

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-FOURTH DAY — TUESDAY, MAY 19, 2009

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

The roll of the house was called and a quorum was announced present (Record 952).

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

### **SB 472 - NOTICE OF MOTION TO RECONSIDER**

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 1:06 p.m., Representative Deshotel announced the intention of a member to, in at least one hour, make the motion to reconsider the vote by which **SB 472**, as amended, failed to pass to third reading.

### **CSHCR 22 - RULES SUSPENDED**

Pursuant to notice of intent given earlier today, Representative Burnam moved to suspend the regular order of business and all necessary rules to consider **CSHCR 22** at this time.

The motion prevailed.

**CSHCR 22**  
**(by Burnam and Kent)**

**CSHCR 22**, Granting the Chishty family permission to sue the State of Texas, the Department of Aging and Disability Services, and the Denton State School.

**Amendment No. 1**

Representatives Phillips and Burnam offered the following amendment to **CSHCR 22**:

Amend **CSHCR 22** (House Committee printing) as follows:

(1) On page 1, lines 1-3, strike "and Aqueel Chishty, both individually and as next friend for their son, Haseeb Chishty, allege", and substitute "as next friend for her son, Haseeb Chishty, alleges".

(2) On page 3, lines 3-4, strike "and Aqueel Chishty, both individually and as next friend for their son, Haseeb Chishty, are", and substitute "as next friend for her son, Haseeb Chishty, is".

Amendment No. 1 was adopted.

**CSHCR 22 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HUNTER: Lon—so we can get this clear—this is a permission to sue?

REPRESENTATIVE BURNAM: Correct.

HUNTER: You have allegations only—

BURNAM: Correct.

HUNTER: —in the permission to sue. It was reviewed by my committee, Judiciary and Civil Jurisprudence,—

BURNAM: And voted out unanimously.

HUNTER: —and voted out unanimously. So everybody understands—the damages are not unlimited.

BURNAM: They're capped.

HUNTER: Their damages are capped and there is a formula set in statute, so that this doesn't go out of sight. It is actually controlled within a \$250,000-\$500,000 range, correct?

BURNAM: You're absolutely correct.

HUNTER: So everybody understands, all this is doing is allowing your constituents to continue and start a trial.

BURNAM: That's correct.

**REMARKS ORDERED PRINTED**

Representative Moody moved to print remarks between Representative Hunter and Representative Burnam.

The motion prevailed.

**CSHCR 22**, as amended, was adopted by (Record 953): 139 Yeas, 0 Nays, 4 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; Coleman; Corte; Crabb; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; 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.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker; Callegari; Hartnett; Miller, S.

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Cook; Crownover; Howard, C.; Jones.

### **LEAVES OF ABSENCE GRANTED**

On motion of Representative Crownover and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

### **SB 472 - NOTICE OF MOTION TO RECONSIDER AND TABLE**

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 1:25 p.m., Representative Crownover announced her intention to, in at least one hour, make the double motion to reconsider the vote by which **SB 472**, as amended, failed to pass to third reading and to table the motion to reconsider.

### **RULES SUSPENDED**

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

The motion prevailed.

### **MOTION FOR ONE RECORD VOTE**

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

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

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

(Record 954): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; 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 — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Martinez Fischer.

**HB 3521**

**HB 4702**

**SB 97** (Shelton - no) (144 - 1 - 1)

**SB 161**

**SB 381** (Aycock and Darby - no) (143 - 2 - 1)

**SB 407**

**SB 461** (Aycock, Darby, and Harless - no) (142 - 3 - 1)

**SB 470** (Flynn, Phillips, and Weber - no) (142 - 3 - 1)

**SB 488** (Anderson, Aycock, Darby, Flynn, and Harless - no) (140 - 5 - 1)

**SB 529**

**SB 663**

**SB 702**

**SB 866**

**SB 874**

**SB 1036**

**SB 1225**

**SB 1246** (Anderson, Aycock, and Harless - no) (142 - 3 - 1)

**SB 1291**

**SB 1334**

**SB 1448**

**SB 1796** (Aycock, Darby, and Harless - no) (142 - 3 - 1)

**SB 2019**

**SB 2497**

**SB 2513**

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

(Speaker in the chair)

### **MAJOR STATE CALENDAR**

#### **SENATE BILLS**

#### **THIRD READING**

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

#### **SB 643 ON THIRD READING**

**(Rose, Phillips, Herrero, Ortiz, and Naishtat - House Sponsors)**

**SB 643**, A bill to be entitled An Act relating to the protection and care of individuals with mental retardation; providing criminal penalties.

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

Representative Cook offered the following amendment to **SB 643**:

Amend **SB 643**, on third reading, by adding the following appropriately numbered SECTIONS to the bill, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 161, Human Resources Code, is amended by adding Section 161.0521 to read as follows:

Sec. 161.0521. STATE SUPPORTED LIVING CENTER PERSONNEL. Notwithstanding Section 531.0055, Government Code, or any other law, on the expiration of a contract between the Health and Human Services Commission and a person for the provision of administrative personnel, human resources, or payroll functions for state supported living centers and employees of state supported living centers, the department:

(1) shall perform all administrative personnel, human resources, or payroll functions for state supported living centers and employees of state supported living centers;

(2) may not outsource those functions to a private person.

(3) shall ensure that each state supported living center has at least one on-site employee dedicated to the performance of administrative personnel, human resources, and payroll functions for the state supported living center.

SECTION \_\_\_\_\_. As soon as practicable after the effective date of this Act and after the expiration of a contract described by Section 161.0521, Human Resources Code, as added by this Act, the Department of Aging and Disability Services and the Health and Human Services Commission shall coordinate the transfer of all administrative personnel, human resources, and payroll functions relating to state supported living centers in accordance with Section 161.0521, Human Resources Code, as added by this Act.

Amendment No. 1 was withdrawn.

## **Amendment No. 2**

Representative Hughes offered the following amendment to **SB 643**:

Amend **SB 643** (House Committee Printing) by adding the following SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 38.072, Code of Criminal Procedure, is amended to read as follows:

Art. 38.072. HEARSAY STATEMENT OF CERTAIN [~~CHILD~~] ABUSE VICTIMS [VICTIM]

Sec. 1. This article applies to a proceeding in the prosecution of an offense under any of the following provisions of the Penal Code, if committed against a child 12 years of age or younger or a person with a disability:

(1) Chapter 21 (Sexual Offenses) or 22 (Assaultive Offenses);

(2) Section 25.02 (Prohibited Sexual Conduct); or

(3) Section 43.25 (Sexual Performance by a Child).

Sec. 2. (a) This article applies only to statements that describe the alleged offense that:

(1) were made by the child or person with a disability against whom the offense was allegedly committed; and

(2) were made to the first person, 18 years of age or older, other than the defendant, to whom the child or person with a disability made a statement about the offense.

(b) A statement that meets the requirements of Subsection (a) [~~of this article~~] is not inadmissible because of the hearsay rule if:

(1) on or before the 14th day before the date the proceeding begins, the party intending to offer the statement:

(A) notifies the adverse party of its intention to do so;

(B) provides the adverse party with the name of the witness through whom it intends to offer the statement; and

(C) provides the adverse party with a written summary of the statement;

(2) the trial court finds, in a hearing conducted outside the presence of the jury, that the statement is reliable based on the time, content, and circumstances of the statement; and

(3) the child or person with a disability testifies or is available to testify at the proceeding in court or in any other manner provided by law.

Sec. 3. In this article, "person with a disability" means a person 13 years of age or older who because of age or physical or mental disease, disability, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.

SECTION \_\_\_\_\_. Section 54.031, Family Code, is amended to read as follows:

Sec. 54.031. HEARSAY STATEMENT OF CERTAIN [~~CHILD~~] ABUSE VICTIMS [~~VICTIM~~]. (a) This section applies to a hearing under this title in which a child is alleged to be a delinquent child on the basis of a violation of any of the following provisions of the Penal Code, if a child 12 years of age or younger or a person with a disability is the alleged victim of the violation:

(1) Chapter 21 (Sexual Offenses) or 22 (Assaultive Offenses);

(2) Section 25.02 (Prohibited Sexual Conduct); or

(3) Section 43.25 (Sexual Performance by a Child).

(b) This section applies only to statements that describe the alleged violation that:

(1) were made by the child or person with a disability who is the alleged victim of the violation; and

(2) were made to the first person, 18 years of age or older, to whom the child or person with a disability made a statement about the violation.

(c) A statement that meets the requirements of Subsection (b) [~~of this section~~] is not inadmissible because of the hearsay rule if:

(1) on or before the 14th day before the date the hearing begins, the party intending to offer the statement:

(A) notifies each other party of its intention to do so;

(B) provides each other party with the name of the witness through whom it intends to offer the statement; and

(C) provides each other party with a written summary of the statement;

(2) the juvenile court finds, in a hearing conducted outside the presence of the jury, that the statement is reliable based on the time, content, and circumstances of the statement; and

(3) the child or person with a disability who is the alleged victim testifies or is available to testify at the hearing in court or in any other manner provided by law.

(d) In this section, "person with a disability" means a person 13 years of age or older who because of age or physical or mental disease, disability, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.

SECTION \_\_\_\_\_. The changes in law made by Article 38.072, Code of Criminal Procedure, as amended by this Act, and Section 54.031, Family Code, as amended by this Act, apply only to a criminal proceeding that commences on or after the effective date of this Act. A criminal proceeding that commences before the effective date of this Act is governed by the law in effect when the proceeding commenced, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Isett offered the following amendment to **SB 643**:

Amend **SB 643** on third reading, in added Section 551.0225, Health and Safety Code (SECTION 18, house committee report), by adding the following new Subsection (e) to that section:

(e) The Department of Aging and Disability Services shall, with input from residents of a state supported living center, and the family members and legally authorized representatives of those residents, develop a policy that defines "serious event" for purposes of Subsection (c)(10).

### **AMENDMENT NO. 3 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HERRERO: Carl, I think that you and I are on the same page, and I just want to make sure that we are. Right now, there is no policy that the agency has that requires notification of relatives of persons living in the state school. Is that your understanding?

REPRESENTATIVE ISETT: I think that their policy is that they notify only the families of those involved in the incident. It's sort of left to them as to when they notify the entire population, the parents of the entire population.

HERRERO: So, if there's an incident, whether serious or not, and it pertains to the loved one in a state school, that person's guardian or parent is notified of that incident. Is that correct?

ISETT: That's correct.

HERRERO: If that same incident, if it doesn't affect or pertain to others, the policy now is not to notify other relatives of individuals that may also be living in the same state school. Is that your understanding, as well?



ISETT: I think that's correct.

HERRERO: In fact, I can give you a specific example. In the Corpus Christi State School incident, where the "fight clubs" took place, when it was discovered that the fight club video tapes, the cell phone images, had been collected, and confirmed, and verified that they had, in fact, taken place in the Corpus Christi State School in a specific dorm, relatives of other state school residents that lived in that same dorm had not been notified, which is why I wanted to make sure that there was a notice provision that allows relatives of people in the state school to know that there is a serious incident to which your son, or daughter, or loved one may have been subjected to as well, therefore, please inquire. A notice requirement, if you will. So that was the purpose of our amendment, and in trying to work with the agency, they let us know that they don't have a, per se, definition of what is or isn't a serious incident or serious event. Is that your understanding?

ISETT: It is, and I appreciate you bringing that up. I think what we're trying to do is get them to set some guidelines working with the families, and create a guideline. You don't want to say "this is and this isn't," specifically, but I do think it's good public policy that they have guidelines, and that the commissioner be held responsible for following those guidelines.

HERRERO: So that you have input, not only from the agency, but, as I read your amendment—it says that family members, as well as other legally authorized representatives of those residents living in the state facility, would work together in coming up with what would be defined as a serious event or serious incident, so that, if one occurs in the facility—for example, the Corpus Christi State School facility—if that were to occur, and it meets the definition of what has been worked together by the residents, the families of those residents, and the agency to justify notification—that they would in fact receive that notification, regardless if their son, or daughter, or loved one were actually the specific victim in that case. Is that correct?

ISETT: I think you're absolutely right. I think we're trying to get to, if what's going at the school puts their kids at risk, they need to know.

HERRERO: Right, and this helps to further define, collectively, what would be considered a serious event or incident so that people are placed on notice that these are the types of circumstances or incidents that would trigger notice, not just if your son or daughter is involved in the actual incident. Is that correct?

ISETT: Yes, that's correct.

HERRERO: I think that's a good amendment. I'd like to make sure that the agency—and I asked for your help in making sure that the agency fulfilled its requirement, and that we follow up to make sure that it is actually being implemented and carried out, because I do think that families should be made aware of serious incidents, regardless of whether or not their son or daughter is the victim of the incident, so that families have peace of mind to know that their son or daughter was not involved or somehow inflicted by this harm as well, in the past or in the future. Would you agree with that?

ISETT: Yes I do, absolutely.

**REMARKS ORDERED PRINTED**

Representative Herrero moved to print remarks between Representative Isett and Representative Herrero.

The motion prevailed.

Amendment No. 3 was adopted.

**SB 643 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE COOK: For the purpose of legislative intent, I just want to make sure that we have a clear understanding with respect to the issue that I brought up, specifically as it relates to HR. My question to you, once again, is—is this an issue that you and others are going to be working real hard on as we get towards the end of this contract, which, once again, is September the 30th of 2010?

REPRESENTATIVE ROSE: That is my intent; I know it is also Senator Nelson's intent. You and I, and the senator, visited this morning. I believe it's important that individual state-supported living centers' directors have an opportunity to, at their level, at the local level, make HR decisions. It is my belief that to give local, state-supported living centers' staff that duty back—that they used to have, prior to passage of **HB 2292**—would be a positive step forward for our state-supported living centers.

**REMARKS ORDERED PRINTED**

Representative Cook moved to print remarks between Representative Rose and Representative Cook.

The motion prevailed.

**SB 643**, as amended, was passed by (Record 955): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; 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; 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 — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Crownover; Deshotel; Harper-Brown.

### STATEMENT OF VOTE

When Record No. 955 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

### SB 1003 ON THIRD READING (Flynn - House Sponsor)

**SB 1003**, A bill to be entitled An Act relating to the continuation and functions of the Office of State-Federal Relations and the administrative attachment of that agency to the office of the governor.

**SB 1003** was passed by (Record 956): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Absent, Excused, Committee Meeting — Pitts.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 39 ON THIRD READING  
(Zerwas - House Sponsor)**

**SB 39**, A bill to be entitled An Act relating to health benefit plan coverage for routine patient care costs for enrollees participating in certain clinical trials.

**SB 39** was passed by (Record 957): 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; 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; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Otto.

**STATEMENT OF VOTE**

When Record No. 957 was taken, I was in the house but away from my desk. I would have voted yes.

Otto

**SB 745 ON THIRD READING  
(Solomons - House Sponsor)**

**SB 745**, A bill to be entitled An Act relating to state travel policies and procedures for the reimbursement or payment of travel expenses.

**SB 745** was passed by (Record 958): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Absent, Excused, Committee Meeting — Pitts.

**SB 572 ON THIRD READING**  
**(Branch - House Sponsor)**

**SB 572**, A bill to be entitled An Act relating to transportation safety training requirements for certain child-care providers.

**SB 572** was passed by (Record 959): 138 Yeas, 6 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; 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; 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; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Oliveira; Olivo; Orr;

Ortiz; Otto; Parker; Patrick; Paxton; Peña; 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; Woolley; Zerwas.

Nays — Christian; Flynn; Howard, C.; Phillips; Riddle; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — King, S.; Naishtat.

### STATEMENT OF VOTE

When Record No. 959 was taken, my vote failed to register. I would have voted yes.

S. King

### SB 28 ON THIRD READING (Deshotel - House Sponsor)

**SB 28**, A bill to be entitled An Act relating to the use of a computer for an unauthorized purpose.

### LEAVE OF ABSENCE GRANTED

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

Otto on motion of Orr.

### SB 28 - (consideration continued)

**SB 28** was passed by (Record 960): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — McReynolds.

**SB 68 ON THIRD READING**  
**(Darby, Homer, and Leibowitz - House Sponsors)**

**SB 68**, A bill to be entitled An Act relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities and homes providing child care; providing penalties.

**Amendment No. 1**

Representative Frost offered the following amendment to **SB 68**:

Amend **SB 68** on third reading by adding the following SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) The Department of Family and Protective Services shall conduct a study regarding postadoption monitoring by the department of children who were in the conservatorship of the department at the time of the adoption and who continue to reside in this state for the purpose of ensuring the health and safety of those children.

(b) In conducting the study, the department shall consider:

- (1) the types of monitoring activities that would assist the department in ensuring the health and safety of a child postadoption;
- (2) the length of time that postadoption monitoring is needed;
- (3) the cost of performing postadoption monitoring;
- (4) the ability of the department to conduct postadoption monitoring using existing resources and any additional resources the department would need to conduct the monitoring;
- (5) any barriers to implementing postadoption monitoring; and
- (6) the cost and benefits of implementing post adoption monitoring.

(c) Not later than September 1, 2010, the department shall provide a report to the governor, lieutenant governor, speaker of the house of representatives, and the standing committees of the senate and the house of representatives with subject matter jurisdiction over child protective services regarding the results of the study conducted by the department including any suggestions for legislation regarding postadoption monitoring by the department or any other relevant information as determined by the department.

(d) This section expires September 1, 2011.

Amendment No. 1 was withdrawn.

**SB 68** was passed by (Record 961): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; 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; Ortiz; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Deshotel; Peña.

### **SB 82 ON THIRD READING (Moody - House Sponsor)**

**SB 82**, A bill to be entitled An Act relating to a fee imposed as a condition of community supervision for an offense involving family violence and to certain nonsubstantive revisions involving court fees.

**SB 82** was passed by (Record 962): 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; 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; Ortiz; Parker;



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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Otto; Pitts.

**SB 78 ON THIRD READING**  
**(Smithee - House Sponsor)**

**SB 78**, A bill to be entitled An Act relating to promoting awareness and education about the purchase and availability of health coverage.

**SB 78** was passed by (Record 963): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Dutton.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 963. I intended to vote no.

Flynn

**SB 93 ON THIRD READING**  
**(Castro - House Sponsor)**

**SB 93**, A bill to be entitled An Act relating to tuition and fee exemptions for certain military personnel and their dependents.

**Amendment No. 1**

Representative Morrison offered the following amendment to **SB 93**:

Amend **SB 93** on third reading by adding the following SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in a general appropriations act of the 81st Legislature.

Amendment No. 1 was adopted.

**SB 93**, as amended, was passed by (Record 964): 141 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Berman; Flynn.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Davis, Y.; Elkins.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 964. I intended to vote no.

Truitt

**SB 79 ON THIRD READING**  
**(Smithee - House Sponsor)**

**SB 79**, A bill to be entitled An Act relating to specialty certification for insurance agents serving certain employer groups.

**SB 79** was passed by (Record 965): 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; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; 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; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Button; Davis, Y.; Elkins.

**SB 223 ON THIRD READING**  
**(Thompson - House Sponsor)**

**SB 223**, A bill to be entitled An Act relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.

**SB 223** was passed by (Record 966): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero;

Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; 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; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Isett; Kent.

### STATEMENT OF VOTE

When Record No. 966 was taken, my vote failed to register. I would have voted yes.

Kent

### SB 359 ON THIRD READING (Eiland - House Sponsor)

**SB 359**, A bill to be entitled An Act relating to punishment for certain offenses committed in a disaster area or an evacuated area.

**SB 359** was passed by (Record 967): 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; Coleman; Cook; Corte; Craddick; 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; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Otto; Pitts.

Absent — Crabb; Creighton; Crownover.

(Otto now present)

(Harper-Brown in the chair)

### **SB 472 - VOTE RECONSIDERED**

Pursuant to notice of intent given earlier today, Representative Solomons moved to reconsider the vote by which **SB 472**, as amended, failed to pass to third reading.

The motion to reconsider prevailed.

### **SB 472 ON SECOND READING (Deshotel, Thibaut, and Thompson - House Sponsors)**

The chair laid before the house, on its second reading and passage to third reading,

**SB 472**, A bill to be entitled An Act relating to notice required before and period to vacate after foreclosure sale of real property.

**SB 472** was read second time on May 18 and failed to pass to third reading, as amended, by Record No. 950.

Representative Deshotel moved to postpone consideration of **SB 472** until the end of today's calendar.

The motion prevailed.

### **MESSAGE FROM THE SENATE**

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

### **COMMITTEES GRANTED PERMISSION TO MEET**

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, at 3 p.m. today, in 3W.9, to consider **SB 1714**, **SB 2440**, **SB 2501**, and pending business.

Permission to meet was granted.

Representative Oliveira requested permission for the Committee on Ways and Means to meet while the house is in session, at 4 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, 3 p.m. today, 3W.9, for a formal meeting, to consider **SB 1714, SB 2501, SB 2440**, and pending business.

Ways and Means, 4 p.m. today, 3W.9, for a formal meeting, to consider pending business.

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

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Friday, May 22.

The motion prevailed.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 3:30 p.m. today, in 2W.6, for a formal meeting, to consider the calendar.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 3:30 p.m. today, 2W.6, for a formal meeting, to consider the calendar.

### GENERAL STATE CALENDAR (consideration continued)

### SB 395 ON THIRD READING (Lucio - House Sponsor)

**SB 395**, A bill to be entitled An Act relating to creation of the Early Childhood Health and Nutrition Interagency Council.

#### Amendment No. 1

Representative Lucio offered the following amendment to **SB 395**:

Amend **SB 395** on third reading in SECTION 1 of the bill as follows:

(1) In proposed Section 115.003(a), Health and Safety Code, strike "seven members" and substitute "eight members".

(2) At the end of proposed Section 115.003(a)(6), Health and Safety Code, strike "and".

(3) At the end of proposed Section 115.003(a)(7), strike "Services." and substitute "Services; and".

(4) Immediately following proposed Section 115.003(a)(7), Health and Safety Code, insert the following:

(8) a representative of the Texas AgriLife Extension Service, appointed by the director of the Texas AgriLife Extension Service.

Amendment No. 1 was adopted.

**SB 395**, as amended, was passed by (Record 968): 81 Yeas, 61 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dukes; Rose; Villarreal.

### STATEMENT OF VOTE

When Record No. 968 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

### SB 328 ON THIRD READING (Phillips - House Sponsor)

**SB 328**, A bill to be entitled An Act relating to the civil and criminal consequences of operating a motor vehicle or a watercraft while intoxicated or under the influence of alcohol.

#### Amendment No. 1

Representative Riddle offered the following amendment to **SB 328**:

Amend **SB 328** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 724.017, Transportation Code, is amended to read as follows:

Sec. 724.017. TAKING OF BLOOD SPECIMEN. (a) Only the following [a physician, qualified technician, chemist, registered professional nurse, or licensed vocational nurse] may take a blood specimen at the request or order of a peace officer under this chapter:

- (1) a physician;
- (2) a qualified technician;
- (3) a registered professional nurse;
- (4) a licensed vocational nurse; or
- (5) a licensed or certified emergency medical technician-intermediate or

emergency medical technician-paramedic authorized to take a blood specimen under Subsection (c).

(b) A [The] blood specimen must be taken according to recognized medical procedures. A [in a sanitary place.

[(b) The] person or the employer of a person who takes a [the] blood specimen [under this chapter, or the hospital where the blood specimen is taken,] is not liable for damages arising from the taking of the blood specimen pursuant to a search warrant, or at the request or order of a [the] peace officer [to take the blood specimen] as provided by this chapter, if the blood specimen was taken according to recognized medical procedures. This subsection does not relieve a person from liability for negligence in the taking of a blood specimen.

(c) A licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic may take a blood specimen only if authorized by the medical director for the entity that employs the technician-intermediate or technician-paramedic. The specimen must be taken according to a protocol developed by the medical director that provides direction to the technician-intermediate or technician-paramedic for the taking of a blood specimen at the request of a peace officer. In this subsection, "medical director" means a licensed physician who supervises the provision of emergency medical services by a public or private entity that:

(1) provides those services; and

(2) employs one or more licensed or certified emergency medical technician-intermediates or emergency medical technician-paramedics [section, "qualified technician" does not include emergency medical services personnel].

(d) A protocol developed under Subsection (c) may address whether an emergency medical technician-intermediate or emergency medical technician-paramedic engaged in the performance of official duties may refuse to:

(1) go to the location of a person from whom a peace officer requests or orders the taking of a blood specimen solely for the purpose of taking that blood specimen;

(2) take a blood specimen if the technician-intermediate or technician-paramedic reasonably believes that complying with the peace officer's request or order to take the specimen would impair or interfere with the performance of patient care or other official duties; or



(3) provide the equipment or supplies necessary to take a blood specimen.

(e) If a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic takes a blood specimen at the request or order of a peace officer, a peace officer must observe the taking of the specimen and must immediately take possession of the specimen for purposes of establishing a chain of custody.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative S. Miller offered the following amendment to **SB 328**:

Amend **SB 328** on third reading by adding the following SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Section 601.072, Transportation Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) A person convicted of an offense relating to the operating of a motor vehicle while intoxicated must maintain, in addition to the minimum coverage required by this section, additional liability insurance coverage to establish financial responsibility under this chapter. A person convicted one time of an offense to which this subsection applies is required to maintain additional financial responsibility in an amount that is twice the amount required by Subsection (a)(1) or (a-1)(1), as applicable. For each subsequent conviction of an offense to which this subsection applies, the person is required to maintain additional financial responsibility in an amount that is twice the amount the person was required to maintain immediately before the date the subsequent conviction became final. In this subsection, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Section 2151.102(a), Insurance Code, is amended to read as follows:

(a) The association shall provide for the assignment of insurance to an authorized insurer for a person required by Chapter 601, Transportation Code, including Section 601.072, Transportation Code, to show proof of financial responsibility for the future.

(c) The change in law made by this section to Section 601.072, Transportation Code, applies only to a conviction for an offense relating to the operating of a motor vehicle while intoxicated that becomes final on or after the effective date of this Act. A conviction for an offense relating to the operating of a motor vehicle while intoxicated that became final before the effective date of this Act is governed by the law in effect on the date the conviction became final, and the former law is continued in effect for that purpose.

(d) The change in law made by this section to Section 2151.102(a), Insurance Code, applies only to an automobile insurance policy that is delivered, issued for delivery, or renewed by the Texas Automobile Insurance Plan Association on or after the effective date of this Act. An automobile insurance policy that is delivered, issued for delivery, or renewed by the Texas Automobile

Insurance Plan Association before the effective date of this Act is covered by the law in effect at the time the automobile insurance policy was delivered, issued for delivery, or renewed by the Texas Automobile Insurance Plan Association, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted.

**SB 328**, as amended, was passed by (Record 969): 140 Yeas, 1 Nays, 3 Present, not voting.

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

Nays — Dutton.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Driver; King, S.; King, T.

#### STATEMENT OF VOTE

When Record No. 969 was taken, my vote failed to register. I would have voted yes.

S. King

#### MAJOR STATE CALENDAR SENATE BILLS SECOND READING

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

**SB 1001 ON SECOND READING**  
**(Isett - House Sponsor)**

**SB 1001**, A bill to be entitled An Act relating to the continuation and operation of the office of public insurance counsel.

**Amendment No. 1**

Representative Martinez Fischer offered the following amendment to **SB 1001**:

Amend **SB 1001** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 501.153, Insurance Code, is amended to read as follows:

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE.  
The public counsel:

(1) may appear or intervene, as a party or otherwise, as a matter of right before the commissioner or department on behalf of insurance consumers, as a class, in matters involving:

(A) rates, rules, and forms affecting:

(i) property and casualty insurance;

(ii) title insurance;

(iii) credit life insurance;

(iv) credit accident and health insurance; or

(v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;

(B) rules affecting life, health, or accident insurance; or

(C) withdrawal of approval of policy forms:

(i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or

(ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens patriae proceeding brought by the attorney general; ~~and~~

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation; and

(5) may initiate a special rate hearing before the State Office of Administrative Hearings under Section 2251.106(d).

SECTION \_\_\_\_\_. Section 2251.106, Insurance Code, is amended by amending Subsections (b) and (c) and adding Subsections (d) and (e) to read as follows:

(b) The public insurance counsel, not later than the 30th day after the date of a rate filing under this chapter, may:

(1) file with the commissioner a written objection to:

(A) [~~(A)~~] an insurer's rate filing; or

(B) [~~(B)~~] the criteria on which the insurer relied to determine the

rate; or

(2) initiate a special rate hearing before the State Office of Administrative Hearings under Subsection (d).

(c) A written objection filed under Subsection (b)(1) [~~(b)~~] must contain the reasons for the objection.

(d) If the public insurance counsel determines that a rate filing under this subchapter does not comply with the standards established under Subchapter B, the public insurance counsel may request that the State Office of Administrative Hearings conduct a special rate hearing to determine whether the filed rate is excessive or unfairly discriminatory. A special rate hearing under this subsection shall be conducted in the same manner as a rate hearing is conducted under Chapter 40, except that the public insurance counsel shall perform the duties and may assume the powers assigned to the commissioner under Sections 40.059 and 40.060.

(e) If, after a special rate hearing under Subsection (d), the administrative law judge determines that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as described by Section 2251.051, the administrative law judge may order a refund or discount to the same extent and in the same amount that the commissioner may issue an order under Section 2254.003(b)(1). A decision of an administrative law judge under this subsection is subject to judicial review as provided by Subchapter D, Chapter 36, to the same extent and in the same manner as an action of the commissioner.

## **Amendment No. 2**

Representative Martinez Fischer offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 to **SB 1001** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 501.153, Insurance Code, is amended to read as follows:

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE.  
The public counsel:

(1) may ~~[appear or intervene]~~, as a party or otherwise and ~~[;]~~ as a matter of right before the commissioner or department on behalf of insurance consumers~~[;]~~ as a class, initiate proceedings concerning or appear or intervene in matters involving:

- (A) rates, rules, and forms affecting:
  - (i) property and casualty insurance;
  - (ii) title insurance;
  - (iii) credit life insurance;
  - (iv) credit accident and health insurance; or
  - (v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;
- (B) rules affecting life, health, or accident insurance; or
- (C) withdrawal of approval of policy forms:
  - (i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or
  - (ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens patriae proceeding brought by the attorney general; and

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation.

SECTION \_\_\_\_\_. Section 2251.106, Insurance Code, is amended by amending Subsections (a), (b), and (c) to read as follows:

(a) ~~[On request to the commissioner, the]~~ The public insurance counsel shall ~~[may]~~ review all rate filings and additional information provided by an insurer under this chapter. Confidential information reviewed under this subsection remains confidential.

(b) The public insurance counsel, not later than the 30th day after the date of a rate filing under this chapter, shall, if the office determines that the filing does not comply with the requirements of this chapter:

- (1) ~~[may]~~ file with the commissioner a written objection to:
  - (A) ~~[(+)]~~ an insurer's rate filing; or
  - (B) ~~[(-)]~~ the criteria on which the insurer relied to determine the rate; or
- (2) request a rate hearing with the commissioner.

(c) A written objection filed under Subsection (b)(1) [~~(b)~~] must contain the reasons for the objection.

(Speaker in the chair)

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

### **Amendment No. 3**

Representative Martinez Fischer offered the following amendment to **SB 1001**:

Amend **SB 1001** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 501, Insurance Code, is amended by adding Section 501.161 to read as follows:

Sec. 501.161. REPORT TO LEGISLATURE. On or before December 31 of each even-numbered year, the office shall submit to the appropriate committees of each house of the legislature a written report containing any recommendations for legislation that the office determines are appropriate to benefit and protect insurance consumers, as a class, in the insurance market in this state.

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative Martinez Fischer offered the following amendment to **SB 1001**:

Amend **SB 1001** (house committee printing), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 501.153, Insurance Code, is amended to read as follows:

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE. The public counsel:

(1) may appear or intervene, as a party or otherwise, as a matter of right before the commissioner or department on behalf of insurance consumers, as a class, in matters involving:

(A) rates, rules, and forms affecting:

(i) property and casualty insurance;

(ii) title insurance;

(iii) credit life insurance;

(iv) credit accident and health insurance; or

(v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;

(B) rules affecting life, health, or accident insurance; or

(C) withdrawal of approval of policy forms:

(i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or

(ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens patriae proceeding brought by the attorney general; ~~and~~

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation; and

(5) notwithstanding Section 556.006(a), Government Code, may appear before a legislative committee and support or oppose the passage or defeat of a legislative measure on behalf of insurance consumers, as a class.

(Hilderbran in the chair)

Amendment No. 4 was adopted.

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

Representative Alvarado offered the following amendment to **SB 1001**:

Amend **SB 1001** as follows:

(1) Add a new appropriately numbered SECTION to the bill, appropriately renumbering subsequent SECTIONS, to read as follows:

SECTION \_\_\_\_\_. Subchapter D, Chapter 501, Insurance Code, is amended by amending Sections 501.151 and 501.153 and adding Section 501.1605 to read as follows:

Sec. 501.151. POWERS AND DUTIES OF OFFICE. (a) The office:

(1) may assess the impact of insurance rates, rules, and forms on insurance consumers in this state; ~~and~~

(2) shall advocate in the office's own name positions determined by the public counsel to be most advantageous to a substantial number of insurance consumers; and

(3) shall accept from a small employer, an eligible employee, or an eligible employee's dependent and, if appropriate, refer to the commissioner, a complaint described by Section 501.1605.

(b) The decision to refer a complaint to the commissioner under Subsection (a) is at the public counsel's sole discretion.

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE. The public counsel:

(1) may appear or intervene, as a party or otherwise, as a matter of right before the commissioner or department on behalf of insurance consumers, as a class, in matters involving:

(A) rates, rules, and forms affecting:

(i) property and casualty insurance;

(ii) title insurance;

(iii) credit life insurance;

(iv) credit accident and health insurance; or

(v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;

(B) rules affecting life, health, or accident insurance; or

(C) withdrawal of approval of policy forms:

(i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or

(ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens patriae proceeding brought by the attorney general; ~~and~~

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation; and

(5) may appear before the commissioner on behalf of a small employer, eligible employee, or eligible employee's dependent in a complaint the office refers to the commissioner under Section 501.1605.

Sec. 501.1605. COMPLAINT RESOLUTION FOR CERTAIN PREMIUM RATE INCREASES. (a) A small employer, an eligible employee, or an eligible employee's dependent may file a complaint with the office alleging that a rate is excessive for the risks to which the rate applies, if the percentage increase in the premium rate charged to a small employer under Subchapter E, Chapter 1501, for a new rating period exceeds 20 percent.

(b) The office shall refer a complaint received under Subsection (a) to the commissioner if the office determines that the complaint substantially attests to a rate charged that is excessive for the risks to which the rate applies. A rate may not be considered excessive for the risks to which the rate applies solely because the percentage increase in the premium rate charged exceeds the percentage described by Subsection (a).



(c) With respect to a complaint filed under Subsection (a), the office may issue a subpoena applicable throughout the state that requires the production of records.

(d) On application of the office in the case of disobedience of a subpoena, a district court may issue an order requiring any individual or person, including a small employer health benefit plan issuer described by Section 1501.002, that is subpoenaed to obey the subpoena and produce records, if the individual or person has refused to do so. An application under this subsection must be made in a district court in Travis County.

### **Amendment No. 6**

Representative Alvarado offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Alvarado to **SB 1001** as follows:

(1) On page 1, line 6, strike "Sections 501.151 and 501.153" and substitute "Section 501.151".

(2) On page 1, line 8, strike "(a)".

(3) Strike proposed Section 501.151(a)(3), Insurance Code (page 1, line 15 through 18), and substitute the following:

(3) shall make recommendations to the legislature regarding accepting complaints described by Section 501.1605 and potentially referring complaints from small employers to the commission.

(4) Strike proposed Section 501.151(b), Insurance Code (page 1, lines 19 and 20).

(5) Strike page 1, line 21, through page 3, line 18.

(6) On page 3, line 22, between "office" and "alleging", insert "if recommended and, if so, in the manner recommended under Section 501.151(a)(3)".

(7) Add the following appropriately numbered item to the amendment and renumber subsequent items of the amendment accordingly:

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

SECTION \_\_\_\_\_. The office of public insurance counsel shall make the recommendations required by Section 501.151(a)(3), Insurance Code, as added by this Act, not later than January 1, 2011.

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

**SB 1001**, as amended, was passed to third reading.

### **SB 333 ON SECOND READING (Jackson - House Sponsor)**

**SB 333**, A bill to be entitled An Act relating to the retention by a county or municipality of certain court costs for maintaining and supporting a certified breath alcohol testing program.

**Amendment No. 1**

Representative Hernandez offered the following amendment to **SB 333**:

Amend **SB 333** (House committee printing) by adding the following SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0161 to read as follows:

Art. 102.0161. SUPPLEMENTAL COSTS FOR BREATH ALCOHOL TESTING PROGRAM. (a) The custodians of municipal and county treasuries may deposit funds collected under this article in interest-bearing accounts and retain for the municipality or county interest earned on the funds. The custodians shall keep records of funds received and disbursed under this article and shall provide a yearly report of all funds received and disbursed under this article to the comptroller, to the Department of Public Safety, and to each agency in the county served by the court that participates in or maintains a certified breath alcohol testing program. The comptroller shall approve the form of the report.

(b) On conviction of an offense under Section 49.04, 49.045, 49.046, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, the court shall require the defendant to pay a \$50 breath alcohol testing program fee as a cost of court. The custodian of a municipal or county treasury may retain \$5 of each court cost collected under this article for administrative costs. The custodian of a municipal or county treasury in a county in which one or more certified breath alcohol testing programs are maintained by the county or a municipality that do not use the services of a certified technical supervisor employed by the department may, to defray the costs of hiring or contracting with a certified technical supervisor for the program or programs or the costs of maintaining and supporting the program or programs, retain the remaining \$45 of each court cost collected under this article, in addition to any other court cost relating to a breath alcohol testing program to which the county is entitled under Article 102.016 of this code or Section 133.102, Local Government Code.

(c) A county that maintains one or more certified breath alcohol testing programs that do not use the services of a certified technical supervisor employed by the department shall provide to a municipality in the county, on request, the services of a certified technical supervisor if the municipality:

(1) has a population of more than 10,000; and

(2) does not use the services of a certified technical supervisor employed by the department.

(d) The custodian of a municipal or county treasury in a county in which two or more certified breath alcohol testing programs are maintained by the county or a municipality that do not use the services of a certified technical supervisor employed by the department shall divide the court costs collected under this article, other than the portion collected for administrative costs, according to the percentage of breath alcohol tests performed on persons who are suspected of committing an offense under Section 49.04, 49.045, 49.046, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, by each of the testing programs in the county that employs or contracts with a certified technical supervisor.

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

- (1) a sentence is imposed on the person;
- (2) the person receives community supervision or deferred adjudication; or
- (3) the court defers final disposition of the person's case.

(f) The custodian of a municipal or county treasury shall keep records of the amount of funds on deposit collected under this article and send to each certified breath alcohol testing program in the county that employs or contracts with a certified technical supervisor, before the last day of the first month following each calendar quarter, the appropriate portion of the court costs collected under Subsection (d) for the preceding quarter.

(g) Not later than the last day of the first month following each calendar quarter, the custodian of a municipal or county treasury shall remit to the comptroller the funds collected under this article during the preceding quarter, other than the amount the municipality or county is authorized to retain for that period, in a manner directed by the comptroller. The comptroller shall deposit funds received under this subsection to the credit of the breath alcohol testing account in the general revenue fund. The legislature may appropriate money deposited to the credit of the breath alcohol testing account in the general revenue fund under this subsection to the Department of Public Safety for use by the department in the implementation, administration, and maintenance of the statewide certified breath alcohol testing program.

(h) Notwithstanding any other provision of this article, a county that, before January 1, 2009, charged fees to a municipality in the county to support the county's breath alcohol testing program may continue to charge a fee to a municipality in the county only to cover the portion of the costs of the breath alcohol testing program not covered by other funds allocated to or retained by the county for that purpose.

SECTION \_\_\_\_\_. Subchapter C, Chapter 102, Government Code, is amended by adding Section 102.0412 to read as follows:

Sec. 102.0412. SUPPLEMENTAL BREATH ALCOHOL TESTING PROGRAM FEE ON CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district court shall collect from a defendant the fee imposed under Article 102.0161(b), Code of Criminal Procedure, on conviction.

SECTION \_\_\_\_\_. Subchapter D, Chapter 102, Government Code, is amended by adding Section 102.0612 to read as follows:

Sec. 102.0612. SUPPLEMENTAL BREATH ALCOHOL TESTING PROGRAM FEE ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect from a defendant the fee imposed under Article 102.0161(b), Code of Criminal Procedure, on conviction.

SECTION \_\_\_\_\_. Subchapter E, Chapter 102, Government Code, is amended by adding Section 102.0812 to read as follows:

Sec. 102.0812. SUPPLEMENTAL BREATH ALCOHOL TESTING PROGRAM FEE ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect from a defendant the fee imposed under Article 102.0161(b), Code of Criminal Procedure, on conviction.

Amendment No. 1 was adopted.

**SB 333**, as amended, was passed to third reading.

### **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. 33).

#### **CSSB 476 ON SECOND READING**

**(D. Howard, S. King, Gattis, Guillen, and Maldonado - House Sponsors)**

**CSSB 476**, A bill to be entitled An Act relating to staffing, overtime, and other employment protections for nurses.

**CSSB 476** was passed to third reading.

#### **SB 408 ON SECOND READING**

**(Hughes - House Sponsor)**

**SB 408**, A bill to be entitled An Act relating to the jurisdiction of and appeals from certain courts.

Representative Hughes moved to postpone consideration of **SB 408** until 4 p.m. today.

The motion prevailed.

#### **CSSB 532 ON SECOND READING**

**(Coleman - House Sponsor)**

**CSSB 532**, A bill to be entitled An Act relating to a physician's delegation of prescriptive authority to physician assistants or advanced practice nurses.

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

Representative Coleman offered the following amendment to **CSSB 532**:

Amend **CSSB 532** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 157.053(e)(1), Occupations Code (page 3, line 4), strike "three" and substitute "four [~~three~~"]".

(2) In SECTION 3 of the bill, in amended Section 157.0541(e), Occupations Code (page 4, lines 17 and 18), strike "three" both times the word appears in Subsection (e) and substitute "four [~~three~~"]".

(3) In the recital to SECTION 4 of the bill (page 4, line 21) between "by" and "adding", insert "amending Subsection (a) and".

(4) In SECTION 4 of the bill, immediately before proposed Section 157.0542(b-1), Occupations Code (page 4, between lines 21 and 22), insert the following:

(a) On determining that the conditions of Subsection (b) have been met, the board may waive or modify any of the site or supervision requirements for a physician to delegate the carrying out or signing of prescription drug orders to an advanced practice nurse or physician assistant under Sections 157.052, 157.053, 157.054, and 157.0541, or under board rules. The board may not waive the limitation on the number of primary or alternate practice sites at which a physician may delegate the carrying out or signing of prescription drug orders or the number of advanced practice nurses or physician assistants to whom a physician may delegate the carrying out or signing of prescription drug orders, except as provided by Subsection (b-1)(1).

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

SECTION \_\_\_\_\_. Section 157.054(b), Occupations Code, is amended to read as follows:

(b) A physician's authority to delegate under Subsection (a) is limited as follows:

(1) the delegation must be made under a physician's order, standing medical order, standing delegation order, or another order or protocol developed in accordance with policies approved by the facility's medical staff or a committee of the facility's medical staff as provided by the facility bylaws;

(2) the delegation must occur in the facility in which the physician is the medical director, the chief of medical staff, the chair of the credentialing committee, or a department chair;

(3) the delegation may not permit the carrying out or signing of prescription drug orders for the care or treatment of the patients of any other physician without the prior consent of that physician;

(4) delegation in a long-term care facility must be by the medical director and is limited to the carrying out and signing of prescription drug orders to not more than four [~~three~~] advanced practice nurses or physician assistants or their full-time equivalents; and

(5) a physician may not delegate at more than one licensed hospital or more than two long-term care facilities unless approved by the board.

SECTION \_\_\_\_\_. Section 157.059(f), Occupations Code, is amended to read as follows:

(f) The authority of a physician to delegate under this section is limited to:

(1) four [~~three~~] nurse midwives or physician assistants or their full-time equivalents; and

(2) the designated facility at which the nurse midwife or physician assistant provides care.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Coleman offered the following amendment to **CSSB 532**:

Amend **CSSB 532** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 157, Occupations Code, is amended by adding Section 157.0543 to read as follows:

Sec. 157.0543. VOLUNTARY CHARITY CARE AT NONPROFIT CLINIC. (a) A physician may delegate the carrying out or signing of a prescription drug order to an advanced practice nurse who:

(1) has delegation authority under Section 157.052, 157.053, 157.054, or 157.0541; and

(2) provides without remuneration and in accordance with board rules voluntary charity health care services at a clinic run by or sponsored by a nonprofit organization.

(b) A delegation under this section does not require additional on-site supervision or chart review.

### **Amendment No. 3**

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

Amend Amendment No. 2 by Coleman to **CSSB 532** by striking proposed Section 157.0543(a)(2), Occupations Code (page 1, lines 11 through 13 of the amendment), and substituting the following:

(2) provides without remuneration and in accordance with board rules voluntary charity health care services at:

(A) a clinic operated or sponsored by a nonprofit organization; or

(B) a temporary facility operated or sponsored by a governmental entity or nonprofit organization established to serve persons during a declared emergency or disaster.

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

### **Amendment No. 4**

Representative Christian offered the following amendment to **CSSB 532**:

Amend **CSSB 532** (house committee printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 2, line 7), between "(a)" and "and", insert ", (b), (c),".

(2) In SECTION 2 of the bill, in amended Section 157.053(a)(2), Occupations Code (page 2, line 14), strike "or advanced practice nurse" and substitute "[~~or advanced practice nurse~~]".

(3) In SECTION 2 of the bill, in amended Section 157.053(a)(5), Occupations Code (page 2, lines 23 and 24), strike "or advanced practice nurse".

(4) In SECTION 2 of the bill, in added Section 157.053(a)(6), Occupations Code (page 2, line 26), strike "or advanced practice nurse".

(5) In SECTION 2 of the bill, in added Section 157.053(a)(6), Occupations Code (page 3, line 1), between "time" and the period, insert "[~~or advanced practice nurse~~]".

(6) In SECTION 2 of the bill, immediately following amended Section 157.053(a), Occupations Code (page 3, between lines 1 and 2), insert the following:

(b) At a physician's primary practice site, a physician licensed by the board may delegate to a physician assistant [~~or an advanced practice nurse~~] acting under adequate physician supervision the act of administering, providing, or carrying out or signing a prescription drug order as authorized through a physician's order, a standing medical order, a standing delegation order, or another order or protocol as defined by the board.

(c) Physician supervision of the carrying out and signing of prescription drug orders must conform to what a reasonable, prudent physician would find consistent with sound medical judgment but may vary with the education and experience of the particular [~~advanced practice nurse or~~] physician assistant. A physician shall provide continuous supervision, but the constant physical presence of the physician is not required.

(7) In SECTION 2 of the bill, in amended Section 157.053(e)(1), Occupations Code (page 3, lines 4 and 5), strike "or advanced practice nurses" and substitute "[~~or advanced practice nurses~~]".

(8) Strike the recital to SECTION 3 of the bill (page 3, lines 11 and 12) and substitute the following:

SECTION 3. Section 157.0541, Occupations Code, is amended to read as follows:

Sec. 157.0541. PRESCRIBING AT ALTERNATIVE SITES.

(9) In SECTION 3 of the bill immediately following amended Section 157.0541(a), Occupations Code (page 3, between lines 17 and 18), insert the following:

(b) At an alternate site, a physician licensed by the board may delegate to a [~~an advanced practice nurse or~~] physician assistant, acting under adequate physician supervision, the act of administering, providing, or carrying out or signing a prescription drug order as authorized through a physician's order, a standing medical order, a standing delegation order, or another order or protocol as defined by the board.

(10) In SECTION 3 of the bill, strike amended Sections 157.0541(c) and (e), Occupations Code (page 3, line 18, through page 4, line 19) and substitute the following:

(c) Physician supervision is adequate for the purposes of this section if [~~the delegating physician~~]:

(1) the delegating physician:

(A) is on-site with the [~~advanced practice nurse or~~] physician assistant at least 10 [20] percent of the hours of operation of the site each month that the physician assistant is acting with delegated prescriptive authority and is available while on-site to see, diagnose, treat, and provide care to those patients for services provided or to be provided by the physician assistant to whom the physician has delegated prescriptive authority; and

(B) is not prohibited by contract from seeing, diagnosing, or treating a patient for services provided or to be provided by the physician assistant under delegated prescriptive authority [time];

(2) the delegating physician reviews at least 10 percent of the medical charts, including through electronic review of the charts from a remote location, for each physician assistant at the site; and

(3) the delegating physician is available through direct telecommunication for consultation, patient referral, or assistance with a medical emergency.

(d) An alternate physician may provide appropriate supervision to a ~~an advanced practice nurse or~~ physician assistant under this section on a temporary basis as provided by board rule.

(e) Unless a waiver is granted under Section 157.0542(b-1), the ~~The combined~~ number of ~~advanced practice nurses and~~ physician assistants to whom a physician may delegate under this section and at a primary practice site under Section 157.053 may not exceed three physician assistants ~~or advanced practice nurses~~ or the full-time equivalent of three physician assistants ~~or advanced practice nurses~~.

(11) In the recital to SECTION 4 of the bill (page 4, line 21), between "by" and "adding", insert "amending Subsections (a) and (b) and".

(12) In SECTION 4 of the bill, immediately following the recital to that section (page 4, between lines 21 and 22), insert the following:

(a) On determining that the conditions of Subsection (b) have been met, the board may waive or modify any of the site or supervision requirements for a physician to delegate the carrying out or signing of prescription drug orders to a ~~an advanced practice nurse or~~ physician assistant under Sections 157.052, 157.053, 157.054, and 157.0541, or under board rules. The board may not waive the limitation on the number of primary or alternate practice sites at which a physician may delegate the carrying out or signing of prescription drug orders or the number of ~~advanced practice nurses or~~ physician assistants to whom a physician may delegate the carrying out or signing of prescription drug orders.

(b) The board may grant a waiver under Subsection (a) if the board determines that:

(1) the practice site where the physician is seeking to delegate prescriptive authority is unable to meet the requirements of this chapter or board rules or compliance would cause an undue burden without a corresponding benefit to patient care;

(2) safeguards exist for patient care and for fostering a collaborative practice between the physician and the ~~advanced practice nurses and~~ physician assistants; and

(3) if the requirement for which the waiver is sought is the amount of time the physician is on-site, the frequency and duration of time the physician is on-site when the ~~advanced practice nurse or~~ physician assistant is present is sufficient for collaboration to occur, taking into consideration the other ways the physician collaborates with the ~~advanced practice nurse or~~ physician assistant, including at other sites.

(13) In SECTION 4 of the bill, in added Section 157.0542(b-1), Occupations Code (page 4, lines 23 and 24), strike "or advanced practice nurse".



(14) In SECTION 4 of the bill, strike added Section 157.0542(b-1)(1), Occupations Code (page 5, lines 1 through 5), and substitute the following:

(1) the limitation on the number of physician assistants, or their full-time equivalents, if the board does not authorize more than six physician assistants or their full-time equivalents;

(15) Add the following appropriately numbered SECTIONS to the bill and renumber remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 301, Occupations Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. ADVANCED PRACTICE REGISTERED NURSES

Sec. 301.651. SCOPE OF PRACTICE. (a) Advanced practice registered nursing by a nurse practitioner, nurse anesthetist, nurse-midwife, or clinical nurse specialist is based on:

(1) knowledge and skills acquired in basic nursing education;

(2) licensure as a registered nurse;

(3) successful completion of a graduate-level advanced practice registered nursing program accredited by a national accrediting body recognized by the board;

(4) current certification in accordance with this chapter by a national certifying body recognized by the board in the appropriate advanced practice registered nursing role approved by the board; and

(5) nursing care provided in an area with at least one targeted population group recognized and approved by the board.

(b) Practice as an advanced practice registered nurse is an expanded scope of nursing practice in a role approved by the board and in an area with a targeted population group recognized and approved by the board, with or without compensation or other personal profit, and includes the scope of practice of a registered nurse.

(c) The scope of practice of an advanced practice registered nurse includes advanced assessment, diagnosing, prescribing, and ordering.

(d) An advanced practice registered nurse may serve as a primary care provider of record.

Sec. 301.652. APPLICABILITY OF SUBCHAPTER TO REGISTERED NURSES. (a) This subchapter does not limit or modify the scope of practice of a registered nurse who is not an advanced practice registered nurse approved by the board.

(b) The scope of practice of a registered nurse includes any act of professional nursing the nurse is authorized to perform under this chapter.

Sec. 301.653. LICENSE REQUIRED. A person may not practice or offer to practice advanced practice registered nursing in this state unless the person is licensed as an advanced practice registered nurse.

Sec. 301.654. APPLICATION. An applicant for an advanced practice registered nurse license shall submit to the board an application on the form prescribed by the board, any required fee, and any other information required by the board.

Sec. 301.655. PRACTICE BY LICENSED ADVANCED PRACTICE REGISTERED NURSE. (a) A licensed advanced practice registered nurse may:

(1) diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources; and

(2) plan and initiate a therapeutic regimen that includes ordering and prescribing medical devices and equipment, nutrition, and diagnostic and supportive services, including home health care, hospice, physical therapy, and occupational therapy.

(b) An advanced practice registered nurse shall practice as a licensed independent practitioner in accordance with standards established and recognized by the board to protect the public health and safety.

(c) An advanced practice registered nurse is accountable to patients, the nursing profession, and the board for:

(1) complying with the requirements of this chapter;

(2) providing quality advanced nursing care;

(3) recognizing the nurse's limits of knowledge and experience;

(4) planning for the management of situations beyond the nurse's expertise; and

(5) consulting with or referring patients to other health care providers as appropriate.

Sec. 301.656. PRESCRIBING AND ORDERING AUTHORITY. (a) The board may grant prescribing and ordering authority in accordance with this chapter through the issuance of an advanced practice registered nursing license to a registered nurse approved by the board to practice as an advanced practice registered nurse.

(b) As authorized by the board, an advanced practice registered nurse may prescribe, procure, administer, order, and dispense dangerous drugs and controlled substances.

SECTION \_\_\_\_. Subchapter A, Chapter 301, Occupations Code, is amended by adding Section 301.0021 to read as follows:

Sec. 301.0021. DEFINITION OF ADVANCED PRACTICE REGISTERED NURSE. (a) In this chapter, "advanced practice registered nurse" means a registered nurse licensed under this chapter who:

(1) has successfully completed a graduate-level education program accredited by a national accrediting organization recognized by the board that prepares the nurse to function as a nurse practitioner, nurse anesthetist, nurse-midwife, or clinical nurse specialist;

(2) if the education program required under Subdivision (1) was completed after January 1, 1996, has met requirements established or recognized by the board for national certification;

(3) is licensed by the board to provide advanced practice registered nursing in an area with a targeted population group recognized and approved by the board; and

(4) meets requirements established by the board for continued competence.

(b) The term "advanced practice registered nurse" is synonymous with "advanced nurse practitioner" and "advanced practice nurse."

SECTION \_\_\_\_\_. The heading to Subchapter B, Chapter 157, Occupations Code, is amended to read as follows:

SUBCHAPTER B. DELEGATION TO [~~ADVANCED PRACTICE NURSES~~  
~~AND~~] PHYSICIAN ASSISTANTS

SECTION \_\_\_\_\_. Section 157.051(2), Occupations Code, is amended to read as follows:

(2) "Carrying out or signing a prescription drug order" means completing a prescription drug order presigned by the delegating physician, or the signing of a prescription by a [~~registered nurse or~~] physician assistant.

SECTION \_\_\_\_\_. Sections 157.052(c) and (e), Occupations Code, are amended to read as follows:

(c) At a site serving a medically underserved population, a physician licensed by the board may delegate to a [~~registered nurse or~~] physician assistant acting under adequate physician supervision the act of administering, providing, or carrying out or signing a prescription drug order, as authorized by the physician through a physician's order, a standing medical order, a standing delegation order, or another order or protocol as defined by the board.

(e) Physician supervision is adequate for the purposes of this section if a delegating physician:

(1) is responsible for the formulation or approval of the physician's order, standing medical order, standing delegation order, or other order or protocol, and periodically reviews the order and the services provided patients under the order;

(2) is on-site to provide medical direction and consultation at least once every 10 business days during which the [~~advanced practice nurse or~~] physician assistant is on-site providing care;

(3) receives a daily status report from the [~~advanced practice nurse or~~] physician assistant on any problem or complication encountered; and

(4) is available through direct telecommunication for consultation, patient referral, or assistance with a medical emergency.

SECTION \_\_\_\_\_. Sections 157.054(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) A physician licensed by the board may delegate, to one or more physician assistants [~~or advanced practice nurses~~] acting under adequate physician supervision whose practice is facility-based at a licensed hospital or licensed long-term care facility, the administration or provision of a drug and the carrying out or signing of a prescription drug order if the physician is:

(1) the medical director or chief of medical staff of the facility in which the physician assistant [~~or advanced practice nurse~~] practices;

(2) the chair of the facility's credentialing committee;

(3) a department chair of a facility department in which the physician assistant [~~or advanced practice nurse~~] practices; or

(4) a physician who consents to the request of the medical director or chief of medical staff to delegate the carrying out or signing of a prescription drug order at the facility in which the physician assistant [~~or advanced practice nurse~~] practices.

(b) A physician's authority to delegate under Subsection (a) is limited as follows:

(1) the delegation must be made under a physician's order, standing medical order, standing delegation order, or another order or protocol developed in accordance with policies approved by the facility's medical staff or a committee of the facility's medical staff as provided by the facility bylaws;

(2) the delegation must occur in the facility in which the physician is the medical director, the chief of medical staff, the chair of the credentialing committee, or a department chair;

(3) the delegation may not permit the carrying out or signing of prescription drug orders for the care or treatment of the patients of any other physician without the prior consent of that physician;

(4) delegation in a long-term care facility must be by the medical director and is limited to the carrying out and signing of prescription drug orders to not more than three [~~advanced practice nurses or~~] physician assistants or their full-time equivalents; and

(5) a physician may not delegate at more than one licensed hospital or more than two long-term care facilities unless approved by the board.

(c) Physician supervision of the carrying out and signing of prescription drug orders must conform to what a reasonable, prudent physician would find consistent with sound medical judgment but may vary with the education and experience of the particular [~~advanced practice nurse or~~] physician assistant. A physician shall provide continuous supervision, but the constant physical presence of the physician is not required.

SECTION \_\_\_\_\_. Section 157.055, Occupations Code, is amended to read as follows:

Sec. 157.055. ORDERS AND PROTOCOLS. A protocol or other order shall be defined in a manner that promotes the exercise of professional judgment by the [~~advanced practice nurse and~~] physician assistant commensurate with the education and experience of that person. Under this section, an order or protocol used by a reasonable and prudent physician exercising sound medical judgment:

(1) is not required to describe the exact steps that [~~an advanced practice nurse or~~] a physician assistant must take with respect to each specific condition, disease, or symptom; and

(2) may state the types or categories of medications that may be prescribed or the types or categories of medications that may not be prescribed.

SECTION \_\_\_\_\_. Section 157.056, Occupations Code, is amended to read as follows:

Sec. 157.056. PRESCRIPTION INFORMATION. The following information must be provided on each prescription subject to this subchapter:

- (1) the patient's name and address;
- (2) the drug to be dispensed;

- (3) directions to the patient regarding the taking of the drug and the dosage;
- (4) the intended use of the drug, if appropriate;
- (5) the name, address, and telephone number of the physician;
- (6) the name, address, telephone number, and identification number of the ~~[registered nurse or]~~ physician assistant completing or signing the prescription drug order;
- (7) the date; and
- (8) the number of refills permitted.

SECTION \_\_\_\_\_. Section 157.060, Occupations Code, is amended to read as follows:

Sec. 157.060. PHYSICIAN LIABILITY FOR DELEGATED ACT. Unless the physician has reason to believe the physician assistant ~~[or advanced practice nurse]~~ lacked the competency to perform the act, a physician is not liable for an act of a physician assistant ~~[or advanced practice nurse]~~ solely because the physician signed a standing medical order, a standing delegation order, or another order or protocol authorizing the physician assistant ~~[or advanced practice nurse]~~ to administer, provide, carry out, or sign a prescription drug order.

SECTION \_\_\_\_\_. Section 301.002(2), Occupations Code, is amended to read as follows:

(2) "Professional nursing" means the performance of an act that requires substantial specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of professional nursing. The term does not include acts of medical diagnosis or the prescription of therapeutic or corrective measures except as authorized for advanced practice registered nurses. Professional nursing involves:

(A) the observation, assessment, intervention, evaluation, rehabilitation, care and counsel, or health teachings of a person who is ill, injured, infirm, or experiencing a change in normal health processes;

(B) the maintenance of health or prevention of illness;

(C) the administration of a medication or treatment as ordered by a practitioner, as that term is defined by Section 551.003 ~~[physician, podiatrist, or dentist]~~;

(D) the supervision or teaching of nursing;

(E) the administration, supervision, and evaluation of nursing practices, policies, and procedures;

(F) the requesting, receiving, signing for, and distribution of prescription drug samples to patients by an advanced practice ~~[at sites in which a]~~ registered nurse ~~[is authorized to sign prescription drug orders as provided by Subchapter B, Chapter 157]~~;

(G) the prescribing and ordering of controlled substances and dangerous drugs by an advanced practice registered nurse ~~[the performance of an act delegated by a physician under Section 157.052, 157.053, 157.054, 157.0541, 157.0542, 157.058, or 157.059]~~; and

(H) the development of the nursing care plan.

SECTION \_\_\_\_\_. Section 301.005, Occupations Code, is amended to read as follows:

Sec. 301.005. REFERENCE IN OTHER LAW. (a) A reference in any other law to the former Board of Nurse Examiners means the Texas Board of Nursing.

(b) A reference in any other law to an "advanced nurse practitioner" or "advanced practice nurse" means an "advanced practice registered nurse."

SECTION \_\_\_\_\_. Section 301.152, Occupations Code, is amended to read as follows:

Sec. 301.152. RULES REGARDING ADVANCED PRACTICE REGISTERED NURSES [~~SPECIALIZED TRAINING~~]. (a) [~~In this section, "advanced practice nurse" means a registered nurse approved by the board to practice as an advanced practice nurse on the basis of completion of an advanced educational program. The term includes a nurse practitioner, nurse midwife, nurse anesthetist, and clinical nurse specialist. The term is synonymous with "advanced nurse practitioner."~~]

(~~b~~) The board shall adopt rules to:

(1) establish:

(A) any specialized education or training, including pharmacology, that an advanced practice [~~a~~] registered nurse must have to prescribe and [~~carry out a prescription drug~~] order drugs and medical devices [~~under Section 157.052~~]; and

(B) a system for assigning a prescriptive authorization [~~an identification~~] number to an advanced practice [~~a~~] registered nurse who provides the board with evidence of completing the specialized education and training requirement under Subdivision (1)(A); and

(2) [~~approve a registered nurse as an advanced practice nurse; and~~]

(~~3~~) initially approve and biennially renew an advanced practice registered nurse's authority to prescribe and [~~carry out or sign a prescription drug~~] order drugs and medical devices [~~under Chapter 157~~].

(b) [~~e~~] At a minimum, the rules adopted under Subsection (a)(2) [~~(b)(3)~~] must:

(1) require completion of pharmacology and related pathology education for initial approval;

(2) require continuing education in clinical pharmacology and related pathology in addition to any continuing education otherwise required under Section 301.303; and

(3) provide for the issuance of a prescription authorization number to an advanced practice registered nurse approved under this section.

(c) [~~d~~] The signature of an advanced practice registered nurse attesting to the provision of a legally authorized service by the advanced practice registered nurse satisfies any documentation requirement for that service established by a state agency.

SECTION \_\_\_\_\_. Section 551.003(34), Occupations Code, is amended to read as follows:

(34) "Practitioner" means:

(A) a person licensed or registered to prescribe, distribute, administer, or dispense a prescription drug or device in the course of professional practice in this state, including a physician, dentist, podiatrist, advanced practice registered nurse, or veterinarian but excluding a person licensed under this subtitle;

(B) a person licensed by another state, Canada, or the United Mexican States in a health field in which, under the law of this state, a license holder in this state may legally prescribe a dangerous drug;

(C) a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, advanced practice registered nurse, or podiatrist, who has a current federal Drug Enforcement Administration registration number and who may legally prescribe a Schedule II, III, IV, or V controlled substance, as specified under Chapter 481, Health and Safety Code, in that other state; or

(D) a ~~[an advanced practice nurse or]~~ physician assistant to whom a physician has delegated the authority to carry out or sign prescription drug orders under Section 157.0511, 157.052, 157.053, 157.054, 157.0541, or 157.0542.

SECTION \_\_\_\_\_. Section 563.051(e), Occupations Code, is amended to read as follows:

(e) A practitioner may designate a licensed vocational nurse or a person having education equivalent to or greater than that required for a licensed vocational nurse to communicate the prescriptions of a ~~[an advanced practice nurse or]~~ physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157.

SECTION \_\_\_\_\_. Section 563.053, Occupations Code, is amended to read as follows:

Sec. 563.053. DISPENSING OF DANGEROUS DRUGS IN CERTAIN RURAL AREAS. (a) In this section, "reimbursement for cost" means an additional charge, separate from that imposed for the physician's or advanced practice registered nurse's professional services, that includes the cost of the drug product and all other actual costs to the physician or advanced practice registered nurse incidental to providing the dispensing service. The term does not include a separate fee imposed for the act of dispensing the drug itself.

(b) This section applies to an area located in a county with a population of 5,000 or less, or in a municipality or an unincorporated town with a population of less than 2,500, that is within a 15-mile radius of the physician's or advanced practice registered nurse's office and in which a pharmacy is not located. This section does not apply to a municipality or an unincorporated town that is adjacent to a municipality with a population of 2,500 or more.

(c) A physician who practices medicine or an advanced practice registered nurse who practices advanced practice nursing in an area described by Subsection (b) may:

(1) maintain a supply of dangerous drugs in the physician's or advanced practice registered nurse's office to be dispensed in the course of treating the physician's or advanced practice registered nurse's patients; and

(2) be reimbursed for the cost of supplying those drugs without obtaining a license under Chapter 558.

(d) A physician or advanced practice registered nurse who dispenses dangerous drugs under Subsection (c) shall:

(1) comply with each labeling provision under this subtitle applicable to that class of drugs; and

(2) oversee compliance with packaging and recordkeeping provisions applicable to that class of drugs.

(e) A physician who desires to dispense dangerous drugs under this section shall notify both the board and the Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~ that the physician practices in an area described by Subsection (b). An advanced practice registered nurse who desires to dispense dangerous drugs under this section shall notify both the board and the Texas Board of Nursing that the advanced practice registered nurse practices in an area described by Subsection (b). The physician or advanced practice registered nurse may continue to dispense dangerous drugs in the area until the board determines, after notice and hearing, that the physician or advanced practice registered nurse no longer practices in an area described by Subsection (b).

SECTION \_\_\_\_\_. Section 481.002(39), Health and Safety Code, is amended to read as follows:

(39) "Practitioner" means:

(A) a physician, dentist, veterinarian, podiatrist, scientific investigator, advanced practice registered nurse, or other person licensed, registered, or otherwise permitted to distribute, dispense, analyze, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(B) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

(C) a person practicing in and licensed by another state as a physician, dentist, veterinarian, advanced practice registered nurse, or podiatrist, having a current Federal Drug Enforcement Administration registration number, who may legally prescribe Schedule II, III, IV, or V controlled substances in that state; or

(D) a ~~[an advanced practice nurse or]~~ physician assistant to whom a physician has delegated the authority to carry out or sign prescription drug orders under Section 157.0511, 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations Code.

SECTION \_\_\_\_\_. Sections 483.001(12) and (13), Health and Safety Code, are amended to read as follows:

(12) "Practitioner" means a person licensed:

(A) by the Texas ~~[State Board of]~~ Medical Board ~~[Examiners]~~, State Board of Dental Examiners, Texas State Board of Podiatric Medical Examiners, Texas Optometry Board, Texas Board of Nursing, or State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs;



(B) by another state in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs;

(C) in Canada or Mexico in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs; or

(D) a ~~[an advanced practice nurse or]~~ physician assistant to whom a physician has delegated the authority to carry out or sign prescription drug orders under Section 157.0511, 157.052, 157.053, 157.054, 157.0541, or 157.0542, Occupations Code.

(13) "Prescription" means an order from a practitioner, or an agent of the practitioner designated in writing as authorized to communicate prescriptions, or an order made in accordance with Subchapter B, Chapter 157, Occupations Code, or Section 203.353, Occupations Code, to a pharmacist for a dangerous drug to be dispensed that states:

(A) the date of the order's issue;

(B) the name and address of the patient;

(C) if the drug is prescribed for an animal, the species of the animal;

(D) the name and quantity of the drug prescribed;

(E) the directions for the use of the drug;

(F) the intended use of the drug unless the practitioner determines the furnishing of this information is not in the best interest of the patient;

(G) the name, address, and telephone number of the practitioner at the practitioner's usual place of business, legibly printed or stamped; and

(H) the name, address, and telephone number of the licensed midwife~~[-registered nurse,]~~ or physician assistant, legibly printed or stamped, if signed by a licensed midwife~~[-registered nurse,]~~ or physician assistant.

SECTION \_\_\_\_\_. Section 483.022(f), Health and Safety Code, is amended to read as follows:

(f) A practitioner may designate a person who is a licensed vocational nurse or has an education equivalent to or greater than that required for a licensed vocational nurse to communicate prescriptions of a ~~[an advanced practice nurse or]~~ physician assistant authorized by the practitioner to sign prescription drug orders under Subchapter B, Chapter 157, Occupations Code.

SECTION \_\_\_\_\_. Section 843.312, Insurance Code, is amended to read as follows:

Sec. 843.312. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE REGISTERED NURSES. (a) A health maintenance organization may not refuse a request by a physician participating in the health maintenance organization delivery network and a physician assistant ~~[or advanced practice nurse]~~ who is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code, or an advanced practice registered nurse who is authorized to provide care under Subchapter N, Chapter 301, Occupations Code, to identify a physician assistant or advanced practice registered nurse as a provider in the network.

(b) A health maintenance organization may refuse a request under Subsection (a) if the physician assistant or advanced practice registered nurse does not meet the quality of care standards previously established by the health maintenance organization for participation in the network by physician assistants and advanced practice registered nurses.

SECTION \_\_\_\_\_. Section 1301.052, Insurance Code, is amended to read as follows:

Sec. 1301.052. DESIGNATION OF ADVANCED PRACTICE REGISTERED NURSE OR PHYSICIAN ASSISTANT AS PREFERRED PROVIDER. An insurer offering a preferred provider benefit plan may not refuse a request made by a physician participating as a preferred provider under the plan and an advanced practice registered nurse or physician assistant to have the advanced practice registered nurse or physician assistant included as a preferred provider under the plan if:

(1) the [~~advanced practice nurse or~~] physician assistant is authorized by the physician to provide care under Subchapter B, Chapter 157, Occupations Code, or the advanced practice registered nurse is authorized to provide care under Subchapter N, Chapter 301, Occupations Code; and

(2) the advanced practice registered nurse or physician assistant meets the quality of care standards previously established by the insurer for participation in the plan by advanced practice registered nurses and physician assistants.

SECTION \_\_\_\_\_. The following sections of the Occupations Code are repealed:

- (1) Section 157.051(1);
- (2) Section 157.052(a)(3);
- (3) Section 157.058; and
- (4) Section 157.059.

SECTION \_\_\_\_\_. (a) Not later than January 1, 2010, the Texas Board of Nursing shall adopt the rules necessary to implement the changes in law made by this Act.

(b) Notwithstanding Subchapter N, Chapter 301, Occupations Code, as added by this Act, an advanced practice registered nurse who has been approved by the Texas Board of Nursing to provide advanced practice registered nursing care is not required to hold a license as an advanced practice registered nurse under Subchapter N until March 1, 2010.

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

Representative Coleman raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

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

Representative Branch requested permission for the Committee on Higher Education to meet while the house is in session, at 4 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Higher Education, 4 p.m. today, 3W.15, for a formal meeting, to consider **SB 44, SB 174, SB 194, SB 819, SB 857, SB 1304, SB 1394, SB 1443, SB 1728, SB 1729, SB 2146, SJR 35**, and pending business.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, at 4:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Energy Resources, 4:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**CSSB 532 - (consideration continued)**

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

Mr. Coleman raises a point of order against further consideration of the Christian amendment to **CSSB 532** in that the amendment violates Rule 11, Section 2.

**CSSB 532** deals with a relatively narrow topic of a physician delegating prescriptive authority to a physician assistant or an advanced practice nurse. The Christian amendment is a more comprehensive treatment of the scope of practice of advanced practice nurses. Specifically, the amendment would add a new subchapter to Chapter 301, Occupations Code, that covers the scope of practice of an advanced practice nurse. Proposed Section 301.651(c) as added by the amendment provides that the scope of the advanced practice nurse includes "advanced assessment, diagnosing, prescribing, and ordering." Proposed Section 301.651(d) states that the advanced practice nurse "may serve as a primary care provider of record." These activities are well beyond the topic covered by the bill which is limited to prescriptive authority.

Accordingly the amendment is not germane and the point of order is sustained.

The ruling precluded further consideration of Amendment No. 4.

(Cook in the chair)

**Amendment No. 5**

Representative Orr offered the following amendment to **CSSB 532**:

Amend **CSSB 532** as follows:

(1) Strike the recital to Section 1 of the bill (page 1, lines 5 and 6), and substitute:

SECTION 1. Section 157.0511, Occupations Code, is amended by amending Subsections (b) and (b-1) and adding Subsection (b-2) to read as follows:

(2) In Section 1 of the bill, immediately following amended Subsection (b-1), Section 157.0511, Occupations Code (page 2, between lines 6 and 7), insert:

(b-2) Physician supervision of the carrying out and signing of prescription drug orders must conform to what a reasonable and prudent physician would find consistent with sound medical judgment but may vary with the education and experience of the particular advanced practice nurse or physician assistant. A physician shall provide continuous supervision, but the constant physical presence of the physician is not required. Board rules regarding supervision shall promote the ability of physicians to:

(1) exercise medical judgment in supervising the carrying out and signing of prescription drug orders; and

(2) promote the full use of health information technology, including telemedicine, telehealth, and electronic medical records.

(3) In Section 3 of the bill, strike amended Section 157.0541(c), Occupations Code (page 3, line 18, through page 4, line 12), and substitute the following:

(c) The delegating physician may not be prohibited by contract from seeing, diagnosing, or treating a patient for services provided or to be provided by the physician assistant or advanced practice nurse under delegated prescriptive authority [Physician supervision is adequate for the purposes of this section if the delegating physician:

(1) is on site with the advanced practice nurse or physician assistant at least 20 percent of the time;

(2) reviews at least 10 percent of the medical charts at the site; and

(3) is available through direct telecommunication for consultation, patient referral, or assistance with a medical emergency].

(4) In Section 4 of the bill, in the recital (page 4, line 21), strike "by adding" and substitute "by amending Subsection (b) and adding".

(5) In Section 4 of the bill, between the recital and added Section 157.0542(b-1), Occupations Code (page 4, between lines 21 and 22), insert the following:

(b) The board may grant a waiver under Subsection (a) if the board determines that:

(1) the practice site where the physician is seeking to delegate prescriptive authority is unable to meet the requirements of this chapter or board rules or compliance would cause an undue burden without a corresponding benefit to patient care; and

(2) safeguards exist for patient care and for fostering a collaborative practice between the physician and the advanced practice nurses and physician assistants[; ~~and~~

~~(3) if the requirement for which the waiver is sought is the amount of time the physician is on site, the frequency and duration of time the physician is on site when the advanced practice nurse or physician assistant is present is sufficient for collaboration to occur, taking into consideration the other ways the physician collaborates with the advanced practice nurse or physician assistant, including at other sites].~~

(6) In Section 4 of the bill, in proposed Subdivision (1), Subsection (b-1), Section 157.0542, Occupations Code (page 5, line 5), following "equivalents:" add "or".

(7) In Section 4 of the bill, in proposed Subdivision (2), Subsection (b-1), Section 157.0542, Occupations Code (page 5, line 6), strike "; or" and substitute an underscored period.

(8) In Section 4 of the bill (page 5, lines 7-9), strike proposed Subdivision (3), Subsection (b-1), Section 157.0542, Occupations Code.

(9) Add the following sections to the bill, numbered appropriately, and renumber any subsequent sections of the bill accordingly:

SECTION \_\_\_\_\_. Section 671.001(b), Government Code, is amended to read as follows:

(b) The pilot program must provide for the following:

(1) a licensed advanced practice nurse as defined by Section 301.152, Occupations Code, or a licensed physician assistant as described by Chapter 204, Occupations Code, who is employed by the state or whose services are acquired by contract, who will be located at a state office complex;

~~[(2) a licensed physician, who is employed by a state governmental entity for purposes other than the pilot program or whose services are acquired by contract, who will perform all supervisory functions described by Section 157.052(e), Occupations Code;]~~

(2)~~[(3)]~~ appropriate office space and equipment for the advanced practice nurse or physician assistant to provide basic medical care to employees at the state office complex where the nurse or physician assistant is located; and

(3)~~[(4)]~~ professional liability insurance covering services provided by the advanced practice nurse or the physician assistant.

SECTION \_\_\_\_\_. Sections 157.052(e), 157.053(c), and 157.054(c), Occupations Code, are repealed.

### 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).

### CSSB 532 - (consideration continued)

Amendment No. 5 failed of adoption by (Record 970): 35 Yeas, 100 Nays, 2 Present, not voting.

Yeas — Aycock; Bonnen; Brown, B.; Chisum; Christian; Corte; Crownover; Davis, J.; Elkins; Flynn; Gattis; Gonzales; Hancock; Hardcastle; Harless; Hilderbran; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Leibowitz; Lucio; Miller, S.; Orr; Otto; Patrick; Rose; Smithee; Swinford; Taylor; Weber; Woolley.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson; Berman; Bohac; Bolton; Branch; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Coleman; Cook(C); Crabb; Craddick; Creighton; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; Eissler; England; Farabee; Fletcher; Flores; Gallego; Geren; Giddings; Gonzalez Toureilles; Gutierrez; Hamilton; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Legler; Lewis; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Parker; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Zerwas.

Present, not voting — Mr. Speaker; Edwards.

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Driver; Dutton; Farias; Farrar; Frost; Guillen; Laubenberg; Paxton; Peña; Walle.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 970. I intended to vote no.

Rose

**CSSB 532**, as amended, was passed to third reading.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Coleman requested permission for the Committee on Environmental Regulation to meet while the house is in session, at 5 p.m. today, in 3W.9, to consider **SB 213** and **SB 338**.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Environmental Regulation, 5 p.m. today, 3W.9, for a formal meeting, to consider **SB 213** and **SB 338**.

### POSTPONED BUSINESS

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

**SB 408 ON SECOND READING**  
**(Hughes - House Sponsor)**

**SB 408**, A bill to be entitled An Act relating to the jurisdiction of and appeals from certain courts.

**SB 408** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Gutierrez offered the following amendment to **SB 408**:

Amend **SB 408** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Section 82.003, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

(c) If after service on a nonresident manufacturer through the secretary of state in the manner prescribed by Subchapter C, Chapter 17, the manufacturer fails to answer or otherwise make an appearance in the time required by law, it is conclusively presumed for the purposes of Subsection (a)(7)(B) that the manufacturer is not subject to the jurisdiction of the court unless the seller is able to secure personal jurisdiction over the manufacturer in the action.

(b) Notwithstanding any other provision of this Act, the change in law made by this section applies to an action filed on or after the effective date of this Act or pending on the effective date of this Act.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Naishtat offered the following amendment to **SB 408**:

Amend **SB 408** (House committee printing) as follows:

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

SECTION \_\_\_\_\_. (a) Sections 531.019(a) and (e), Government Code, as added by Chapter 1161 (**HB 75**), Acts of the 80th Legislature, Regular Session, 2007, are amended to read as follows:

(a) In this section, "public assistance benefits" means benefits provided under a public assistance program under Chapter 31, 32, or 33, Human Resources Code.

(e) For purposes of Section 2001.171, an applicant for or recipient of public assistance benefits has exhausted all available administrative remedies and a decision, including a decision under Section 31.034 or 32.035, Human Resources Code, is final and appealable on the date that, after a hearing:

(1) the hearing officer for the commission or a health and human services agency reaches a final decision related to the benefits; and

(2) the appropriate attorney completes an administrative review of the decision and notifies the applicant or recipient in writing of the results of that review.

(b) The changes in law made by this section apply only to an appeal of a final decision by the Health and Human Services Commission related to financial assistance benefits under Chapter 31, Human Resources Code, that is rendered on or after the effective date of this Act. A final decision rendered by the commission before the effective date of this Act is governed by the law in effect on the date the decision was rendered, and the former law is continued in effect for that purpose.

(2) In SECTION 7 of the bill (page 2, line 21), strike "The changes" and substitute "Except as otherwise provided by this Act, the changes".

Amendment No. 2 was adopted.

**SB 408**, as amended, was passed to third reading.

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

**SB 451 ON SECOND READING**  
**(Patrick - House Sponsor)**

**SB 451**, A bill to be entitled An Act relating to staff development requirements in public schools.

Representative Aycock moved to postpone consideration of **SB 451** until 4:45 p.m. today.

The motion prevailed.

**SB 650 ON SECOND READING**  
**(Hopson - House Sponsor)**

**SB 650**, A bill to be entitled An Act relating to certain peace officers commissioned by the Texas State Board of Pharmacy.

**SB 650** was passed to third reading.

**SB 518 ON SECOND READING**  
**(Madden - House Sponsor)**

**SB 518**, A bill to be entitled An Act relating to providing access to certain information relating to the discretionary transfer of a child from a juvenile court to a criminal court.

**SB 518** was passed to third reading.

**SB 743 ON SECOND READING**  
**(Gutierrez - House Sponsor)**

**SB 743**, A bill to be entitled An Act relating to the time allowed for execution of a search warrant issued to obtain a specimen for DNA analysis.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Moody, Representative Gutierrez offered the following committee amendment to **SB 743**:



Amend **SB 743** (engrossed version) in SECTION 1 of the bill, in amended Article 18.07(a)(1), Code of Criminal Procedure (page 1, line 11), by striking "20" and substituting "15".

Amendment No. 1 was adopted.

**SB 743**, as amended, was passed to third reading.

**SB 527 ON SECOND READING**  
**(Kolkhorst and Laubenberg - House Sponsors)**

**SB 527**, A bill to be entitled An Act relating to certain mammography systems that fail certification standards.

**SB 527** was passed to third reading.

**SB 833 ON SECOND READING**  
**(C. Turner and Vaught - House Sponsors)**

**SB 833**, A bill to be entitled An Act relating to the accrual of vacation and sick leave for certain state employees on a military leave of absence.

**Amendment No. 1**

Representative P. King offered the following amendment to **SB 833**:

Amend **SB 833** by inserting the following to be SECTION 2:

SECTION 2. Subchapter A, Chapter 431, Government Code, is amended by adding Section 431.0055 to read as follows:

Sec. 431.0055. DUAL OFFICE HOLDING. A position in or membership in the state military forces is not considered to be a civil office of emolument.

Amend SECTION 2 of **SB 833** by renumbering SECTION 2 of the bill to be SECTION 3 and to read:

SECTION 3. SECTION 1 of this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If SECTION 1 of this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009. SECTION 2 of this Act takes effect January 1, 2010, but only if the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, authorizing an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices is approved by the voters. If that proposed constitutional amendment is not approved by the voters, SECTION 2 of this Act has no effect.

Amendment No. 1 was adopted.

**SB 833**, as amended, was passed to third reading.

**POSTPONED BUSINESS**

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

**SB 451 ON SECOND READING**  
**(Patrick - House Sponsor)**

**SB 451**, A bill to be entitled An Act relating to staff development requirements in public schools.

**SB 451** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Hancock offered the following amendment to **SB 451**:

Amend **SB 451** as follows:

On page 2, delete line 17.

Amendment No. 1 was adopted.

**SB 451**, as amended, was passed to third reading.

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

**CSSB 1091 ON SECOND READING**  
**(Gallego - House Sponsor)**

**CSSB 1091**, A bill to be entitled An Act relating to the establishment of the capital writs committee and the office of capital writs and to the appointment and compensation of certain counsel for indigent defendants in a capital case.

**CSSB 1091** was passed to third reading. (Flynn recorded voting no.)

**CSSB 1515 ON SECOND READING**  
**(McCall, Dukes, Eissler, Ortiz, and Button - House Sponsors)**

**CSSB 1515**, A bill to be entitled An Act relating to a major events trust fund, a motor sports racing trust fund, and an events trust fund for sporting and non-sporting events.

**CSSB 1515** was passed to third reading.

**SB 711 ON SECOND READING**  
**(Geren - House Sponsor)**

**SB 711**, A bill to be entitled An Act relating to creating a winery festival permit.

**SB 711** was passed to third reading.

**SB 554 ON SECOND READING**  
**(Frost - House Sponsor)**

**SB 554**, A bill to be entitled An Act relating to conduct constituting the offense of dog fighting and to the criminal and civil consequences of committing that offense.

**Amendment No. 1**

Representative Dutton offered the following amendment to **SB 554**:

Amend **SB 554** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 822.041, Health and Safety Code, is amended by amending Subdivision (2) and adding Subdivision (3-a) to read as follows:

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; ~~or~~

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or

(C) is a pit bull breed of dog.

(3-a) "Pit bull breed of dog" means any Staffordshire bull terrier, American Staffordshire terrier, American pit bull terrier, or any mixed breed of dog that exhibits distinguishing characteristics that substantially conform to the American Kennel Club or United Kennel Club standards for those breeds.

SECTION \_\_\_\_\_. Section 822.042(g), Health and Safety Code, is amended to read as follows:

(g) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(1) the owner knows of an attack described in Section 822.041(2)(A) or (B);

(2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog under Section 822.0423; ~~or~~

(3) the owner is informed by the animal control authority that the dog is a dangerous dog under Section 822.0421; or

(4) the person acquires a pit bull breed of dog.

SECTION \_\_\_\_\_. Section 822.0421(a), Health and Safety Code, is amended to read as follows:

(a) If a person reports an incident described by Section 822.041(2)(A) or (B), the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, it shall notify the owner of that fact.

SECTION \_\_\_\_\_. Section 822.0422(b), Health and Safety Code, is amended to read as follows:

(b) A person may report an incident described by Section 822.041(2)(A) or (B) to a municipal court, a justice court, or a county court. The owner of the dog shall deliver the dog to the animal control authority not later than the fifth day after the date on which the owner receives notice that the report has been filed. The authority may provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn.)

**SB 554**, as amended, was passed to third reading. (The vote was reconsidered later today, and **SB 554** was passed to third reading.)

**SB 1182 ON SECOND READING**  
**(Ortiz - House Sponsor)**

**SB 1182**, A bill to be entitled An Act relating to the open records steering committee, reports by the attorney general on costs of copies, and certain deadlines, costs, and suits filed under the public information law.

**Amendment No. 1**

Representative Ortiz offered the following amendment to **SB 1182**:

Amend **SB 1182** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_. Section 261.201, Family Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) Notwithstanding Subsection (a), an investigating agency, other than the department or the Texas Youth Commission, on request, shall provide to the parent, managing conservator, or other legal representative of a child who is the subject of reported abuse or neglect, or to the child if the child is at least 18 years of age, information concerning the reported abuse or neglect that would otherwise be confidential under this section. The investigating agency shall withhold information under this subsection if the parent, managing conservator, or other legal representative of the child requesting the information is alleged to have committed the abuse or neglect.

(l) Before a child or a parent, managing conservator, or other legal representative of a child may inspect or copy a record or file concerning the child under Subsection (k), the custodian of the record or file must redact:

(1) any personally identifiable information about a victim or witness under 18 years of age unless that victim or witness is:

(A) the child who is the subject of the report; or

(B) another child of the parent, managing conservator, or other legal representative requesting the information;

(2) any information that is excepted from required disclosure under Chapter 552, Government Code, or other law; and

(3) the identity of the person who made the report.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative C. Howard offered the following amendment to **SB 1182**:

Amend **SB 1182** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 551, Government Code, is amended by adding Section 551.0415 to read as follows:

Sec. 551.0415. GOVERNING BODY OF MUNICIPALITY: REPORTS ABOUT ITEMS OF COMMUNITY INTEREST REGARDING WHICH NO ACTION WILL BE TAKEN. (a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality may receive from municipal staff and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- (6) announcements involving the public health and safety of people in the municipality.

(B. Brown in the chair)

Amendment No. 2 was adopted.

**SB 1182**, as amended, was passed to third reading.

### **CSSB 627 ON SECOND READING (Solomons - House Sponsor)**

**CSSB 627**, A bill to be entitled An Act relating to the liability of in-home service companies and residential delivery companies for negligent hiring.

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

Representative Solomons offered the following amendment to **CSSB 627**:

Amend **CSSB 627**, in SECTION 3 of the bill, amending Section 145.002, Civil Practice and Remedies Code (house committee report, page 2, lines 1-5), by striking Subdivision (1) and substituting the following:

- (1) obtain from the Department of Public Safety or a private vendor ~~[approved by the department and offering services comparable to the services offered by the department]~~ all criminal history record information relating to an officer, employee, or prospective employee; or

Amendment No. 1 was adopted.

CSSB 627, as amended, was passed to third reading.

**SB 1219 ON SECOND READING**  
**(Deshotel - House Sponsor)**

**SB 1219**, A bill to be entitled An Act relating to a parenting and paternity awareness component of the health curriculum used in public high schools.

**Amendment No. 1**

Representative Morrison offered the following amendment to **SB 1219**:

Amend **SB 1219** as follows:

On page 1, line 12, strike the period and insert the following:

"provided that the total amount of instruction is no less than 14 hours in total."

Amendment No. 1 was adopted.

**SB 1219**, as amended, was passed to third reading.

**SB 633 ON SECOND READING**  
**(Madden - House Sponsor)**

**SB 633**, A bill to be entitled An Act relating to the number of counties or municipalities necessary to establish a regional drug court program.

**SB 633** was passed to third reading.

**SB 1236 ON SECOND READING**  
**(Dukes - House Sponsor)**

**SB 1236**, A bill to be entitled An Act relating to admonishments given to a person charged with a misdemeanor.

**SB 1236** was passed to third reading.

**SB 686 ON SECOND READING**  
**(Orr - House Sponsor)**

**SB 686**, A bill to be entitled An Act relating to the installation, maintenance, or operation of natural gas pipelines on state highways and highway rights-of-way.

**Amendment No. 1**

Representative Orr offered the following amendment to **SB 686**:

Amend **SB 686** (house committee printing) on page 2, line 18, by striking "commission" and substituting "department".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Corte offered the following amendment to **SB 686**:

Amend **SB 686** as follows:

On page 1, line 8, strike "gas utility" and in insert in lieu thereof, "pipeline"

On page 1, line 17, between the words a and pipeline facility, strike the word gas

On page 1, line 18, add to the end of the sentence between the word Code and . the following: or Section 117.012 Nat. Res. Code.

Strike subsection (b) beginning on page 1, line 19 and striking through page 2, line 1, and renumber the succeeding subsections accordingly.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Homer offered the following amendment to **SB 686**:

Amend **SB 686** (house committee printing) in SECTION 1 of the bill, by striking added Section 203.096(e), Transportation Code (page 2, lines 23 and 24), and substituting the following:

(e) A gas utility that lays, maintains, or operates a natural gas pipeline under this section in a municipality shall:

(1) comply with any applicable municipal ordinance relating to the excavation and restoration of a public right-of-way, if the ordinance does not conflict with a state or federal safety regulation; and

(2) pay any applicable charge under Section 121.2025, Utilities Code, and Sections 182.025 and 182.026, Tax Code.

Amendment No. 3 was adopted.

### **Amendment No. 4**

Representative P. King offered the following amendment to **SB 686**:

Amend **SB 686** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 251, Transportation Code, is amended by adding Section 251.018 to read as follows:

Sec. 251.018. SUBSURFACE ACCESS IN RIGHT-OF-WAY. (a) A county may allow subsurface access to a county road right-of-way for the installation of a temporary water line that does not interfere with existing utilities located in the right-of-way. The county may regulate the horizontal or vertical location of the pipeline within the right-of-way.

(b) The county may require a temporary water line operator to relocate facilities at the cost of the operator to accommodate construction or expansion of the road or for any other public work.

Amendment No. 4 was adopted.

### **Amendment No. 5**

Representative P. King offered the following amendment to **SB 686**:

Amend **SB 686** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 251, Transportation Code, is amended by adding Section 251.018 to read as follows:

Sec. 215.018. SUBSURFACE ACCESS IN RIGHT-OF-WAY. (a) A county may allow subsurface access to a county road right-of-way for the installation of a natural gas pipeline that does not interfere with existing utilities located in the right-of-way. The county may regulate the horizontal or vertical location of the pipeline within the right-of-way.

(b) The county may require a natural gas pipeline operator to relocate facilities at the cost of the operator to accomodate construction or expansion of the road or for any other public work.

Amendment No. 5 was adopted.

**SB 686**, as amended, was passed to third reading.

**SB 704 ON SECOND READING  
(Kolkhorst - House Sponsor)**

**SB 704**, A bill to be entitled An Act relating to disclosure of the prices charged to state agencies in connection with pharmacy benefit manager services.

**Amendment No. 1**

Representative Kolkhorst offered the following amendment to **SB 704**:

Amend **SB 704** (house committee printing) in SECTION 1 of the bill, by striking proposed Section 2158.403, Government Code (page 2, lines 13 through 20), and substituting the following:

Sec. 2158.403. CONFIDENTIALITY. The information received by a state agency under this subchapter may not be disclosed to a person outside of the state agency or its agents.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Leibowitz and Hopson offered the following amendment to **SB 704**:

Amend **SB 704** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 1369, Insurance Code, is amended by adding Section 1369.0551 to read as follows:

Sec. 1369.0551. STUDY. (a) The department shall conduct a study to evaluate the ways in which pharmacy benefit managers use prescription drug information to manage therapeutic drug interchange programs and other drug substitution recommendations made by pharmacy benefit managers or other similar entities. The study must include information regarding pharmacy benefit managers:

(1) intervening in the delivery or transmission of a prescription from a prescribing health care practitioner to a pharmacist for purposes of influencing the prescribing health care practitioner's choice of therapy;

(2) recommending that a prescribing health care practitioner change from the originally prescribed medication to another medication, including generic substitutions and therapeutic interchanges;



(3) changing a drug or device prescribed by a health care practitioner without the consent of the prescribing health care practitioner;

(4) changing a patient cost-sharing obligation for the cost of a prescription drug or device, including placing a drug or device on a higher formulary tier than the initial contracted benefit level; and

(5) removing a drug or device from a group health benefit plan formulary without providing proper enrollee notice.

(b) Not later than August 1, 2010, the department shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the legislature a report regarding the results of the study required by Subsection (a), together with any recommendations for legislation.

(c) This section expires September 1, 2010.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Gattis offered the following amendment to **SB 704**:

Amend **SB 704** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 1551, Insurance Code, is amended by adding Section 1551.067 to read as follows:

Sec. 1551.067. PHARMACY BENEFIT MANAGER CONTRACTS. (a) In awarding a contract to provide pharmacy benefit manager services under this chapter, the board of trustees is not required to select the lowest bid but must select a contract that meets the criteria established by this section.

(b) The contract must state that:

(1) the board of trustees is entitled to audit the pharmacy benefit manager to verify costs and discounts associated with drug claims, pharmacy benefit manager compliance with contract requirements, and services provided by subcontractors;

(2) the audit must be conducted by an independent auditor in accordance with established auditing standards; and

(3) to conduct the audit, the board of trustees and the independent auditor are entitled access to information related to the services and the costs associated with the services performed under the contract, including access to the pharmacy benefit manager's facilities, records, contracts, medical records, and agreements with subcontractors.

(c) The contract must define the information that the pharmacy benefit manager is required to provide to the board of trustees concerning the audit of the retail, independent, and mail order pharmacies performing services under the contract and describe how the results of these audits must be reported to the board of trustees, including how often the results must be reported. The contract must state whether the pharmacy benefit manager is required to return recovered overpayments to the board of trustees.

(d) The contract must state that any audit of a mail order pharmacy owned by the pharmacy benefit manager must be conducted by an independent auditor selected by the board of trustees in accordance with established auditing standards.

SECTION \_\_\_\_\_. Subchapter C, Chapter 1575, Insurance Code, is amended by adding Section 1575.110 to read as follows:

Sec. 1575.110. PHARMACY BENEFIT MANAGER CONTRACTS. (a) In awarding a contract to provide pharmacy benefit manager services under this chapter, the trustee is not required to select the lowest bid but must select a contract that meets the criteria established by this section.

(b) The contract must state that:

(1) the trustee is entitled to audit the pharmacy benefit manager to verify costs and discounts associated with drug claims, pharmacy benefit manager compliance with contract requirements, and services provided by subcontractors;

(2) the audit must be conducted by an independent auditor in accordance with established auditing standards; and

(3) to conduct the audit, the trustee and the independent auditor are entitled access to information related to the services and the costs associated with the services performed under the contract, including access to the pharmacy benefit manager's facilities, records, contracts, medical records, and agreements with subcontractors.

(c) The contract must define the information that the pharmacy benefit manager is required to provide to the trustee concerning the audit of the retail, independent, and mail order pharmacies performing services under the contract and describe how the results of these audits must be reported to the trustee, including how often the results must be reported. The contract must state whether the pharmacy benefit manager is required to return recovered overpayments to the trustee.

(d) The contract must state that any audit of a mail order pharmacy owned by the pharmacy benefit manager must be conducted by an independent auditor selected by the trustee in accordance with established auditing standards.

SECTION \_\_\_\_\_. Subchapter B, Chapter 1579, Insurance Code, is amended by adding Section 1579.057 to read as follows:

Sec. 1579.057. PHARMACY BENEFIT MANAGER CONTRACTS. (a) In awarding a contract to provide pharmacy benefit manager services under this chapter, the trustee is not required to select the lowest bid but must select a contract that meets the criteria established by this section.

(b) The contract must state that:

(1) the trustee is entitled to audit the pharmacy benefit manager to verify costs and discounts associated with drug claims, pharmacy benefit manager compliance with contract requirements, and services provided by subcontractors;

(2) the audit must be conducted by an independent auditor in accordance with established auditing standards; and

(3) to conduct the audit, the trustee and the independent auditor are entitled access to information related to the services and the costs associated with the services performed under the contract, including access to the pharmacy benefit manager's facilities, records, contracts, medical records, and agreements with subcontractors.

(c) The contract must define the information that the pharmacy benefit manager is required to provide to the trustee concerning the audit of the retail, independent, and mail order pharmacies performing services under the contract and describe how the results of these audits must be reported to the trustee, including how often the results must be reported. The contract must state whether the pharmacy benefit manager is required to return recovered overpayments to the trustee.

(d) The contract must state that any audit of a mail order pharmacy owned by the pharmacy benefit manager must be conducted by an independent auditor selected by the trustee in accordance with established auditing standards.

SECTION \_\_\_\_\_. Subchapter B, Chapter 1601, Insurance Code, is amended by adding Section 1601.064 to read as follows:

Sec. 1601.064. PHARMACY BENEFIT MANAGER CONTRACTS. (a) In awarding a contract to provide pharmacy benefit manager services under this chapter, a system is not required to select the lowest bid but must select a contract that meets the criteria established by this section.

(b) The contract must state that:

(1) the system is entitled to audit the pharmacy benefit manager to verify costs and discounts associated with drug claims, pharmacy benefit manager compliance with contract requirements, and services provided by subcontractors;

(2) the audit must be conducted by an independent auditor in accordance with established auditing standards; and

(3) to conduct the audit, the system and the independent auditor are entitled access to information related to the services and the costs associated with the services performed under the contract, including access to the pharmacy benefit manager's facilities, records, contracts, medical records, and agreements with subcontractors.

(c) The contract must define the information that the pharmacy benefit manager is required to provide to the system concerning the audit of the retail, independent, and mail order pharmacies performing services under the contract and describe how the results of these audits must be reported to the system, including how often the results must be reported. The contract must state whether the pharmacy benefit manager is required to return recovered overpayments to the system.

(d) The contract must state that any audit of a mail order pharmacy owned by the pharmacy benefit manager must be conducted by an independent auditor selected by the system in accordance with established auditing standards.

SECTION \_\_\_\_\_. Sections 1551.067, 1575.110, 1579.057, and 1601.064, Insurance Code, as added by this Act, apply only to a contract with a pharmacy benefit manager executed or renewed on or after the effective date of this Act.

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Gattis offered the following amendment to **SB 704**:

Amend **SB 704** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle H, Title 8, Insurance Code, is amended by adding Chapter 1560 to read as follows:

CHAPTER 1560. DELIVERY OF PRESCRIPTION DRUGS BY MAIL

Sec. 1560.001. DEFINITIONS. In this chapter:

(1) "Community retail pharmacy" means a pharmacy that is licensed as a Class A pharmacy under Chapter 560, Occupations Code.

(2) "Mail order pharmacy" means a pharmacy that is licensed under Chapter 560, Occupations Code, and that primarily delivers prescription drugs to an enrollee through the United States Postal Service or a commercial delivery service.

Sec. 1560.002. APPLICABILITY OF CHAPTER. This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered or administered by:

(1) the Teacher Retirement System of Texas under Chapter 1575 or 1579; or

(2) the Employees Retirement System of Texas under Chapter 1551.

Sec. 1560.003. MULTIPLE-MONTH SUPPLY OF PRESCRIPTION DRUG. (a) In this section, "multiple-month supply" means a supply for 60 or more days.

(b) Notwithstanding any other law, an issuer of a health benefit plan that provides pharmacy benefits to enrollees must allow an enrollee to obtain from a community retail pharmacy a multiple-month supply of any prescription drug under the same terms and conditions applicable when the prescription drug is obtained from a mail order pharmacy, if the community retail pharmacy agrees to accept reimbursement on exactly the same terms and conditions that apply to a mail order pharmacy.

(c) This section does not require:

(1) the issuer of a health benefit plan to contract with:

(A) a retail pharmacy that does not agree to accept reimbursement on exactly the same terms and conditions that apply to a mail order pharmacy; or

(B) more than one mail order pharmacy; or

(2) a community retail pharmacy to:

(A) provide a multiple-month supply of a prescription drug under the same terms and conditions applicable when the prescription drug is obtained from a mail order pharmacy; or

(B) agree to accept reimbursement on exactly the same terms and conditions that apply to a mail order pharmacy.

Sec. 1560.004. PRESCRIPTION DRUG REIMBURSEMENT RATES. (a) An issuer of a health benefit plan that provides pharmacy benefits to enrollees shall reimburse pharmacies participating in the health plan using prescription drug reimbursement rates, for both brand name and generic prescription drugs, that are based on a current and nationally recognized benchmark index that includes average wholesale price and maximum allowable cost.

(b) Regardless of whether a pharmacy is a mail order pharmacy or a community retail pharmacy, an issuer of a health benefit plan shall use the same benchmark index, including the same average wholesale price, maximum allowable cost, and national prescription drug codes, to reimburse all pharmacies participating in the health benefit plan.

SECTION \_\_\_\_\_. Section 1551.224, Insurance Code, is amended to read as follows:

Sec. 1551.224. MAIL ORDER REQUIREMENT FOR PRESCRIPTION DRUG COVERAGE PROHIBITED. (a) The board of trustees or a health benefit plan under this chapter that provides benefits for prescription drugs may not require a participant in the group benefits program to purchase a prescription drug through a mail order program.

(b) Except as provided by Subsection (c), the [The] board of trustees or a health benefit plan shall require that a participant who chooses to obtain a prescription drug through a retail pharmacy or other method other than by mail order pay a deductible, copayment, coinsurance, or other cost-sharing obligation to cover the additional cost of obtaining a prescription drug through that method rather than by mail order.

(c) The board of trustees or a health benefit plan may not require a participant who obtains a multiple-month supply of a prescription drug from a retail pharmacy under Section 1560.003 to pay a deductible, copayment, coinsurance, or other cost-sharing obligation that differs from the amount the participant pays for a multiple-month supply of that drug through a mail order program.

SECTION \_\_\_\_\_. Chapter 1560, Insurance Code, as added by this Act, and Section 1551.224, Insurance Code, as amended by this Act apply only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2010. A health benefit plan that is delivered, issued for delivery, or renewed before January 1, 2010, is covered by the law in effect at the time the health benefit plan was delivered, issued for delivery, or renewed, and that law is continued in effect for that purpose.

Amendment No. 4 was adopted.

**SB 704**, as amended, was passed to third reading.

**SB 1410 ON SECOND READING**  
**(Gutierrez - House Sponsor)**

**SB 1410**, A bill to be entitled An Act relating to the licensing and regulation of plumbers.

**Amendment No. 1**

Representative Chisum offered the following amendment to **SB 1410**:

Amend **SB 1410** (house committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 6), strike "Subdivision (9-a)" and substitute "Subdivisions (5-a) and (9-a)".

(2) In SECTION 1 of the bill, in amended Section 1301.002, Occupations Code, between amended Subdivisions (5) and (6) of that section (page 2, between lines 25 and 26), insert the following:

(5-a) "Multipurpose residential fire protection sprinkler specialist" means a person who holds an endorsement issued under Section 1301.3565.

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

SECTION \_\_\_\_\_. Section 1301.352, Occupations Code, is amended to read as follows:

Sec. 1301.352. EXAMINATION REQUIRED. The board shall issue a license or endorsement as a master plumber, journeyman plumber, plumbing inspector, tradesman plumber-limited license holder, medical gas piping installation endorsement holder, ~~or~~ water supply protection specialist, or multipurpose residential fire protection sprinkler specialist to a person who demonstrates the fitness, competence, and qualifications to receive the license or endorsement by passing a uniform, reasonable examination.

SECTION \_\_\_\_\_. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3565 to read as follows:

Sec. 1301.3565. ENDORSEMENT: MULTIPURPOSE RESIDENTIAL FIRE PROTECTION SPRINKLER SPECIALIST. (a) A person may not engage in the installation of a multipurpose residential fire protection sprinkler system that uses a single piping system to provide potable water for fire protection sprinklers and for domestic plumbing fixtures and appliances unless the person:

(1) is licensed under this chapter as a master plumber or journeyman plumber; and

(2) holds an endorsement issued under this section.

(b) The board shall issue an endorsement as a multipurpose residential fire protection sprinkler specialist to a person who:

(1) holds the license described by Subsection (a);

(2) applies to the board on a form prescribed by the board;

(3) pays a fee set by the board;

(4) presents evidence satisfactory to the board of successful completion of a training program approved by the board that provides the training necessary for the proper installation of a multipurpose residential fire protection sprinkler system as required by the applicable codes and standards recognized by the state; and

(5) passes an examination required by the board.

(c) An endorsement issued under this section is valid until the third anniversary of the date of issuance and may be renewed on compliance with any requirements prescribed by board rule.

(d) A person who holds an endorsement under this section may represent to the public that the person is a multipurpose residential fire protection sprinkler specialist.

(e) Notwithstanding any other law, a person who holds an endorsement under this section is not required to hold a license or registration issued by another state agency in order to install a multipurpose residential fire protection sprinkler system.

(f) A plumbing inspector who meets the requirements of the board may inspect a multipurpose residential fire protection sprinkler installation.

SECTION \_\_\_\_\_. The Texas State Board of Plumbing Examiners shall collaborate with the state fire marshal in adopting rules necessary to implement Section 1301.3565, Occupations Code, as added by this Act.

SECTION \_\_\_\_\_. (a) Not later than February 1, 2010, the Texas State Board of Plumbing Examiners shall adopt rules necessary to implement Section 1301.3565, Occupations Code, as added by this Act.

(b) Not later than March 1, 2010, the Texas State Board of Plumbing Examiners shall begin administering examinations and issuing multipurpose residential fire protection sprinkler specialist endorsements under Section 1301.3565, Occupations Code, as added by this Act.

(4) Strike SECTION 12 of the bill (page 8, line 10) and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009.

(b) Section 1301.3565(a), Occupations Code, as added by this Act, takes effect June 1, 2010.

## **Amendment No. 2**

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

Amend Amendment No. 1 by Chisum to **SB 1410** on page 2, line 31 by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1301.551, Occupations Code is amended by adding subsections (e) and (f) to read as follows:

(e) Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule requiring a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new or existing one or two-family dwelling.

(f) A multipurpose residential fire protection sprinkler specialist may install a multipurpose residential fire protection sprinkler system in a new or existing one or two-family dwelling in municipality described by subsections (a) and (b).

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

Amendment No. 1, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 1 was amended by Amendment No. 3 and was adopted, as amended.)

**SB 1410**, as amended, was passed to third reading. (The vote was reconsidered later today, and **SB 1410**, as amended, was passed to third reading.)

**CSSB 1449 ON SECOND READING**  
**(Deshotel - House Sponsor)**

**CSSB 1449**, A bill to be entitled An Act relating to the appointment of a receiver to remedy hazardous properties.

**Amendment No. 1**

Representative S. Turner offered the following amendment to **CSSB 1449**:

Amend **CSSB 1449** by inserting new SECTION 2 to read as follows and renumber the subsequent sections accordingly:

SECTION 2. Subchapter A, Chapter 214, Local Government Code, is amended by adding Section 214.0032 to read as follows:

(a) Notwithstanding Section 361.8065, (a) (1) (B), Health and Safety Code, if a retail public utility does not inform the executive director that it has passed a resolution opposing an application within the later of 120 days from the date of receipt of the notice filed subject to 361.805, Health and Safety Code, or 120 days from the effective date of this Act, the executive director shall deem the retail public utility to have passed a resolution in support of the application.

Amendment No. 1 was adopted.

**CSSB 1449**, as amended, was passed to third reading. (Flynn recorded voting no.)

**SB 776 ON SECOND READING**  
**(Orr - House Sponsor)**

**SB 776**, A bill to be entitled An Act relating to regulating the collection or solicitation of donated goods subsequently sold by for-profit entities or individuals; providing a civil penalty.

**SB 776** was passed to third reading.

**SB 554 - VOTE RECONSIDERED**

Representative Dutton moved to reconsider the vote by which **SB 554**, as amended, was passed to third reading.

The motion to reconsider prevailed.

**SB 554 ON SECOND READING**  
**(Frost - House Sponsor)**

The chair laid before the house, on its second reading and passage to third reading,



**SB 554**, A bill to be entitled An Act relating to conduct constituting the offense of dog fighting and to the criminal and civil consequences of committing that offense.

**SB 554** was read second time earlier today and was passed to third reading, as amended.

**Amendment No. 1 - Vote Reconsidered**

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

**SB 554** was passed to third reading.

**LEAVE OF ABSENCE GRANTED**

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

Otto on motion of Orr.

**SB 1557 ON SECOND READING**  
**(Gallego - House Sponsor)**

**SB 1557**, A bill to be entitled An Act relating to the early identification of criminal defendants who are or may be persons with mental illness or mental retardation.

**SB 1557** was passed to third reading.

**SB 847 ON SECOND READING**  
**(Anderson - House Sponsor)**

**SB 847**, A bill to be entitled An Act relating to applicability of fee exemptions for military personnel and their children to certain course fees charged by public technical institutes and public state colleges.

**SB 847** was passed to third reading.

**SB 1655 ON SECOND READING**  
**(Farias - House Sponsor)**

**SB 1655**, A bill to be entitled An Act relating to the organization, duties, and functions of the Texas Veterans Commission.

**Amendment No. 1**

Representative C. Turner offered the following amendment to **SB 1655**:

Amend **SB 1655** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter B, Chapter 466, Government Code, is amended by adding Section 466.027 to read as follows:

Sec. 466.027. VETERANS' ASSISTANCE GAME. (a) The commission shall operate an instant-ticket lottery game to benefit the fund for veterans' assistance established by Section 434.017, as amended by Chapter 1418 (HB 3107), Acts of the 80th Legislature, Regular Session, 2007.

(b) The commission shall:

(1) determine the ticket price, payout amounts, and manner in which the game is conducted;

(2) make tickets to the game available for sale continuously to the extent practicable; and

(3) change the design or theme of the game regularly to ensure that the game remains competitive with other instant-ticket lottery games offered by the commission.

(c) The commission shall market and advertise the lottery game operated under this section in a manner intended to inform the public that the game tickets are available for purchase and that the game proceeds are used to fund veterans programs in this state. The game tickets must clearly state that the game proceeds are used to benefit the veterans in this state. The Texas Veterans Commission may make recommendations to the Texas Lottery Commission relating to the marketing and advertising of the game.

(d) The commission shall encourage each sales agent that sells tickets to instant-ticket games or similar types of lottery games to sell tickets to the game operated under this section.

(e) No organization that would otherwise be eligible to receive funds from the state lottery account attributable to any lottery game authorized by this section may receive any such funds if it conducts illegal gambling or the illegal operation of gambling devices as defined by Chapter 47 of the Penal Code or allows illegal gambling or the illegal operation of gambling devices to be conducted on its property or in its facilities.

(b) This section takes effect only if SB 1969, Acts of the 81st Legislature, Regular Session, 2009, does not become law.

SECTION \_\_\_\_. (a) Subchapter B, Chapter 466, Government Code, is amended by adding Section 466.027 to read as follows:

Sec. 466.027. VETERANS' ASSISTANCE GAME. (a) The commission shall operate an instant-ticket lottery game to benefit the fund for veterans' assistance established by Section 434.017.

(b) The commission shall:

(1) determine the ticket price, payout amounts, and manner in which the game is conducted;

(2) make tickets to the game available for sale continuously to the extent practicable; and

(3) change the design or theme of the game regularly to ensure that the game remains competitive with other instant-ticket lottery games offered by the commission.

(c) The commission shall market and advertise the lottery game operated under this section in a manner intended to inform the public that the game tickets are available for purchase and that the game proceeds are used to fund veterans

programs in this state. The game tickets must clearly state that the game proceeds are used to benefit the veterans in this state. The Texas Veterans Commission may make recommendations to the Texas Lottery Commission relating to the marketing and advertising of the game.

(d) The commission shall encourage each sales agent that sells tickets to instant-ticket games or similar types of lottery games to sell tickets to the game operated under this section.

(e) No organization that would otherwise be eligible to receive funds from the state lottery account attributable to any lottery game authorized by this section may receive any such funds if it conducts illegal gambling or the illegal operation of gambling devices as defined by Chapter 47 of the Penal Code or allows illegal gambling or the illegal operation of gambling devices to be conducted on its property or in its facilities.

(b) This section takes effect only if **SB 1969**, Acts of the 81st Legislature, Regular Session, 2009, becomes law.

SECTION \_\_\_\_\_. (a) Section 466.355(b), Government Code, is amended to read as follows:

(b) Money in the state lottery account may be used only for the following purposes and shall be distributed as follows:

(1) the payment of prizes to the holders of winning tickets;

(2) the payment of costs incurred in the operation and administration of the lottery, including any fees received by a lottery operator, provided that the costs incurred in a fiscal biennium may not exceed an amount equal to 12 percent of the gross revenue accruing from the sale of tickets in that biennium;

(3) the establishment of a pooled bond fund, lottery prize reserve fund, unclaimed prize fund, and prize payment account; and

(4) the balance, after creation of a reserve sufficient to pay the amounts needed or estimated to be needed under Subdivisions (1) through (3), to be transferred on or before the 15th day of each month as follows:

(A) the portion of the balance attributable to the lottery game operated under Section 466.027 to the fund for veterans' assistance established by Section 434.017, as amended by Chapter 1418 (**HB 3107**), Acts of the 80th Legislature, Regular Session, 2007; and

(B) the remainder to the foundation school fund~~[, on or before the 15th day of each month].~~

(b) This section takes effect only if **SB 1969**, Acts of the 81st Legislature, Regular Session, 2009, does not become law.

SECTION \_\_\_\_\_. Section 466.355(b), Government Code, is amended to read as follows:

(b) Money in the state lottery account may be used only for the following purposes and shall be distributed as follows:

(1) the payment of prizes to the holders of winning tickets;

(2) the payment of costs incurred in the operation and administration of the lottery, including any fees received by a lottery operator, provided that the costs incurred in a fiscal biennium may not exceed an amount equal to 12 percent of the gross revenue accruing from the sale of tickets in that biennium;

(3) the establishment of a pooled bond fund, lottery prize reserve fund, unclaimed prize fund, and prize payment account; and

(4) the balance, after creation of a reserve sufficient to pay the amounts needed or estimated to be needed under Subdivisions (1) through (3), to be transferred on or before the 15th day of each month as follows:

(A) the portion of the balance attributable to the lottery game operated under Section 466.027 to the fund for veterans' assistance established by Section 434.017; and

(B) the remainder to the foundation school fund~~[, on or before the 15th day of each month].~~

(b) This section takes effect only if **SB 1969**, Acts of the 81st Legislature, Regular Session, 2009, becomes law.

SECTION \_\_\_\_\_. Section 466.408(b), Government Code, is amended to read as follows:

(b) If a claim is not made for prize money on or before the 180th day after the date on which the winner was selected, the prize money shall be used in the following order of priority:

(1) subject to legislative appropriation, not more than \$20 million in prize money each year may be deposited to or appropriated from the Texas Department of Health state-owned multicategorical teaching hospital account, which is an account in the general revenue fund;

(2) not more than \$5 million in prize money each year may be appropriated to the Health and Human Services Commission and shall be used to support the provision of inpatient hospital services in hospitals located in the 15 counties that comprise the Texas-Mexico border area, with payment for those services to be not less than the amount established under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) cost reimbursement methodology for the hospital providing the services; ~~[and]~~

(3) the remaining amount, not to exceed \$5 million in prize money in each state fiscal year less any amount deposited in the fund in that year attributable to the lottery game operated under Section 466.027, shall be deposited to the fund for veterans' assistance; and

(4) all prize money subject to this section and not appropriated from the Texas Department of Health state-owned multicategorical teaching hospital account, ~~or~~ not appropriated to the Health and Human Services Commission for the purpose specified in Subdivision (2), and not deposited under Subdivision (3), shall be deposited in the general revenue fund and may be appropriated for any purpose as determined by the legislature, including the provision of indigent health care services as specified in Chapter 61, Health and Safety Code.

SECTION \_\_\_\_\_. Sections 434.017(a) and (e), Government Code, as amended by Chapter 1418 (**HB 3107**), Acts of the 80th Legislature, Regular Session, 2007, are amended to read as follows:

(a) The fund for veterans' assistance is a special fund in the state treasury outside the general revenue fund. The fund is composed of:

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

(2) gifts and grants contributed to the fund; ~~[and]~~

(3) the earnings of the fund; and

(4) money transferred to the fund from proceeds of the lottery game operated under Section 466.027 or transferred to the fund under Section 466.408(b).

(e) The commission [comptroller] may solicit, [and] accept, or refuse a gift or grant of money, services, or property for any purpose related to the fund for veterans' assistance [gifts and grants to the fund]. A gift or grant to the fund may be appropriated in the same manner as other money in the fund, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity.

SECTION \_\_\_\_\_. (a) Section 466.355, Government Code, as amended by this Act, applies only to a transfer from the state lottery account made on or after the effective date of this Act.

(b) The Texas Lottery Commission shall establish and begin selling tickets to the lottery game as required by Section 466.027, Government Code, as added by this Act, not later than March 2, 2010.

Amendment No. 1 was adopted. (Anderson, B. Brown, F. Brown, Craddick, Legler, Parker, Phillips, Woolley, and Zerwas recorded voting no.)

**SB 1655**, as amended, was passed to third reading.

**SB 865 ON SECOND READING**  
**(Jackson - House Sponsor)**

**SB 865**, A bill to be entitled An Act relating to child support enforcement.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 6 p.m. today, in 3W.9.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, 6 p.m. today, 3W.9, for a formal meeting.

**LEAVE OF ABSENCE GRANTED**

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

Riddle on motion of F. Brown.

**SB 865 - (consideration continued)**

Representative Jackson moved to postpone consideration of **SB 865** until 6:30 p.m. today.

The motion prevailed.

(Veasey in the chair)

**SB 1681 ON SECOND READING**  
**(Gallego - House Sponsor)**

**SB 1681**, A bill to be entitled An Act relating to requiring the corroboration of certain testimony to support a criminal conviction.

**SB 1681** was passed to third reading.

**SB 891 ON SECOND READING**  
**(Eissler - House Sponsor)**

**SB 891**, A bill to be entitled An Act relating to the public school physical education curriculum.

**Amendment No. 1**

Representative Alvarado offered the following amendment to **SB 891**:

Amend **SB 891** (house committee printing) as follows:

(1) On page 1, line 5, between "Subsection (d)" and "to", insert "and amending Subsection (l)".

(2) On page 2, between lines 26 and 27, insert the following:

(1) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:

(1) any student who is unable to participate in the required physical activity because of illness or disability; and

(2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.

(3) On page 3, between lines 13 and 14, insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 28.002(l), Education Code, as amended by this Act, applies beginning with the 2009-2010 school year.

Amendment No. 1 was adopted.

**SB 891**, as amended, was passed to third reading.

**SB 1715 ON SECOND READING**  
**(Giddings - House Sponsor)**

**SB 1715**, A bill to be entitled An Act relating to the requirements for a smoke detector in a multifamily residential unit.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Deshotel offered the following committee amendment to **SB 1715**:

Amend **SB 1715** (engrossed version), in SECTION 3 of the bill (page 2, line 3), by striking "September 1, 2009" and substituting "January 1, 2010".

Amendment No. 1 was adopted.

**SB 1715**, as amended, was passed to third reading.

**SB 894 ON SECOND READING**  
**(Truitt - House Sponsor)**

**SB 894**, A bill to be entitled An Act relating to municipal investment of public funds received from the management and development of mineral rights.

**SB 894** was passed to third reading.

**SB 1806 ON SECOND READING**  
**(Gonzalez Toureilles - House Sponsor)**

**SB 1806**, A bill to be entitled An Act relating to liens for certain veterinary care charges for large animals.

**SB 1806** was passed to third reading.

**CSSB 963 ON SECOND READING**  
**(Smithee - House Sponsor)**

**CSSB 963**, A bill to be entitled An Act relating to regulation of premium rates for long-term care insurance.

**CSSB 963** was passed to third reading.

**SB 1814 ON SECOND READING**  
**(Deshotel - House Sponsor)**

**SB 1814**, A bill to be entitled An Act relating to return-to-work coordination services and a return-to-work reimbursement program for employers participating in the workers' compensation system.

**SB 1814** was passed to third reading.

**CSSB 968 ON SECOND READING**  
**(Truitt and Naishtat - House Sponsors)**

**CSSB 968**, A bill to be entitled An Act relating to interactive water features and fountains.

**Amendment No. 1**

Representatives D. Miller and Rios Ybarra offered the following amendment to **CSSB 968**:

Amend **CSSB 968** under Sec. 341.0695, Health and Safety Code, by adding the following:

(i)(4) An owner, manager, operator, or other attendant in charge of a water park that is subject to standards for public pools and spas contained in Texas Administrative Code, Title 25, Part 1, Chapter 2654, Subchapter L, rule 265.181-265-.208 is exempt from this chapter.

Amendment No. 1 was adopted.

**CSSB 968**, as amended, was passed to third reading.

**SB 1847 ON SECOND READING**  
**(Moody - House Sponsor)**

**SB 1847**, A bill to be entitled An Act relating to the provision of services to a wrongfully imprisoned person who is discharged from a correctional facility.

**SB 1847** was passed to third reading.

(C. Turner in the chair)

**SB 1027 ON SECOND READING**  
**(Kleinschmidt - House Sponsor)**

**SB 1027**, A bill to be entitled An Act relating to the establishment of an interagency farm-to-school coordination task force.

**SB 1027** was passed to third reading.

**CSSB 839 ON SECOND READING**  
**(McReynolds - House Sponsor)**

**CSSB 839**, A bill to be entitled An Act relating to the punishment for a capital felony committed by a juvenile whose case is transferred to criminal court.

**CSSB 839** was passed to third reading.

**SB 1410 - VOTE RECONSIDERED**

Representative Gutierrez moved to reconsider the vote by which **SB 1410**, as amended, was passed to third reading.

The motion to reconsider prevailed.

**SB 1410 ON SECOND READING**  
**(Gutierrez - House Sponsor)**

The chair laid before the house, on its second reading and passage to third reading,

**SB 1410**, A bill to be entitled An Act relating to the licensing and regulation of plumbers.

**SB 1410** was read second time earlier today and was passed to third reading, as amended.



**Amendment No. 1 - Vote Reconsidered**

Representative Gutierrez moved to reconsider the vote by which Amendment No. 1, as amended, was adopted.

The motion to reconsider prevailed.

(Otto now present)

**Amendment No. 2 - Vote Reconsidered**

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

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

**Amendment No. 3**

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

Amend Amendment No. 1 by Chisum to **SB 1410** on page 2, line 31 by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1301.551, Occupations Code is amended by adding subsections (e) and (f) to read as follows:

(e) Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one or two-family dwelling.

(f) A multipurpose residential fire protection sprinkler specialist may install a multipurpose residential fire protection sprinkler system in a new or existing one or two-family dwelling in municipality described by subsections (a) and (b).

Amendment No. 3 was adopted.

Amendment No. 1, as amended, was adopted.

**SB 1410**, as amended, was passed to third reading.

**RESOLUTIONS CALENDAR**

The chair laid before the house the following resolutions on committee report:

**CSHCR 67**

**(by Farabee, Gonzalez Toureilles, and Rios Ybarra)**

**CSHCR 67**, Urging the United States Congress to maintain state regulatory coverage of hydraulic fracturing.

**CSHCR 67** was adopted by (Record 971): 142 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; 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; 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; Quintanilla; Raymond; 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; Turner, C.(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — Flores; Hardcastle.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 971. I intended to vote no.

Burnam

I was shown voting yes on Record No. 971. I intended to vote no.

Farrar

### HCR 139

(by Flores, Gonzalez Toureilles, Martinez, Leibowitz, et al.)

**HCR 139**, Directing the State Preservation Board to amend its rules to allow the statue in honor of Tejanos to be placed on the south lawn of the Capitol.

**HCR 139** was adopted by (Record 972): 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; 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, 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; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — Flores; Howard, C.; Smith, W.

**HCR 119**  
**(by Swinford)**

**HCR 119**, Designating the Panhandle Region of Texas as an official Natural Renewable Resource Area.

**HCR 119** was adopted by (Record 973): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; 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; Raymond; 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; Turner, C.(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farrar; Flores; Quintanilla.

**HCR 50****(by Creighton, Hughes, Berman, Gattis, Guillen, et al.)**

**HCR 50**, Affirming that the State of Texas claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed.

**HCR 50 - POINT OF ORDER**

Representative Thompson raised a point of order against further consideration of **HCR 50** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The chair sustained the point of order.

**HCR 50** was returned to the Committee on State Affairs.

**HCR 54****(by Truitt, Leibowitz, Crabb, Hopson, Woolley, et al.)**

**HCR 54**, Urging the United States Congress to enact legislation facilitating a technology-based solution that allows consumers to subscribe to Internet services that exclude adult content.

**HCR 54** was adopted by (Record 974): 142 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; 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; 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; Quintanilla; Raymond; 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; Turner, C.(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — Flores; Kent.

### STATEMENT OF VOTE

When Record No. 974 was taken, I was in a formal meeting of the Committee on Criminal Jurisprudence. I would have voted yes.

Kent

#### HCR 61

(by Herrero, Gattis, Truitt, Kent, Leibowitz, et al.)

**HCR 61**, Urging congress to repeal the Government Pension Offset and the Windfall Elimination Provision of the Social Security Act.

**HCR 61** was adopted by (Record 975): 142 Yeas, 0 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; 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, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; 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; 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.(C); Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — Howard, C.; Kent; Paxton.

### STATEMENTS OF VOTE

When Record No. 975 was taken, I was in a formal meeting of the Committee on Criminal Jurisprudence. I would have voted yes.

Kent

When Record No. 975 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

**HCR 126**  
**(by S. Miller)**

**HCR 126**, Designating the Mills County Goat and BBQ Cook-off as the official Texas State Goat Barbecue Championship Cook-off.

Representative S. Miller moved to postpone consideration of **HCR 126** until 12:01 a.m. tomorrow.

The motion prevailed.

**HCR 168**  
**(by Anderson, S. Miller, Button, Branch, Hartnett, et al.)**

**HCR 168**, Extending appreciation to former president George W. Bush for his service to our state and nation.

**HCR 168** was adopted by (Record 976): 136 Yeas, 1 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; 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; 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; Orr; Ortiz; 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, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Burnam.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — Castro; Davis, Y.; Gonzalez Toureilles; Kent; Mallory Caraway.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 976. I intended to vote no.

Farrar

I was shown voting yes on Record No. 976. I intended to vote present, not voting.

Guillen

When Record No. 976 was taken, I was in a formal meeting of the Committee on Criminal Jurisprudence. I would have voted yes.

Kent

I was shown voting yes on Record No. 976. I intended to vote no.

Naishtat

I was shown voting yes on Record No. 976. I intended to vote present, not voting.

Peña

I was shown voting yes on Record No. 976. I intended to vote no.

Raymond

I was shown voting yes on Record No. 976. I intended to vote no.

Rodriguez

### **HCR 120**

**(by Guillen, Gonzalez Toureilles, Leibowitz, and T. King)**

**HCR 120**, Memorializing the United States Congress to make eradication of the fever tick in South Texas a priority and provide appropriate funding and resources.

**HCR 120** was adopted by (Record 977): 142 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; 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; 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; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — Kent; Smith, W.

### STATEMENT OF VOTE

When Record No. 977 was taken, I was in a formal meeting of the Committee on Criminal Jurisprudence. I would have voted yes.

Kent

### HR 798

(by Taylor and Eiland)

**HR 798**, Expressing opposition to any federal legislation that would create an optional federal charter for insurers.

**HR 798** was adopted by (Record 978): 141 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Elkins.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — Davis, Y.; Kent.

### STATEMENT OF VOTE

When Record No. 978 was taken, I was in a formal meeting of the Committee on Criminal Jurisprudence. I would have voted yes.

Kent



**POSTPONED BUSINESS**

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

**SB 865 ON SECOND READING  
(Jackson - House Sponsor)**

**SB 865**, A bill to be entitled An Act relating to child support enforcement.

**SB 865** was read second time earlier today and was postponed until this time.

**SB 865 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **SB 865** under Rule 8, Section 3 and Rule 4, Section 32 of the House Rules on the grounds that the bill violates the one subject rule and the bill analysis is incorrect.

The point of order was withdrawn.

Representative Jackson moved to postpone consideration of **SB 865** until 10 a.m. tomorrow.

The motion prevailed.

**SB 472 ON SECOND READING  
(Deshotel, Thibaut, and Thompson - House Sponsors)**

**SB 472**, A bill to be entitled An Act relating to notice required before and period to vacate after foreclosure sale of real property.

**SB 472** was read second time on May 18 and failed to pass to third reading, as amended, by Record No. 950. The vote was reconsidered earlier today, and **SB 472**, as amended, was postponed until this time.

**SB 472 - REMARKS**

REPRESENTATIVE Y. DAVIS: Chairman Deshotel, I just want to get some clarification, because I understand that Representative Phillips asked Chairman Solomons about the amendments, and what they did, and indicated that he would be taking mine off in the senate. Are you aware of that conversation?

REPRESENTATIVE DESHOTEL: No, ma'am.

Y. DAVIS: Are you aware that Chairman Solomons indicated to Representative Phillips that, in fact, that's why they were just taking some of these, and they were going to strip the others off?

DESHOTEL: No, ma'am. I have not had that discussion, and I don't know who's going to be on the conference committee.

Y. DAVIS: Well, I'm just wanting to know, in terms of you being the person who's doing this bill, is it your intent to try to keep these amendments on, based on the fact that the members of this house indicated that they thought it was valuable, or is this some side deal where—

DESHOTEL: —I would not mislead any one member to get this bill passed.

Y. DAVIS: Okay, well I understand that Chairman Solomons, and maybe I need to ask him the question, because I know that I overheard him telling Representative Phillips that. So, I just want to know, for the record—and I think members ought to know, for the record—whether or not people are being disingenuous with those of us who are working in good faith.

DESHOTEL: I think everybody worked in good faith on these groups and amendments.

Y. DAVIS: Okay, but I just want to tell you this just happened up at the front mic. I don't know if you're aware of that. You were not privy to that conversation?

DESHOTEL: No, ma'am.

Y. DAVIS: You have not had any conversations where there's been some notion that we'll just put some of them on to appease us while we're in the house, and they will take some of our amendments off?

DESHOTEL: On specific amendments, no, ma'am. I am aware that there was a conversation with Senator Estes that would like to get that bill over there and work on it—

Y. DAVIS: I recognize Senator Estes may very well want to work on that, I just want to make sure that you were not privy, were not part of a private conversation, that Chairman Solomons had with Representative Phillips when he suggested he was going to take that off in the senate.

DESHOTEL: No, ma'am.

Y. DAVIS: You were not part of that?

DESHOTEL: No, ma'am.

### **REMARKS ORDERED PRINTED**

Representative Y. Davis moved to print remarks between Representative Deshotel and Representative Y. Davis.

The motion prevailed.

### **MESSAGES FROM THE SENATE**

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 3 and 4).

### **SB 472 - (consideration continued)**

#### **SB 472 - REMARKS**

REPRESENTATIVE SOLOMONS: There was just a commentary that got reduced to writing for the journal in connection with a conversation. Just to clear it up, are you aware that in a conversation that I had with Senator Estes today—that I just happened to be in the senate—and Senator Estes said, "Just help me get my bill passed. We'll look at all amendments, and we'll see what we need to keep and not keep," but it wasn't specific to anybody's individual amendment?

REPRESENTATIVE DESHOTEL: That is correct, and I made a statement that you said that.

SOLOMONS: That is a more correct—I don't know, it's not an interpretation—but a correct conversation as to what really took place in that conversation. I told you it wasn't anybody's particular amendment, it was just to help you try to get the bill passed, so that he could look at all the amendments, and go through them, and figure out what he could keep and what he couldn't keep.

DESHOTEL: The normal process.

SOLOMONS: Yes, the normal process, so it wasn't about anybody's individual amendment. So it is clear that no one, neither Senator Estes, nor I, nor you, have any prior thought process as to which amendments are going to stay on or not, because we don't know.

DESHOTEL: That is correct.

### **REMARKS ORDERED PRINTED**

Representative Solomons moved to print remarks between Representative Deshotel and Representative Solomons.

The motion prevailed.

#### **Amendment No. 3 - Vote Reconsidered**

Representative Deshotel moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was withdrawn.

#### **Amendment No. 7 - Vote Reconsidered**

Representative Deshotel moved to reconsider the vote by which Amendment No. 7, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 7, as amended, was withdrawn.

#### **Amendment No. 8 - Vote Reconsidered**

Representative Deshotel moved to reconsider the vote by which Amendment No. 8 was adopted.

The motion to reconsider prevailed.

Amendment No. 8 was withdrawn.

#### **Amendment No. 9 - Vote Reconsidered**

Representative Deshotel moved to reconsider the vote by which Amendment No. 9 was adopted.

The motion to reconsider prevailed.

Amendment No. 9 was withdrawn.

**Amendment No. 14 - Vote Reconsidered**

Representative Deshotel moved to reconsider the vote by which Amendment No. 14 was adopted.

The motion to reconsider prevailed.

Amendment No. 14 was withdrawn.

**Amendment No. 15 - Vote Reconsidered**

Representative Deshotel moved to reconsider the vote by which Amendment No. 15 was adopted.

The motion to reconsider prevailed.

Amendment No. 15 was withdrawn.

**Amendment No. 18 - Vote Reconsidered**

Representative Deshotel moved to reconsider the vote by which Amendment No. 18 was adopted.

The motion to reconsider prevailed.

Amendment No. 18 was withdrawn.

**SB 472**, as amended, was passed to third reading by (Record 979): 79 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Chisum; Coleman; Corte; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Isett; Keffer; Kent; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Phillips; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smithee; Solomons; Strama; Thibaut; Thompson; Turner, C.(C); Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Christian; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Gattis; Geren; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Howard, C.; Hughes; Hunter; Jackson; Jones; King, P.; King, S.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Madden; McCall; Merritt; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Sheffield; Shelton; Smith, T.; Smith, W.; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Cohen; Kuempel; Riddle.

Absent, Excused, Committee Meeting — Pitts.

Absent — King, T.; Menendez; Peña; Pickett; Swinford.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 979. I intended to vote yes.

Bohac

When Record No. 979 was taken, I was in the house but away from my desk. I would have voted yes.

Menendez

**SB 472 - JOINT SPONSOR ADDED**

Representative Deshotel moved to suspend Rule 8, Section 5 of the House Rules to add Representative Dukes as a joint sponsor to **SB 472**.

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 1112**, **SB 1744**, **SB 2550**, and pending business at 8:30 a.m. tomorrow in E2.014.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

County Affairs, 7:15 p.m. today, Three Forks, 111 Lavaca Street, for a work session.

County Affairs, 8:30 a.m. tomorrow, E2.014, for a public hearing, to consider **SB 1112**, **SB 1744**, **SB 2550**, and pending business.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Corte moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Defense and Veterans' Affairs to consider **SB 1462** and **SB 2223**.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Defense and Veterans' Affairs, 8 a.m. tomorrow, E2.026, for a public hearing, to consider **SB 1462**, **SB 2223**, and the posted agenda.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Rose moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Human Services to consider previously posted bills.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Human Services, 8 a.m. tomorrow, E2.028, for a public hearing, to consider previously posted bills.

Land and Resource Management, upon final adjournment today, Desk 1, for a formal meeting, to consider **SB 978**, **SB 1471**, **SB 1953**, **SB 2228**, **SB 2484**, and pending business.

Calendars, 7:30 p.m. today, 2W.25, for a formal meeting, to consider the calendar.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Hilderbran moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Public Health to consider **SB 1329** and **SB 1803**.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Health, 8 a.m. tomorrow, E2.036, for a public hearing, to consider **SB 1329**, **SB 1803**, and pending business.

**PROVIDING FOR ADJOURNMENT**

Representative Hilderbran moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

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

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

(Bonnen in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 7:22 p.m., adjourned until 10 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**

**HCR 224** (By Homer), In memory of Fredrick Michael Ford of Sulphur Springs.

To Rules and Resolutions.

**HCR 225** (By Isett), Congratulating Sergeant First Class Corey J. King on being named the U.S. Army Cadet Command's Army Noncommissioned Officer of the Year for 2009.

To Rules and Resolutions.

**HCR 227** (By Bohac), Congratulating Adam Taylor on becoming an Eagle Scout.

To Rules and Resolutions.

**HCR 228** (By J. Davis), Honoring Ralph Parr for his service to the Clear Creek Independent School District on the occasion of his retirement from the Clear Creek ISD Board of Trustees.

To Rules and Resolutions.

**HCR 229** (By Homer), Honoring the memory of Clayton Bradley Rogers of Canton.

To Rules and Resolutions.

**HCR 230** (By Homer), In memory of Arlene Wilson Russell of Mount Pleasant.

To Rules and Resolutions.

**HCR 231** (By Homer), Honoring the Texas Land Title Association for its continued support of the Texas Courthouse Stewardship Program.

To Rules and Resolutions.

**HCR 232** (By Homer), In memory of Dustin Dow Clements of North Hopkins.

To Rules and Resolutions.

**HCR 233** (By J. Davis), Congratulating Elizabeth Radicioni on being named Clear Creek ISD Secondary Teacher of the Year.

To Rules and Resolutions.

**HCR 234** (By J. Davis), Congratulating Julie Ballew on being nominated as Clear Creek ISD Elementary Teacher of the Year.

To Rules and Resolutions.

**HCR 235** (By J. Davis), Congratulating Margaret Berti on being nominated as Clear Creek ISD Teacher of the Year.

To Rules and Resolutions.

**HCR 236** (By J. Davis), Congratulating Samantha Youts on being nominated as Clear Creek ISD Secondary Teacher of the Year.

To Rules and Resolutions.

**HCR 237** (By Hilderbran), Designating the Brady World Championship BBQ Goat Cook-off as the official Texas State Goat Barbecue Championship Cook-off.

To Culture, Recreation, and Tourism.

**HCR 238** (By Homer), In memory of Joe Don Minor of Austin.

To Rules and Resolutions.

**HCR 239** (By Homer), In memory of Ruth Evelyn Burd of Paris, Texas.

To Rules and Resolutions.

**HCR 240** (By J. Davis), Congratulating Edna Meeks on being nominated as Clear Creek ISD Secondary Teacher of the Year.

To Rules and Resolutions.

**HCR 241** (By J. Davis), Congratulating Dawn Gibler on being named the Clear Creek ISD Elementary Teacher of the Year.

To Rules and Resolutions.

**HCR 242** (By J. Davis), Congratulating John Kennedy on his retirement as city manager of Nassau Bay.

To Rules and Resolutions.

**HCR 243** (By McReynolds), Honoring the memory of Stephanye Irene Sampley of Atascocita.

To Rules and Resolutions.

**HR 1702** (By Lucio), Urging the United States Congress to repeal mandatory country of origin labeling provisions.

To State Affairs.

**HR 1723** (By D. Miller), Directing the commissioner of education to inform school boards and superintendents that swine flu qualifies as an exception to the 180-day attendance statute and directing the commissioner to adjust the average daily attendance rate for affected school districts.

To Public Education.

**HR 2174** (By Naishtat), Honoring Sarah Wilkinson for her outstanding service as a legislative aide.

To Rules and Resolutions.

**HR 2175** (By Naishtat), Honoring Leslie Weston for her outstanding service as a legislative aide.

To Rules and Resolutions.



**HR 2176** (By Naishtat), Honoring Katie Carmichael for her service as a legislative intern.

To Rules and Resolutions.

**HR 2177** (By Naishtat), Honoring Jennifer Fein for her service as a legislative intern.

To Rules and Resolutions.

**HR 2178** (By Naishtat), Honoring Daniel Goldstein for his service as a legislative intern.

To Rules and Resolutions.

**HR 2179** (By Naishtat), Honoring Jackie Mintz for her service as a legislative intern.

To Rules and Resolutions.

**HR 2180** (By Naishtat), Honoring Meghan Kempf for her service as a legislative intern.

To Rules and Resolutions.

**HR 2181** (By Creighton), Congratulating Michelle Cabassol of Montgomery on her achievements in the sport of diving.

To Rules and Resolutions.

**HR 2182** (By Madden), In memory of Richard A. Bode of Plano.

To Rules and Resolutions.

**HR 2183** (By Shelton), Congratulating Muhamad "Fahim" Azizi of Fort Worth on his graduation from the Texas School for the Deaf.

To Rules and Resolutions.

**HR 2184** (By Kuempel), Honoring musician Carlos "Charlie" Gutierrez of Seguin.

To Rules and Resolutions.

**HR 2185** (By Menendez), Commending Joseph Ricardo Garcia for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2186** (By Parker), Honoring the Aubrey Independent School District.

To Rules and Resolutions.

**HR 2187** (By Veasey), In memory of U.S. Army Sergeant Dustin S. Wakeman of Fort Worth.

To Rules and Resolutions.

**HR 2188** (By Veasey), Honoring Johnnye Jeanell Hughes, a charter member of the Eta Chapter of Eta Phi Beta Sorority, Inc.

To Rules and Resolutions.

**HR 2189** (By Veasey), Honoring Mildred L. Thornton of the Eta Chapter of Eta Phi Beta Sorority, Inc.

To Rules and Resolutions.

**HR 2190** (By Veasey), Honoring A. Pearl Hunt of the Eta Chapter of Eta Phi Beta Sorority, Inc.

To Rules and Resolutions.

**HR 2191** (By Veasey), Honoring the life of Dallas gospel radio legend Edward Joe Bagby, Sr.

To Rules and Resolutions.

**HR 2192** (By Chavez), Honoring Juan Aranda, Jr., of El Paso for his commitment to labor and for his civic leadership.

To Rules and Resolutions.

**HR 2193** (By Chavez), Congratulating Rafael Camacho, Everardo Chacon, Rita Espinoza, and Lorena Gonzales for aiding an El Paso family during a house fire.

To Rules and Resolutions.

**HR 2194** (By Frost), Recognizing the 100th anniversary of the founding of Rocky Point Congregational Methodist Church.

To Rules and Resolutions.

**HR 2195** (By Rodriguez), Honoring Cindy Stocking on being named 2009 Teacher of the Year by the Austin Independent School District.

To Rules and Resolutions.

**HR 2196** (By Hilderbran), In memory of Edwin R. Carseth of Kerrville.

To Rules and Resolutions.

**HR 2197** (By Callegari), Congratulating the Katy High School football team on winning the 2008 UIL 5A Division II state championship.

To Rules and Resolutions.

**HR 2198** (By Rios Ybarra), Commending Kenedy County Judge Joseph Alexander Garcia for his many years of public service.

To Rules and Resolutions.

**HR 2199** (By Quintanilla), In memory of U.S. Marine Lance Corporal Javier Perales, Jr., of San Elizario.

To Rules and Resolutions.

**HR 2200** (By Quintanilla), Commending Lacy Baron of El Paso for her service as a legislative assistant in the office of State Representative Chente Quintanilla.

To Rules and Resolutions.

**HR 2201** (By Quintanilla), Commending Moctezuma "Monte" Zuniga, Jr., of McAllen for his service as a legislative assistant in the office of State Representative Chente Quintanilla.

To Rules and Resolutions.

**HR 2202** (By Quintanilla), Commending Olivia Provencio-Johnson of Weslaco for her service as a legislative assistant in the office of State Representative Chente Quintanilla.

To Rules and Resolutions.

**HR 2203** (By Quintanilla), Commending Danielle Faulkner of El Paso for her service as a legislative assistant in the office of State Representative Chente Quintanilla.

To Rules and Resolutions.

**HR 2204** (By Quintanilla), Commending Lee Baron of El Paso for his service as a legislative assistant in the office of State Representative Chente Quintanilla.

To Rules and Resolutions.

**HR 2205** (By Quintanilla), Commending Samantha Dominguez of El Paso for her service as a legislative assistant in the office of State Representative Chente Quintanilla.

To Rules and Resolutions.

**HR 2206** (By Menendez), Commending Linda Rangel Moore for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2207** (By Menendez), Commending R. Chale Perez for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2208** (By Menendez), Commending Dan M. Perez for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2209** (By Menendez), Commending Derek A. Castro for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2210** (By Menendez), Commending Susan "Susana" Gonzalez for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2211** (By Menendez), Commending Fernando Contreras for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2212** (By Menendez), Commending Joseph "Joe" Gallegos for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2213** (By Menendez), Commending Amador A. Aguilar for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2214** (By Menendez), Commending Lori E. Gallaway for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2215** (By Menendez), Commending Thomas C. Rockeymoore for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2216** (By Menendez), Commending Celina N. Herrera for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2217** (By Menendez), Commending Jeannette Hernandez for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2218** (By Menendez), Commending Esmeralda Lopez Rodriguez for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2219** (By Menendez), Commending Joshua M. Bailey for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2220** (By Menendez), Commending Chad A. Hammet for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2221** (By Menendez), Commending Mary K. Lepel for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2222** (By Menendez), Commending George Limon Alejos for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2223** (By Menendez), Commending Juan R. Gonzalez for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2224** (By Menendez), Commending Grace Ybarra Solano for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2225** (By Menendez), Commending Rebecca Dorrycott for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2226** (By Menendez), Commending Lawrence "Larry" Romo for serving as a Democratic precinct chair in Bexar County.

To Rules and Resolutions.

**HR 2228** (By Bonnen), Congratulating Sergeant Philip R. Hester of the Clute Police Department on being recognized by the Texas Commission on Law Enforcement Officer Standards and Education.

To Rules and Resolutions.

**HR 2229** (By Miklos), Congratulating Al Forsythe on his reelection to the Mesquite City Council.

To Rules and Resolutions.

**HR 2230** (By Miklos), Congratulating Bill Porter on his election to the Mesquite City Council.

To Rules and Resolutions.

**HR 2231** (By Harper-Brown), In memory of former Irving mayor Morris Holland Parrish.

To Rules and Resolutions.

**HR 2232** (By Harper-Brown), Commemorating the 50th anniversary of the opening of T. J. Lee Elementary School in Irving.

To Rules and Resolutions.

**HR 2233** (By Marquez), Honoring the Texas Western College 1966 NCAA champion basketball team.

To Rules and Resolutions.

**HR 2234** (By Rios Ybarra), Honoring Gloria Reyes Garcia of Raymondville for her myriad achievements.

To Rules and Resolutions.

**HR 2235** (By Phillips), Honoring Dr. Oscar C. Page of Sherman on the occasion of his retirement as the president of Austin College.

To Rules and Resolutions.

**HR 2236** (By Ritter), Recognizing May 21, 2009, as Water Conservation Day at the State Capitol.

To Rules and Resolutions.

**HR 2237** (By Peña), Honoring Shaine Mata of Mission for his participation in and media coverage of the Rio Grande Valley VA Hospital March to San Antonio.

To Rules and Resolutions.

**HR 2238** (By Guillen), Honoring Monica Peña of Edinburg on her 40th birthday.

To Rules and Resolutions.

**HR 2239** (By Peña), In memory of former Edinburg mayor Alfonso Rene Ramirez.

To Rules and Resolutions.

**HR 2240** (By Aycock), Honoring the Central Texas College Students in Free Enterprise team on its outstanding achievements.

To Rules and Resolutions.

**HR 2241** (By Y. Davis), Congratulating Mallory Gibson on her graduation from The University of Texas School of Law in 2009.

To Rules and Resolutions.

**HR 2242** (By Y. Davis), Congratulating Dikita Enterprises of Dallas on its 30th anniversary in 2009.

To Rules and Resolutions.

**HR 2243** (By Truitt), Commemorating the 20th anniversary of the Greater Keller Women's Club.

To Rules and Resolutions.

**HR 2244** (By Zerwas), Congratulating Donald and Bonnie Bales of El Campo on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2245** (By Kolkhorst), Honoring Richard Stadelmann of Brenham on the occasion of his retirement as associate professor of philosophy at Texas A&M University.

To Rules and Resolutions.

**HR 2246** (By Kolkhorst), In memory of Mary Jane Krueger of Bellville.

To Rules and Resolutions.

**HR 2247** (By Leibowitz), Commending Kristina Maria Garza for her service as legislative director in the office of Representative David McQuade Leibowitz and congratulating her on her 30th birthday.

To Rules and Resolutions.

**HR 2248** (By Leibowitz), Congratulating Robert Anthony Martinez Borja and Anna Lillian Bryan-Borja of Austin on the birth of their son, Zachary Davies Bryan Borja.

To Rules and Resolutions.

**HR 2249** (By D. Howard), In memory of Dr. Douglas Allison Carmichael of Austin.

To Rules and Resolutions.

**HR 2250** (By Maldonado), Honoring the Texas Child Study Center at Dell Children's Medical Center of Central Texas.

To Rules and Resolutions.

**HR 2251** (By Maldonado), Congratulating Matt Dearmon on his selection as the Round Rock ISD Secondary Teacher of the Year for 2009.

To Rules and Resolutions.

**HR 2252** (By Maldonado), Honoring Circle of Friends and manager Rita Willoughby for support of the Children's Medical Center Foundation of Central Texas.

To Rules and Resolutions.

**HR 2253** (By Maldonado), Honoring Michael Hurta for his service in the office of Representative Diana Maldonado.

To Rules and Resolutions.

**HR 2254** (By Maldonado), Honoring Jamie Falconnier for her service in the office of Representative Diana Maldonado.

To Rules and Resolutions.

**HR 2255** (By Maldonado), Commending the cities of Hutto and Taylor for "adopting" the 1st Battalion 4th Aviation Regiment of Fort Hood.

To Rules and Resolutions.

**HR 2256** (By Maldonado), Commending the city of Round Rock and the Round Rock Chamber of Commerce for "adopting" the 404th Aviation Support Battalion of Fort Hood.

To Rules and Resolutions.

**HR 2257** (By Olivo), Recognizing September 2009 as Texas CSTEM Awareness Month.

To Rules and Resolutions.

**HR 2258** (By S. King), Congratulating Joan Rust on her 2009 retirement from Jane Long Elementary School in Abilene.

To Rules and Resolutions.

**SB 666** to Judiciary and Civil Jurisprudence.

**SB 688** to Land and Resource Management.

**SB 1263** to Transportation.

**SB 1822** to Transportation.

**SB 1912** to State Affairs.

**SB 2350** to Judiciary and Civil Jurisprudence.

**SB 2491** to Border and Intergovernmental Affairs.

**SB 2553** to County Affairs.

**SB 2555** to Land and Resource Management.

**SB 2576** to Technology, Economic Development, and Workforce.

**SB 2577** to Pensions, Investments, and Financial Services.

**SB 2583** to Urban Affairs.

**SB 2584** to Corrections.

### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **Senate List No. 33**

**SB 256, SB 316, SB 337, SB 409, SB 446, SB 534, SB 899, SB 929, SB 930, SB 931, SB 932, SB 969, SB 1005, SB 1035, SB 1038, SB 1059, SB 1063, SB 1122, SB 1241, SB 1271, SB 1303, SB 1356, SB 1464, SB 1476, SB 1479, SB 1484, SB 1504, SB 1554, SB 1589, SB 1614, SB 1628, SB 1675, SB 1920, SB 1952, SB 1965, SB 2229, SB 2307, SB 2379, SB 2380, SB 2413, SB 2455, SB 2470, SB 2472, SB 2473, SB 2503**

### **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  
Tuesday, May 19, 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:

**HCR 63** Anderson SPONSOR: Hegar  
Honoring former first lady Laura Bush and welcoming her back to Texas.

**SB 1704** Estes  
Relating to the composition of the Finance Commission of Texas.

**SB 2207** Hinojosa  
Relating to retirement qualifications for appellate judges.

**SB 2578** Averitt  
Relating to insurance agent licenses issued to certain foreign corporations and partnerships.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 19, 2009 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 72** Guillen SPONSOR: Zaffirini  
Relating to the waiting period for issuing a decree in certain suits for divorce.  
(Committee Substitute)

**HB 407** Kuempel SPONSOR: Williams



Relating to participation and credit in, contributions to, benefits from, and administration of the Texas County and District Retirement System.  
(Committee Substitute)

**HB 559** Hernandez SPONSOR: Gallegos  
Relating to the nondisclosure of certain personal information in voter registration records, concealed handgun license records, and tax appraisal records that relates to a justice of the peace.

**HB 1084** Truitt SPONSOR: Gallegos  
Relating to shipment of wine to ultimate consumers.  
(Amended)

**HB 1109** Anchia SPONSOR: Carona  
Relating to late fees under a residential lease.

**HB 1257** Legler SPONSOR: Williams  
Relating to the payment in installments of ad valorem taxes on certain property owned by a business entity and located in a disaster area.  
(Amended)

**HB 1324** Rios Ybarra SPONSOR: Lucio  
Relating to the municipal hotel occupancy tax imposed in certain municipalities.

**HB 1513** Smith, Wayne SPONSOR: Jackson, Mike  
Relating to construction contract trust funds and the misapplication of those funds.

**HB 1979** Rodriguez SPONSOR: Watson  
Relating to retirement under public retirement systems for employees of certain municipalities.

**HB 2283** Truitt SPONSOR: Deuell  
Relating to increasing state employee participation in the TexaSaver program.  
(Committee Substitute)

**HB 2303** Truitt SPONSOR: Uresti  
Relating to the scope of services of and the persons who may be provided services by a community center.

**HB 2387** Bonnen SPONSOR: Hegar  
Relating to the authority of the General Land Office to undertake coastal erosion studies and projects in conjunction with qualified project partners.

**HB 2467** Rodriguez SPONSOR: Whitmire  
Relating to the definition of playgrounds and to including those playgrounds in the designation of certain places as drug-free zones for purposes of criminal penalties.  
(Committee Substitute)

**HB 2628** Rodriguez SPONSOR: Watson  
Relating to an exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain individuals.

**HB 2972** Coleman SPONSOR: Van de Putte

Relating to licensing of certain health facilities.

(Committee Substitute/Amended)

**HB 2991**

Christian

SPONSOR: Seliger

Relating to the exemption of certain honorably retired special rangers and special Texas Rangers from certain required law enforcement education and training programs regarding persons with mental impairments.

(Committee Substitute)

**HB 3097**

McClendon

SPONSOR: Carona

Relating to the creation, organization, governance, duties, and functions of the Texas Department of Motor Vehicles, including the transfer of certain duties to the Texas Department of Motor Vehicles and the Texas Department of Licensing and Regulation; providing a penalty.

(Committee Substitute/Amended)

**HB 3306**

Bonnen

SPONSOR: Jackson,  
Mike

Relating to the removal and disposal of certain vessels and structures in or on coastal waters.

**HB 4341**

Truitt

SPONSOR: Shapiro

Relating to the regulation of discount health care programs by the Texas Department of Insurance; providing penalties.

(Committee Substitute/Amended)

**HB 4498**

Hamilton

SPONSOR: Nichols

Relating to ballot issues for a local option election to prohibit the sale of alcoholic beverages.

(Amended)

**HB 4593**

Eiland

SPONSOR: Lucio

Relating to the marketing of shrimp and aquaculture products.

(Committee Substitute)

**HB 4718**

Lewis

SPONSOR: Seliger

Relating to the fees assessed in certain cases filed in the Ector County courts at law.

**HCR 80**

Bolton

SPONSOR: Van de Putte

Recognizing March 2009 as National Women's History Month.

**HJR 116**

Corte

SPONSOR: Van de Putte

Proposing a constitutional amendment authorizing the Veterans' Land Board to issue general obligation bonds in amounts equal to or less than amounts previously authorized.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 3**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Tuesday, May 19, 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 2077**

Uresti

Relating to physician residency programs, including physicians shortage residency programs and oncology training in certain residency programs.

**SCR 59**

Jackson, Mike

Granting MBP Corp. permission to sue the Board of Trustees of the Galveston Wharves.

**SCR 75**

Van de Putte

Recognizing July 10, 2009, as CHRISTUS Santa Rosa - Westover Hills day in Texas.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Tuesday, May 19, 2009 - 4

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 1397**

Deuell

Relating to the licensure of nurses, including the assessment of fees, the clinical competency of nursing program graduates, and the establishment of the equivalency of certain competency-based nursing education programs in other states.

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 18**

Border and Intergovernmental Affairs - **SB 379**

Corrections - **SB 1844, SB 1948**

Criminal Jurisprudence - **SB 369, SB 371, SB 413, SB 414, SB 415, SB 423, SB 710, SB 787, SB 1061, SB 1176, SB 1662, SB 1707, SB 2162, SB 2224, SB 2438**

Defense and Veterans' Affairs - **SB 936, SB 1890, SB 2222, SCR 38**

Elections - **SB 281, SB 563, SB 927, SB 1134, SB 1142, SB 2067**

Higher Education - **SB 305, SB 1760, SB 2182, SB 2244, SB 2465**

Insurance - **SB 586, SB 972, SB 1812**

Judiciary and Civil Jurisprudence - **SB 66, SB 232, SB 709, SB 812**

Licensing and Administrative Procedures - **SB 1095, SB 1982**

Natural Resources - **SB 275, SB 719, SB 1386, SB 1414, SB 1566, SB 1846, SB 2283, SB 2313, SB 2317, SB 2329, SB 2453, SB 2463, SB 2464, SB 2474, SB 2486, SB 2495, SB 2509, SB 2515**

Public Education - **SB 635, SB 644, SB 669, SB 892, SB 987, SB 1107, SB 1313, SB 1363, SB 1364, SB 1576**

Public Health - **SB 87, SB 202, SB 284, SB 291, SB 525, SB 584, SB 616, SB 662, SB 703, SB 796, SB 904, SB 911, SB 1305, SB 1328, SB 1331, SB 1646, SB 1702, SB 1837, SB 1877**

Public Safety - **SB 1858, SB 1909, SB 2041**

Technology, Economic Development, and Workforce - **SB 108, SB 1600, SB 1833**

Transportation - **SB 17, SB 263, SB 384, SB 404, SB 589, SB 2378, SJR 52**

Ways and Means - SB 252, SB 313, SB 475, SB 576, SB 636, SB 792, SB 801, SB 873, SB 947, SB 958, SB 1202, SB 1205, SB 1207, SB 1359, SB 1587, SB 1633, SB 2496, SB 2507

#### ENGROSSED

May 18 - HB 498, HB 586, HB 694, HB 708, HB 831, HB 889, HB 1196, HB 1243, HB 1598, HB 1664, HB 1988, HB 2267, HB 2280, HB 2369, HB 2511, HB 2525, HB 2677, HB 2799, HB 2847, HB 2917, HB 2942, HB 3065, HB 3186, HB 3350, HB 3353, HB 3484, HB 3550, HB 3682, HB 3749, HB 3834, HB 3876, HB 4007, HB 4103, HB 4212, HB 4218, HB 4315, HB 4332, HB 4364, HB 4407, HB 4445, HB 4518, HB 4519, HB 4583, HB 4660, HB 4692, HB 4710, HB 4711, HB 4719, HB 4735, HB 4737, HB 4738, HB 4750, HB 4752, HB 4755, HB 4759, HB 4775, HB 4777, HB 4787, HB 4793, HB 4797, HB 4798, HB 4807, HB 4817, HB 4827, HB 4828, HB 4830

#### ENROLLED

May 18 - HB 205, HB 360, HB 375, HB 406, HB 472, HB 523, HB 536, HB 567, HB 582, HB 590, HB 652, HB 772, HB 865, HB 867, HB 968, HB 1079, HB 1203, HB 1240, HB 1300, HB 1364, HB 1411, HB 1433, HB 1466, HB 1492, HB 1493, HB 1505, HB 1574, HB 1580, HB 1629, HB 1684, HB 1731, HB 1736, HB 1758, HB 1793, HB 1804, HB 1805, HB 1830, HB 1908, HB 1918, HB 2055, HB 2062, HB 2219, HB 2249, HB 2314, HB 2386, HB 2440, HB 2509, HB 3031, HB 3032, HB 3061, HB 3062, HB 3413, HB 3519, HB 4006, HB 4314, HB 4476, HCR 118, HCR 162, HCR 210, HCR 211

#### SENT TO THE GOVERNOR

May 18 - HB 205, HB 360, HB 406, HB 523, HB 536, HB 582, HB 652, HB 865, HB 968, HB 1079, HB 1203, HB 1364, HB 1433, HB 1466, HB 1629, HB 1684, HB 1731, HB 1793, HB 1805, HB 1918, HB 2055, HB 2219, HB 2314, HB 2440, HCR 118, HCR 162, HCR 210, HCR 211

