, which added Section 25.2361, Government Code, to be effective January 1, 2011, is repealed."

(3) Strike page 12, line 27 through page 14, line 2.

Amendment No. 4 was adopted.

**CSHB 4833**, as amended, was passed to engrossment.

## **CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING**

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

**HJR 7 ON SECOND READING**  
**(by Flores, Leibowitz, Guillen, and Martinez)**

**HJR 7**, A joint resolution proposing a constitutional amendment to require partnering with the United States Department of Veterans Affairs and other federal agencies to establish a veterans hospital in the Rio Grande Valley region of the state.

**HJR 7** was adopted by (Record 819): 140 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; Elkins; England; Farabee; 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, T.; Kleinschmidt; Kolkhorst; 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; 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; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Eissler; Farias; Howard, C.; King, S.; Lucio; Pierson; Walle.

**STATEMENTS OF VOTE**

When Record No. 819 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 819 was taken, my vote failed to register. I would have voted yes.

Lucio

When Record No. 819 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

**CSHJR 37 ON SECOND READING**  
(by Raymond, Pitts, Edwards, Otto, Hopson, et al.)

**CSHJR 37**, A joint resolution proposing a constitutional amendment to dedicate net revenue from the state lottery to certain public school purposes.

**Amendment No. 1**

Representative Eiland offered the following amendment to **CSHJR 37**:

Amend **CSHJR 37** (house committee printing) on page 1, line 11, between "paid" and "for" by inserting "or reserved".

Amendment No. 1 was adopted.

**CSHJR 37**, as amended, was adopted by (Record 820): 141 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, T.; Kleinschmidt; Kolkhorst; 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; 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; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Heflin; Keffer; King, S.; Pierson; Thompson; Walle.

**STATEMENTS OF VOTE**

When Record No. 820 was taken, I was in the house but away from my desk. I would have voted yes.

Heflin

When Record No. 820 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

When Record No. 820 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 820 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 972 ON SECOND READING  
(by Quintanilla)**

**CSHB 972**, A bill to be entitled An Act relating to inclusion on certain advertising documents of the license or certificate of registration number of certain individuals regulated by this state who solicit business in consumers' homes; providing a civil penalty.

**Amendment No. 1**

Representative Christian offered the following amendment to **CSHB 972**:

Amend **CSHB 972** (house committee printing), as follows:

- (1) On page 2, line 12, strike "or".
- (2) On page 2, line 15, strike the period and substitute "; or".
- (3) On page 2, between lines 15 and 16, insert:

(3) an insurance agent licensed under Subtitle B, Title 13, Insurance Code, other than an agent licensed to solicit life, accident, and health insurance coverage who offers for sale in the consumer's home a Medicare Advantage Plan.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Marquez offered the following amendment to **CSHB 972**:

Amend **CSHB 972** (house committee printing) as follows:

(1) On page 1, lines 14 through 16, strike "over a telephone, through a salesperson, or through a written communication mailed, e-mailed, or otherwise delivered,".

(2) On page 1, line 24 through page 2, line 2, strike "on any document, advertisement, business card, or logo provided by the individual to a consumer as part of an effort to solicit business form the consumer" and substitute "and the individual's signature on any document evidencing the sale or any service agreement or service contract that is provided by the individual to the consumer".

(3) On page 2, lines 6 and 7, strike "on any document, advertisement, business card, or logo provided by the individual to a consumer as part of an effort to solicit business from the consumer" and substitute "and the individual's signature on the document evidencing the sale or the service agreement or service contract that is provided by the individual to the consumer".

Amendment No. 2 was adopted.

**CSHB 972**, as amended, was passed to engrossment. (Berman, Button, Corte, and Phillips recorded voting no.)

**CSHB 2000 ON SECOND READING**  
**(by McCall)**

**CSHB 2000**, A bill to be entitled An Act relating to health benefit plan coverage for certain amino acid-based elemental formulas.

**CSHB 2000** was passed to engrossment. (Anderson, Berman, Christian, Corte, and Hunter recorded voting no.)

**CSHB 3480 ON SECOND READING**  
**(by Truitt and Menendez)**

**CSHB 3480**, A bill to be entitled An Act relating to certain investment products made available to certain public school employees and the companies authorized to provide those products; providing civil penalties.

**Amendment No. 1**

Representative Truitt offered the following amendment to **CSHB 3480**:

Amend **CSHB 3480** (house committee printing) as follows:

(1) On page 2, line 16, strike "Subsections (d-1) and (f-1)" and substitute "Subsections (d-1), (d-2), and (f-1)".

(2) On page 3, line 3, strike "The" and substitute "Except as provided by Subsection (d-2) of this section, the".

(3) On page 3, line 9, between "violation" and "may", insert "of this Act".

(4) On page 3, line 11, between "investigation" and "to", insert "relating to an alleged violation of this Act".

(5) On page 3, between lines 12 and 13, insert the following:

(d-2) If the Texas Department of Banking receives a complaint from the retirement system under Subsection (d) of this section that relates to a federally chartered financial institution, the Texas Department of Banking shall:

(1) refer the complaint to the appropriate federal regulatory agency; and

(2) notify the attorney general of the department's referral.

(6) On page 3, line 18, between "investigation" and "made", insert "or referral".

**CSHB 3480 - POINT OF ORDER**

Representative Farrar raised a point of order against further consideration of **CSHB 3480** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Truitt moved to postpone consideration of **CSHB 3480** until 10 p.m. today.

The motion prevailed.

**CSHB 2783 ON SECOND READING**  
(by Anchia, et al.)

**CSHB 2783**, A bill to be entitled An Act relating to the adoption of energy efficient building standards.

**Amendment No. 1**

Representative Anchia offered the following amendment to **CSHB 2783**:

Amend **CSHB 2783** (house committee printing) on page 2, lines 18 and 19, by striking "impact, on average," and substituting "impact overall".

Amendment No. 1 was adopted.

(Isett in the chair)

**Amendment No. 2**

Representative Villarreal offered the following amendment to **CSHB 2783**:

Amend **CSHB 2783** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The heading to Chapter 46, Education Code, is amended to read as follows:

CHAPTER 46. ~~[ASSISTANCE WITH]~~ INSTRUCTIONAL FACILITIES AND ASSISTANCE WITH PAYMENT OF EXISTING DEBT

SECTION \_\_\_\_\_. Chapter 46, Education Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. STANDARDS FOR INSTRUCTIONAL FACILITIES

Sec. 46.101. DEFINITION. In this subchapter, "instructional facility" has the meaning assigned by Section 46.001.

Sec. 46.102. ENERGY EFFICIENCY AND CONSERVATION STANDARDS FOR INSTRUCTIONAL FACILITIES. (a) In this section, "energy office" means the State Energy Conservation Office.

(b) The energy office shall adopt energy efficiency and conservation standards for the design, construction, and major renovation of instructional facilities that school districts may adopt or use to achieve long-term savings in energy and water costs through innovative building techniques.

(c) The standards adopted under Subsection (b) must match high-performance building certification standards that:

(1) are developed and revised through a consensus-based process or by a municipally owned utility in this state;

(2) provide minimum requirements for energy use, natural resources use, and indoor air quality;

(3) require substantiating documentation for certification;

(4) employ third-party, post-construction review and verification for certification; and

(5) the energy office determines are nationally recognized in the building industry, such as:

(A) the Texas Collaborative for High Performance Schools (TX-CHPS) Criteria;

(B) the Green Building Initiative's Green Globes program;

(C) the Leadership in Energy and Environmental Design (LEED) Green Building Rating System; or

(D) the Austin Energy Green Building Program.

(d) The energy office may update the standards adopted under this section not more frequently than once every three years.

(e) The energy office shall prepare an analysis of the typical initial building costs and projected energy and other savings associated with the implementation of the standards adopted by the energy office under this section. The office shall publish the analysis and make copies available to all school districts in this state.

(f) The energy office shall adopt rules necessary to administer this section.

Sec. 46.103. STATE AND FEDERAL FUNDS. The energy office shall, to the extent possible, assist school districts to obtain state and federal funding for implementing the standards adopted under this subchapter.

SECTION \_\_\_\_\_. Not later than July 1, 2010, the State Energy Conservation Office shall adopt rules establishing energy efficiency, conservation, and indoor air quality standards for the design, construction, and renovation of public school instructional facilities as required by Section 46.102, Education Code, as added by this Act.

Amendment No. 2 was adopted.

**CSHB 2783 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE MADDEN: Rafael, in the meeting we had with the city of Dallas, just prior to the legislative session, one of the things they had on their agenda dealt with the exchange of the Dawson state jail with a facility to be provided for TDCJ. Would this bill, in any way, affect the ability of the city of Dallas to do that kind of project?

REPRESENTATIVE ANCHIA: No, I don't perceive the intent of this bill to impact it at all. This is residential and commercial, it wouldn't deal with jails.

MADDEN: Okay, so it doesn't deal with a commercial area like where the jail would obviously be? It wouldn't affect the city?

ANCHIA: It shouldn't impact the jail.

**REMARKS ORDERED PRINTED**

Representative Madden moved to print remarks between Representative Anchia and Representative Madden.

The motion prevailed.

**Amendment No. 3**

On behalf of Representative Farrar, Representative Villarreal offered the following amendment to **CSHB 2783**:

Amend **CSHB 2783** (house committee printing) as follows:

(1) On page 5, between lines 21 and 22, insert the following:

SECTION 2. To achieve the goal of adopting standards by January 1, 2030, that will result in residential construction designed to consume no more energy on a net annual basis than can be produced on-site from renewable energy sources, the State Energy Conservation Office shall, not later than January 1, 2011:

(1) conduct a study on the feasibility of reaching that goal; and

(2) make recommendations to the legislature on a schedule for adopting progressive standards to reach that goal.

(2) On page 5, line 22, strike "2" and substitute "3".

Amendment No. 3 was withdrawn.

**CSHB 2783**, as amended, was passed to engrossment. (Berman, Button, Christian, Harper-Brown, Hunter, and Phillips recorded voting no.)

**HB 3255 ON SECOND READING**

(by Gattis, Pickett, and Vaught)

**HB 3255**, A bill to be entitled An Act relating to the impoundment of a motor vehicle if operated without financial responsibility or a driver's license.

**HB 3255 - POINT OF ORDER**

Representative Alonzo raised a point of order against further consideration of **HB 3255** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Gattis moved to postpone consideration of **HB 3255** until 10:30 p.m. today.

The motion prevailed.

**CSHB 2919 ON SECOND READING**

(by S. King and Vaught)

**CSHB 2919**, A bill to be entitled An Act relating to the regulation of land use to ensure compatible development with military facilities in certain counties.

**CSHB 2919** was passed to engrossment.

**HB 2989 ON SECOND READING**

(by Phillips)

**HB 2989**, A bill to be entitled An Act relating to the reactivation of a peace officer license for certain peace officers.

**HB 2989** was passed to engrossment.

**SB 1661 ON SECOND READING  
(Truitt - House Sponsor)**

**SB 1661**, A bill to be entitled An Act relating to child support liens on real property.

**SB 1661** was considered in lieu of **HB 3053**.

**SB 1661** was passed to third reading.

**HB 3053 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Truitt moved to lay **HB 3053** on the table subject to call.

The motion prevailed.

**HB 3201 ON SECOND READING  
(by P. King)**

**HB 3201**, A bill to be entitled An Act relating to the designation of certain fire marshals and related officers, inspectors, and investigators as peace officers.

Representative P. King moved to postpone consideration of **HB 3201** until 8 a.m. tomorrow.

The motion prevailed.

**HB 3232 ON SECOND READING  
(by J. Davis)**

**HB 3232**, A bill to be entitled An Act relating to the establishment of a service conversion opportunity grant program.

**HB 3232** was passed to engrossment.

**SB 63 ON SECOND READING  
(Naishtat and Herrero - House Sponsors)**

**SB 63**, A bill to be entitled An Act relating to a career ladder for interveners who provide services under the deaf-blind with multiple disabilities waiver program.

**SB 63** was considered in lieu of **HB 165**.

**SB 63** was passed to third reading.

**HB 165 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Naishtat moved to lay **HB 165** on the table subject to call.

The motion prevailed.

**CSHB 55 ON SECOND READING  
(by Branch and Menendez)**

**CSHB 55**, A bill to be entitled An Act relating to an offense of using a wireless communication device while operating a motor vehicle.

Representative Menendez moved to postpone consideration of **CSHB 55** until 8 a.m. tomorrow.

The motion prevailed.

**CSHB 3594 ON SECOND READING**  
**(by McReynolds)**

**CSHB 3594**, A bill to be entitled An Act relating to the preservation of evidence that contains biological material.

**Amendment No. 1**

Representative McReynolds offered the following amendment to **CSHB 3594**:

Amend **CSHB 3594** (House committee printing) as follows:

(1) On page 1, line 9, strike "Chapter 19 or 21," and substitute "Chapter 19, 21, or 22,".

Amendment No. 1 was adopted.

**CSHB 3594**, as amended, was passed to engrossment.

**HB 3864 ON SECOND READING**  
**(by Smithee)**

**HB 3864**, A bill to be entitled An Act relating to the acceptance of certain donated building projects by the Parks and Wildlife Department.

**HB 3864** was passed to engrossment.

**CSHB 3790 ON SECOND READING**  
**(by Morrison)**

**CSHB 3790**, A bill to be entitled An Act relating to performance incentive funding for public institutions of higher education and to recognition of certain student achievement on degree completion.

**Amendment No. 1**

Representative Morrison offered the following amendment to **CSHB 3790**:

Amend **CSHB 3790** (House Committee Report) by adding the following at the end of SECTION 1 of the bill (page 12, between lines 7 and 8):

Sec. 61.9807. FEASIBILITY STUDY REGARDING DISTRIBUTION OF INCENTIVE FUNDS BASED ON STUDENT ACHIEVEMENT DATA; REPORT. (a) The board shall conduct a study to determine the feasibility of using student achievement data as criteria for the distribution of incentive funds to institutions of higher education. The board's study may include an evaluation of:

- (1) the types of student achievement data available;
- (2) differences in degree programs and student achievement data across degree programs;
- (3) differences in student achievement data across types of institutions of higher education;
- (4) standards for measuring student achievement; and
- (5) any other factors the board considers appropriate.

(b) Not later than December 1, 2010, the board shall submit to the governor, lieutenant governor, speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education a written report regarding the board's findings under the study.

(c) This section expires September 1, 2011.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Morrison offered the following amendment to **CSHB 3790**:

Amend **CSHB 3790** (House committee printing) as follows:

(1) Strike page 9, line 8, through page 10, line 21.

(2) On page 10, line 22, strike "Sec. 61.9805" and substitute "Sec. 61.9804".

(3) On page 10, line 24, strike "Sec. 61.9806" and substitute "Sec. 61.9805".

(4) On page 11, line 25, strike "Sec. 61.9807" and substitute "Sec. 61.9806".

(5) Strike SECTION 4 of the bill (page 12, lines 13-16) and renumber the other SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Alonzo offered the following amendment to **CSHB 3790**:

Amend **CSHB 3790** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The Texas Higher Education Coordinating Board shall conduct a study of whether bilingual education is a critical field for the purposes of Subchapter FF, Chapter 61, Education Code, as added by this Act.

Amendment No. 3 was adopted.

### **CSHB 3790 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HERRERO: Geanie, I support your bill. I just want to make sure that I'm clear on what this feasibility study is supposed to focus on.

REPRESENTATIVE MORRISON: Right, and that's the second amendment. Basically, what we're asking is that the coordinating board just conduct a study to determine the feasibility of using the student achievement data as a criteria to distribute. There was a program in the bill that was actually distributing for students that could apply, that wanted to have a certificate that said they achieved these certain requirements, and so that's what we want them to look at. The way that it was worded in the bill was very difficult to work with, and I worked with my colleagues to take that out. We just want them to work on putting a program together.

HERRERO: Right. Specifically—just to make sure that I understand the scope of this study—it's supposed to study the advancement, or lack of advancement, of a student in their career field or their degree program, as opposed to studying one institution versus another institution, is that correct?

MORRISON: Correct. What we want to do is incentivize for the students, when they're going into a career field that they know that if they are achieving, when they get to the end of their career, that they could have a certificate or something that was put on to their transcript or diploma saying that they achieved this. We're just trying to incentivize, because one of the things that has been an issue is, even when a student graduates, they've achieved the highest that they can in their field, and they've received their certificate, and their accreditation, and they move on to those critical fields. So, we would like for the coordinating board to work on putting a program together, kind of during the interim, so we don't start at square one, since we took it out of the bill.

HERRERO: Right.

### REMARKS ORDERED PRINTED

Representative Herrero moved to print remarks between Representative Morrison and Representative Herrero.

The motion prevailed.

**CSHB 3790**, as amended, was passed to engrossment.

### POSTPONED BUSINESS

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

#### **CSHB 3480 ON SECOND READING (by Truitt and Menendez)**

**CSHB 3480**, A bill to be entitled An Act relating to certain investment products made available to certain public school employees and the companies authorized to provide those products; providing civil penalties.

**CSHB 3480** was read second time earlier today, an amendment was offered, and **CSHB 3480** was postponed until this time. A point of order was pending at the time of postponement.

The point of order was withdrawn.

Amendment No. 1 was adopted.

(Speaker in the chair)

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

Representative Dutton offered the following amendment to **CSHB 3480**:

Amend **CSHB 3480** (House committee printing) as follows:

(1) Strike page 6, line 1, through page 7, line 2, and renumber subsequent SECTIONS of the bill as appropriate.

(2) Strike page 9, lines 8-17 and reletter subsequent subsections of SECTION 8 of the bill as appropriate.

Amendment No. 2 was withdrawn.

**Amendment No. 3**

Representative Eiland offered the following amendment to **CSHB 3480**:

On page 6, line 1, strike Sec. 5 and renumber subsequent sections accordingly.

Representative Truitt moved to table Amendment No. 3.

The motion to table was lost.

Amendment No. 3 was adopted.

**CSHB 3480**, as amended, was passed to engrossment. (Berman recorded voting no.)

**LEAVE OF ABSENCE GRANTED**

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

Merritt on motion of Flynn.

(Keffer in the chair)

**SB 1415 ON SECOND READING  
(McReynolds - House Sponsor)**

**SB 1415**, A bill to be entitled An Act relating to certain corrective actions by the Texas Board of Nursing, including a pilot program on deferred disciplinary action; providing corrective actions.

**SB 1415** was considered in lieu of **CSHB 1128**.

**SB 1415** was read second time and was passed to third reading.

**CSHB 1128 - LAID ON THE TABLE SUBJECT TO CALL**

Representative McReynolds moved to lay **CSHB 1128** on the table subject to call.

The motion prevailed.

**CSHB 3245 ON SECOND READING  
(by Solomons, et al.)**

**CSHB 3245**, A bill to be entitled An Act relating to certain protections for customers in the restructured electric services market.

**CSHB 3245** was read second time earlier today, amendments were offered and disposed of, and **CSHB 3245** was postponed until this time.

Representative Solomons moved to postpone consideration of **CSHB 3245** until 7 a.m. tomorrow.

The motion prevailed.

## RESOLUTIONS ADOPTED

Representative Leibowitz moved to suspend all necessary rules to take up and consider at this time **HR 2026**, **HR 2027**, and **HR 2044**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 2026** (by Leibowitz), Honoring The University of Texas at San Antonio on the 40th anniversary of its establishment.

**HR 2027** (by Leibowitz), Honoring Dr. Ricardo Romo on his 10th anniversary as president of The University of Texas at San Antonio.

**HR 2044** (by Leibowitz), Congratulating Larry Edward Coker on being named the first head football coach at The University of Texas at San Antonio.

The resolutions were adopted.

(Speaker in the chair)

### **HB 3255 ON SECOND READING** (by Gattis, Pickett, and Vaught)

**HB 3255**, A bill to be entitled An Act relating to the impoundment of a motor vehicle if operated without financial responsibility or a driver's license.

**HB 3255** was read second time earlier today and was postponed until this time. A point of order was pending at the time of postponement.

The point of order was withdrawn.

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

Representative Gattis offered the following amendment to **HB 3255**:

Amend **HB 3255** (House Committee Report) as follows:

(1) On page 1 by striking lines 8-10 and substituting the following:

"OFFICER. (a) A peace officer may impound the vehicle of a person who operates a motor vehicle in violation of Section 601.051 if the person has been previously convicted of a violation of that section."

(2) On page 2, line 3, insert "and" after " ; "

(3) On page 2, line 4, strike " ; and" and substitute " ; "

(4) On page 2, strike lines 5-6.

Amendment No. 1 was adopted.

### **HB 3255 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ALONZO: Mr. Gattis, one of the requirements of your bill is that a person has to have a driver's license and insurance to go get the impounded vehicle, is that correct?

REPRESENTATIVE GATTIS: No, we've actually stricken all the driver's license stuff in the bill, but I think your concern is—because after the amendment, I'm not sure exactly how everything reads—if somebody did not have a driver's license themselves, but they were able to have financial

responsibility on the vehicle, how would they ever get the vehicle. It would be my intent—I hope that courts recognize our intent—that anybody showing up having a valid driver's license and showing that there is financial responsibility on that vehicle could pick up that vehicle and leave with the owner of the vehicle saying, "I give this person permission to drive home," because the issue is making sure you have a licensed driver and you have financial responsibility to turn somebody out on the roadway.

ALONZO: Okay, because I'm pretty sure you're aware—but if not I want to make sure you're aware—in the State of Texas, are you aware, that you do not have to have a driver's license to get insurance?

GATTIS: Correct.

ALONZO: So you're saying, under this bill, the intent will reflect that if a vehicle gets picked up, the person can go show insurance—as I stated, you don't have to have a license—but a person that picks up the vehicle, not necessarily the owner of the vehicle, can pick up that car. Is that correct?

GATTIS: They're going to need to show financial responsibility on that vehicle and they're going to need to have a licensed driver to be able to drive that vehicle away.

ALONZO: It doesn't necessarily need to be the owner and the driver's license?

GATTIS: No.

REPRESENTATIVE JACKSON: Representative Gattis, the way this is structured, would it preclude cities who are now towing?

GATTIS: It will not. It says a peace officer may impound the vehicle of a person. The earlier Mallory Caraway bill, that we talked about, talked about impound vehicles, and having a written policy, those types of things. We put that in place on her bill. This would not overrule that. All it would do is it would say you wouldn't have to have written policies and all those types of things, if on the second offense you show—you can impound the vehicle if the officer—

JACKSON: But if they were impounded on the first offense, would this stop it?

GATTIS: No, this would not affect the first offense, but it would not preclude a city from having ordinance-making authority, if that's what they want to do.

JACKSON: Okay, this would not preclude a city from having an ordinance-making authority to impound on the first offense if they wanted to?

GATTIS: It would not, and that is not the intent of this legislation, if you want to enter that into the record.

### **REMARKS ORDERED PRINTED**

Representative Jackson moved to print remarks between Representative Gattis and Representative Jackson.

The motion prevailed.

Representative Alonzo moved to print remarks between Representative Gattis and Representative Alonzo.

The motion prevailed.

**HB 3255**, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR  
(consideration continued)**

**CSHB 3857 ON SECOND READING  
(by Herrero and Edwards)**

**CSHB 3857**, A bill to be entitled An Act relating to foreclosure of liens on real property and certain personal property owned by members or dependents of the military; providing a criminal penalty.

**CSHB 3857** was passed to engrossment.

**SB 1506 ON SECOND READING  
(W. Smith - House Sponsor)**

**SB 1506**, A bill to be entitled An Act relating to the payment of the costs associated with certain conditions of bond.

**SB 1506** was considered in lieu of **HB 3615**.

**SB 1506** was passed to third reading.

**HB 3615 - LAID ON THE TABLE SUBJECT TO CALL**

Representative W. Smith moved to lay **HB 3615** on the table subject to call.

The motion prevailed.

**CSHB 3601 ON SECOND READING  
(by Paxton)**

**CSHB 3601**, A bill to be entitled An Act relating to the authority of a county clerk to post official and legal notices by electronic display.

**CSHB 3601** was passed to engrossment.

**CSHB 3672 ON SECOND READING  
(by Harper-Brown)**

**CSHB 3672**, A bill to be entitled An Act relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act; providing a penalty.

**Amendment No. 1**

Representative Harper-Brown offered the following amendment to **CSHB 3672**:

Amend **CSHB 3672** (House committee printing), on page 3, line 12, between "chapter" and the underlined period, by inserting "or 18 U.S.C. Chapter 123".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Harper-Brown offered the following amendment to **CSHB 3672**:

Amend **CSHB 3672** (House committee printing) as follows:

(1) On page 2, line 25, strike "and".

(2) On page 2, line 27, between "years" and "the", insert: ":(A)".

(3) On page 3, line 3, between "(3)" and the underlined period, insert the following:

;

(B) the Internet IP addresses used by a person who establishes the person's authority over the Internet; and

(C) the Internet IP address and query of each search performed over the Internet; and

(5) is not ineligible to receive personal information under Section 730.016

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

(c) An agency may not release an individual's social security number or an individual's medical or disability information under this section.

(5) On page 3, line 8, strike "necessary and".

(6) On page 3, between lines 21 and 22, insert the following:

(c-1) A person commits an offense if the person knowingly provides personal information to another in violation of this chapter.

(7) On page 3, line 22, between "(c)" and "is", insert "or (c-1)".

(8) On page 3, between lines 23 and 24, insert the following:

SECTION 4. Section 730.016(a), Transportation Code, is amended to read as follows:

(a) A person who is convicted of an offense under this chapter, or who violates a rule adopted by an agency relating to the terms or conditions for a release of personal information to the person, is ineligible to receive personal information under Section 730.005(b) or 730.007.

(9) On page 3, line 24, strike "SECTION 4" and substitute "SECTION 5".

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Giddings offered the following amendment to **CSHB 3672**:

Amend **CSHB 3672** (House committee printing) as follows:

(1) On page 3, line 5, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) On page 3, between lines 12 and 13, insert the following:

(d) The office of the attorney general shall develop, in coordination with the agencies of this state that compile or maintain motor vehicle records, and distribute one or more model agreements to be used by all agencies in connection with the disclosure to requestors of personal information in motor vehicle records

maintained by those agencies. A model agreement developed under this subsection supersedes a written application developed by an agency under Subsection (b).

(3) On page 3, between lines 12 and 13, insert the following SECTION to the bill, appropriately numbered, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Chapter 730, Transportation Code, is amended by adding Section 730.0125 to read as follows:

Sec. 730.0125. SURETY BOND; OFFENSE. (a) This section applies only to a requestor of personal information who requests the information for a use described by Section 730.007(a)(2)(C).

(b) In addition to any other requirement imposed under this chapter, a requestor shall be required to post a surety bond with the agency from which the personal information is requested, in the amount of \$5,000, conditioned and payable to the State of Texas on the person's faithful performance of the terms and conditions for the release of personal information to the requestor.

(c) A person who knowingly violates the terms and conditions for the release of personal information to the requestor commits an offense. An offense under this subsection is a Class A misdemeanor.

(4) On page 3, line 23, strike "\$25,000" and substitute "\$35,000".

Amendment No. 3 was adopted.

**CSHB 3672**, as amended, was passed to engrossment.

### **CSHB 280 ON SECOND READING** **(by Anchia, Farrar, Burnam, et al.)**

**CSHB 280**, A bill to be entitled An Act relating to energy efficiency goals and programs and demand reduction targets; creating an office of energy efficiency deployment in the state energy conservation office.

Representative Anchia moved to postpone consideration of **CSHB 280** until 9 a.m. tomorrow.

The motion prevailed.

### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Truitt moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Pensions, Investments, and Financial Services to consider **SB 1358** and **SB 2233** tomorrow.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Pensions, Investments, and Financial Services, 8 a.m. tomorrow, E2.016, for a public hearing, to consider **SB 1358** and **SB 2233**.

**CSHB 313 ON SECOND READING  
(by Raymond and Dutton)**

**CSHB 313**, A bill to be entitled An Act relating to certain personal information contained in a decree of dissolution of a marriage or an order in a suit affecting the parent-child relationship.

**CSHB 313** was passed to engrossment.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Hopson moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Human Services to consider **SB 59**, **SB 751**, and posted business.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Human Services, 8 a.m. tomorrow, E2.036, for a public hearing, to consider **SB 59**, **SB 751**, and posted business.

**PROVIDING FOR ADJOURNMENT**

Representative Bonnen moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9 a.m. tomorrow in memory of Buddy "Rep" Davis of Clear Lake City.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

(Harper-Brown in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 11:42 p.m., adjourned until 9 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HR 1900** (By Flynn), Recognizing the feral hog as the mascot of the town of Ben Wheeler.

To Culture, Recreation, and Tourism.

**SB 204** to Public Health.

**SB 206** to Insurance.

**SB 207** to Insurance.

**SB 411** to Criminal Jurisprudence.

**SB 413** to Criminal Jurisprudence.

**SB 414** to Criminal Jurisprudence.

**SB 415** to Criminal Jurisprudence.

**SB 449** to Criminal Jurisprudence.

**SB 485** to Insurance.

**SB 505** to Transportation.

**SB 549** to Public Safety.

**SB 646** to Public Health.

**SB 795** to Natural Resources.

**SB 883** to Transportation.

**SB 952** to Transportation.

**SB 1050** to Human Services.

**SB 1068** to State Affairs.

**SB 1088** to Human Services.

**SB 1266** to Transportation.

**SB 1318** to Transportation.

**SB 1489** to Public Education.

**SB 1497** to Ways and Means.

**SB 1566** to Natural Resources.

**SB 1570** to Transportation.

**SB 1641** to Business and Industry.

**SB 1707** to Criminal Jurisprudence.

**SB 1723** to Human Services.

**SB 1730** to Human Services.

**SB 1764** to Higher Education.

**SB 1789** to Judiciary and Civil Jurisprudence.

**SB 1804** to Human Services.

**SB 1835** to Criminal Jurisprudence.  
**SB 1844** to Corrections.  
**SB 1853** to Public Health.  
**SB 1861** to Urban Affairs.  
**SB 1871** to Agriculture and Livestock.  
**SB 1932** to Public Health.  
**SB 2006** to Natural Resources.  
**SB 2008** to Natural Resources.  
**SB 2037** to Public Safety.  
**SB 2064** to Pensions, Investments, and Financial Services.  
**SB 2079** to Public Health.  
**SB 2080** to Human Services.  
**SB 2178** to Public Education.  
**SB 2222** to Defense and Veterans' Affairs.  
**SB 2224** to Criminal Jurisprudence.  
**SB 2235** to Environmental Regulation.  
**SB 2249** to Public Education.  
**SB 2258** to Public Education.  
**SB 2351** to Higher Education.  
**SB 2381** to State Affairs.  
**SB 2384** to Public Health.  
**SB 2438** to Criminal Jurisprudence.  
**SB 2505** to Licensing and Administrative Procedures.  
**SB 2518** to Natural Resources.  
**SB 2534** to Culture, Recreation, and Tourism.  
**SB 2554** to Judiciary and Civil Jurisprudence.  
**SB 2556** to Defense and Veterans' Affairs.  
**SCR 63** to Rules and Resolutions.

**List No. 2**

**SB 382** to Higher Education.  
**SB 763** to Environmental Regulation.  
**SB 798** to Ways and Means.  
**SB 880** to Natural Resources.  
**SB 1013** to Licensing and Administrative Procedures.

**SB 1317** to Public Safety.  
**SB 1425** to Environmental Regulation.  
**SB 1493** to Insurance.  
**SB 1587** to Ways and Means.  
**SB 1616** to Transportation.  
**SB 1984** to Transportation.  
**SB 2096** to Transportation.  
**SB 2405** to Agriculture and Livestock.  
**SB 2439** to Defense and Veterans' Affairs.  
**SB 2442** to Ways and Means.  
**SB 2467** to County Affairs.  
**SB 2469** to Judiciary and Civil Jurisprudence.  
**SB 2485** to Natural Resources.  
**SB 2510** to County Affairs.  
**SB 2511** to Natural Resources.  
**SB 2512** to Natural Resources.  
**SB 2524** to Natural Resources.  
**SB 2526** to County Affairs.  
**SB 2536** to Natural Resources.  
**SB 2559** to Ways and Means.  
**SB 2563** to Judiciary and Civil Jurisprudence.  
**SB 2569** to Transportation.  
**SB 2570** to Natural Resources.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 29**

**HB 875, HB 1282, HB 1454, HB 1813, HB 1963, HCR 88, HCR 214**

**Senate List No. 29**

**SB 1966**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 13, 2009

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 3** Eissler SPONSOR: Shapiro  
Relating to public school accountability, curriculum, and promotion requirements.  
(Committee Substitute/Amended)

**HB 205** Aycock SPONSOR: Estes  
Relating to the applicability of certain city requirements affecting the restraint of certain dogs on annexed or otherwise acquired property used for agricultural operations.

**HB 375** Miller, Sid SPONSOR: Estes  
Relating to classifying elk and elk hybrids as livestock under the Agriculture Code.  
(Committee Substitute)

**HB 652** Darby SPONSOR: Eltife  
Relating to licensing of escrow officers.

**HB 1079** Kolkhorst SPONSOR: Estes  
Relating to the appellate process for the community development block grant program.

**HB 1203** Elkins SPONSOR: Hegar  
Relating to the designation of a person to act as the agent of a property owner in a property tax matter.

**HB 1433** Lucio III SPONSOR: Averitt  
Relating to the amount of the annual water quality fee imposed on holders of wastewater discharge permits and on users of water.

**HB 1466** Swinford SPONSOR: Seliger  
Relating to the theft of a military grave marker.

**HB 1731** Pitts SPONSOR: Ogden  
Relating to money available for consumer incentive or rebate programs for alternatively fueled appliances or equipment.

**HB 1793** Farrar SPONSOR: Zaffirini

Relating to judicial instruction for judges who hear complaints against children alleging violations of certain misdemeanor offenses.

**HB 1805** Kuempel SPONSOR: Estes  
Relating to the use of laser sighting devices by hunters who have certain documented disabilities.

**HB 1923** Heflin SPONSOR: Duncan  
Relating to the Irion County Water Conservation District.

**HB 1990** McReynolds SPONSOR: Duncan  
Relating to a diabetes self-management training pilot program under the state Medicaid program.

**HB 2071** Oliveira SPONSOR: Patrick, Dan  
Relating to the reporting of certain inventories for ad valorem tax purposes; providing penalties.

**HB 2196** Truitt SPONSOR: Deuell  
Relating to the establishment of a workgroup to study and make recommendations on the integration of health and behavioral health services. (Committee Substitute/Amended)

**HB 2317** Villarreal SPONSOR: Seliger  
Relating to appraisal review board members. (Committee Substitute)

**HB 2569** Hancock SPONSOR: Eltife  
Relating to a specialty insurance agent license for certain vendors of portable electronic devices.

**HB 3765** Paxton SPONSOR: Averitt  
Relating to the use of hazardous and solid waste remediation fee funds for lead-acid battery recycling activities.

**HCR 162** Craddick SPONSOR: Seliger  
Congratulating Eddie W. Klatt on his retirement from the Midland Fire Department.

**HCR 210** Smithee SPONSOR: Seliger  
In memory of Dr. Steven W. Jones, president of Amarillo College.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 13, 2009 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 763** Watson  
Relating to the requirement that state agencies purchase low-emissions vehicles as a minimum percentage of their purchased vehicles.

**SB 1587** Van de Putte  
Relating to a uniform and statewide 9-1-1 emergency services fee on the retail sale of prepaid wireless telecommunications services to consumers.

**SB 2209** Hinojosa  
Relating to applications regarding the issuance of private activity bonds by certain governmental entities for projects with multiple sites.

**SB 2469** Hinojosa  
Relating to the creation of two additional county courts at law in Hidalgo County.

**SB 2558** Gallegos  
Relating to the promotion and marketing of alcoholic beverages.

**SB 2563** Deuell  
Relating to the creation of an additional county court at law in Kaufman County.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 13, 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 1317** Wentworth  
Relating to education and examination requirements for the issuance of a driver's license to certain persons.

**SB 2442** Uresti  
Relating to the exemption from ad valorem taxation of property owned by certain charitable organizations.

**SB 2567**

Duncan

Relating to state fiscal matters; providing the authority to issue bonds; providing civil penalties.

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 12**

Agriculture and Livestock - **SB 282, SB 1666, SB 1779**

Border and Intergovernmental Affairs - **SB 1676**

County Affairs - **HB 4797**

Criminal Jurisprudence - **SB 257, SB 625, SB 1529**

Defense and Veterans' Affairs - **HB 2252, SB 1537**

Energy Resources - **SB 2111**

Environmental Regulation - **SB 876, SB 902, SB 1387, SB 1828**

Human Services - **HB 4552, SB 63, SB 71, SB 81, SB 786, SB 893, SB 1055, SB 1056, SB 1057, SB 1124, SB 1129, SB 1217, SB 1332**

Insurance - **SB 698, SB 1106, SB 1479**

Judiciary and Civil Jurisprudence - **SB 89, SB 409, SB 490, SB 555, SB 843, SB 1504, SB 1661, SB 2038, SB 2229**

Pensions, Investments, and Financial Services - **SB 80**

Public Health - **SB 870, SB 1058, SB 1083, SB 1271, SB 1477, SB 1713**

Public Safety - **SB 1244, SB 1245, SB 1296, SB 1303, SB 1775, SB 2028**

Transportation - **SB 488**

Urban Affairs - **SB 1011**

Ways and Means - **SB 1620**

**ENGROSSED**

**May 12 - HB 119, HB 150, HB 230, HB 258, HB 300, HB 315, HB 431, HB 537, HB 544, HB 563, HB 583, HB 585, HB 587, HB 640, HB 692, HB 746, HB 781, HB 805, HB 1052, HB 1083, HB 1117, HB 1182, HB 1193, HB 1218, HB 1259, HB 1275, HB 1357, HB 1375, HB 1448, HB 1472, HB 1597, HB 1600, HB 1601, HB 1691, HB 1779, HB 1841, HB 1872,**

**HB 2013, HB 2057, HB 2093, HB 2153, HB 2181, HB 2248, HB 2256,  
HB 2284, HB 2348, HB 2368, HB 2438, HB 2456, HB 2524, HB 2536,  
HB 2559, HB 2585, HB 2654, HB 2656, HB 2703, HB 2732, HB 2740,  
HB 2820, HB 2859, HB 2941, HB 3044, HB 3075, HB 3173, HB 3221,  
HB 3224, HB 3316, HB 3417, HB 3425, HB 3477, HB 3499, HB 3621,  
HB 3628, HB 3634, HB 3653, HB 3670, HB 3691, HB 3695, HB 3708,  
HB 3768, HB 3907, HB 3989, HB 4037, HB 4067, HB 4128, HB 4186,  
HB 4189, HB 4193, HB 4229, HB 4230, HB 4295, HB 4360, HB 4426,  
HB 4440, HB 4456, HB 4493, HB 4533, HB 4542, HB 4594, HB 4722,  
HB 4745, HB 4757, HB 4772, HB 4773, HB 4774, HB 4781, HB 4784,  
HB 4790, HB 4802, HB 4810, HB 4811, HCR 161, HJR 14, HJR 83, HJR 85,  
HJR 102, HJR 127, HJR 132**

**SENT TO THE GOVERNOR**

**May 12 - HB 1205, HB 1382, HB 2042, HB 2101, HB 2238, HB 2560,  
HCR 121, HCR 137, HCR 194**

**SIGNED BY THE GOVERNOR**

**May 12 - HB 602, HB 753, HB 1484, HB 2073, HB 2074, HB 2434,  
HB 2666**

