

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTIETH DAY (CONTINUED) — WEDNESDAY, MAY 27, 2009

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

The roll of the house was called and a quorum was announced present (Record 1368).

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

Absent, Excused — Kuempel; Mallory Caraway.

Absent — Rodriguez.

The invocation was offered by Albert Lewis, Saint Paul AME Church, Kingsville.

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

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Dr. John Egerton and Dr. Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

LEAVE OF ABSENCE GRANTED

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

Mallory Caraway on motion of Kent.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 43).

**HR 2349 - PREVIOUSLY ADOPTED
(by D. Howard)**

The chair laid out the following previously adopted resolution:

HR 2349, Commemorating the 100th anniversary of the founding of the Bureau of Economic Geology at The University of Texas at Austin.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 2349** as signers thereof.

**HR 2352 - PREVIOUSLY ADOPTED
(by Martinez Fischer)**

The chair laid out the following previously adopted resolution:

HR 2352, Recognizing Dell Children's Medical Center of Central Texas and pediatric urologist Dr. Jose C. Cortez.

On motion of Representative Gutierrez, the names of all the members of the house were added to **HR 2352** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Martinez Fischer who introduced representatives of Dell Children's Medical Center of Central Texas.

(Hochberg in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Geren requested permission for the Committee on House Administration to meet while the house is in session, at 11:05 a.m. today, in 3W.9.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

House Administration, 11:05 a.m. today, 3W.9, for a formal meeting.

HR 2389 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 2389**.

The motion prevailed.

The following resolution was laid before the house:

HR 2389, Honoring San Antonio Mayor-Elect Julian Castro.

HR 2389 was adopted.

On motion of Representative Corte, the names of all the members of the house were added to **HR 2389** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative McClendon who introduced Mayor-Elect Julian Castro.

(Speaker in the chair)

HR 2184 - ADOPTED
(by Kuempel)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 2184**.

The motion prevailed.

The following resolution was laid before the house:

HR 2184, Honoring musician Carlos "Charlie" Gutierrez of Seguin.

HR 2184 was adopted.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 2184** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Chisum who introduced Carlos "Charlie" Gutierrez and members of his family.

HB 2626 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Naishtat submitted the following conference committee report on **HB 2626**:

Austin, Texas, May 18, 2009

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2626** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Eltife	Merritt
Carona	Driver
Hinojosa	Bolton
Ogden	Kent
Zaffirini	Naishtat
On the part of the senate	On the part of the house

HB 2626, A bill to be entitled An Act relating to the forensic medical examination of a sexual assault victim who has not reported the assault to a law enforcement agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 56.02(a), Code of Criminal Procedure, is amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and

(B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;

(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation

under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole; and

(14) to the extent ~~except as~~ provided by Articles 56.06 and 56.065 ~~[Article 56.06(a)]~~, for a victim of a sexual assault, the right to a forensic medical examination if, within 96 hours of the sexual assault, the [sexual] assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility [within 96 hours of the assault].

SECTION 2. The heading to Article 56.06, Code of Criminal Procedure, is amended to read as follows:

Art. 56.06. MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS REPORTED ASSAULT; COSTS.

SECTION 3. Subchapter A, Chapter 56, Code of Criminal Procedure, is amended by adding Article 56.065 to read as follows:

Art. 56.065. MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS NOT REPORTED ASSAULT; COSTS. (a) In this article:

(1) "Crime laboratory" has the meaning assigned by Article 38.35.

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

(3) "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section 420.003, Government Code.

(b) This article applies to the following health care facilities that provide diagnosis or treatment services to victims of sexual assault:

(1) a general or special hospital licensed under Chapter 241, Health and Safety Code;

(2) a general or special hospital owned by this state;

(3) an outpatient clinic; and

(4) a private physician's office.

(c) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (e), a health care facility shall conduct a forensic medical examination of the victim of an alleged sexual assault if:

(1) the victim arrives at the facility within 96 hours after the assault occurred;

(2) the victim consents to the examination; and

(3) at the time of the examination the victim has not reported the assault to a law enforcement agency.

(d) The department shall pay the appropriate fees, as set by attorney general rule, for the forensic portion of the medical examination and for the evidence collection kit if a physician, sexual assault examiner, or sexual assault nurse examiner conducts the forensic portion of the examination within 96 hours after the alleged sexual assault occurred. The attorney general shall reimburse the department for fees paid under this subsection.

(e) If a health care facility does not provide diagnosis or treatment services to victims of sexual assault, the facility shall refer a victim seeking a forensic medical examination under Subsection (c) to a health care facility that provides services to those victims.

(f) The department may develop procedures regarding the submission or collection of additional evidence of the alleged sexual assault other than through an examination as described by this article.

(g) The department shall develop procedures for the transfer and preservation of evidence collected under this article to a crime laboratory or other suitable location designated by the public safety director of the department. The receiving entity shall preserve the evidence until the earlier of:

(1) the second anniversary of the date the evidence was collected; or

(2) the date the victim or a legal representative of the victim signs a written consent to release the evidence.

(h) The victim may not be required to:

(1) participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article; or

(2) pay for the forensic portion of the medical examination or for the evidence collection kit.

(i) The attorney general and the department each shall adopt rules as necessary to implement this article.

SECTION 4. Section 323.004(b), Health and Safety Code, is amended to read as follows:

(b) A health care facility providing care to a sexual assault survivor shall provide the survivor with:

(1) a forensic medical examination in accordance with Subchapter B, Chapter 420, Government Code, if the examination has been requested ~~approved~~ by a law enforcement agency under Article 56.06, Code of Criminal Procedure, or is conducted under Article 56.065, Code of Criminal Procedure;

(2) a private area, if available, to wait or speak with the appropriate medical, legal, or sexual assault crisis center staff or volunteer until a physician, nurse, or physician assistant is able to treat the survivor;

(3) access to a sexual assault program advocate, if available, as provided by Article 56.045, Code of Criminal Procedure;

(4) the information form required by Section 323.005;

(5) a private treatment room, if available;

(6) if indicated by the history of contact, access to appropriate prophylaxis for exposure to sexually transmitted infections; and

(7) the name and telephone number of the nearest sexual assault crisis center.

SECTION 5. Section 323.005(a), Health and Safety Code, is amended to read as follows:

(a) The department shall develop a standard information form for sexual assault survivors that must include:

(1) a detailed explanation of the forensic medical examination required to be provided by law, including a statement that photographs may be taken of the genitalia;

(2) information regarding treatment of sexually transmitted infections and pregnancy, including:

(A) generally accepted medical procedures;

(B) appropriate medications; and

(C) any contraindications of the medications prescribed for treating sexually transmitted infections and preventing pregnancy;

(3) information regarding drug-facilitated sexual assault, including the necessity for an immediate urine test for sexual assault survivors who may have been involuntarily drugged;

(4) information regarding crime victims compensation, including:

(A) a statement that:

(i) a law enforcement agency will pay for the forensic portion of an ~~the~~ examination requested by the agency under Article 56.06, Code of Criminal Procedure, and for the evidence collection kit; or

(ii) the Department of Public Safety will pay the appropriate fees for the forensic portion of an examination conducted under Article 56.065, Code of Criminal Procedure, and for the evidence collection kit; and

(B) reimbursement information for the medical portion of the examination;

(5) an explanation that consent for the forensic medical examination may be withdrawn at any time during the examination;

(6) the name and telephone number of sexual assault crisis centers statewide; and

(7) information regarding postexposure prophylaxis for HIV infection.

SECTION 6. (a) As soon as practicable after the effective date of this Act, the attorney general shall adopt the rules required by Article 56.065(i), Code of Criminal Procedure, as added by this Act.

(b) As soon as practicable after the effective date of this Act, the Department of Public Safety of the State of Texas shall adopt the rules required by Article 56.065(i), Code of Criminal Procedure, as added by this Act.

(c) The change in law made by this Act applies to a forensic medical examination of an alleged sexual assault victim that is conducted on or after the effective date of this Act. An examination that is conducted before the effective date of this Act is covered by the law in effect when the examination was conducted, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Representative Naishtat moved to adopt the conference committee report on **HB 2626**.

The motion to adopt the conference committee report on **HB 2626** prevailed by (Record 1369): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Kuempel; Mallory Caraway.

Absent — Anderson; Hernandez; Rodriguez; Thompson.

STATEMENT OF VOTE

When Record No. 1369 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

(Chisum in the chair)

SB 2298 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Farabee submitted the conference committee report on **SB 2298**.

Representative Farabee moved to adopt the conference committee report on **SB 2298**.

The motion to adopt the conference committee report on **SB 2298** prevailed by (Record 1370): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Mallory Caraway.

Absent — Anderson; Dutton; Farrar; Heflin; Rodriguez; Thompson.

STATEMENT OF VOTE

When Record No. 1370 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

HB 2030 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Zerwas submitted the following conference committee report on **HB 2030**:

Austin, Texas, May 25, 2009

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2030** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Davis

Nelson

Williams

Zerwas

J. Davis

D. Howard

Hopson

S. King

On the part of the senate

On the part of the house

HB 2030, A bill to be entitled An Act relating to the Medicaid Drug Utilization Review Program and prescription drug use under the Medicaid program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.0691, 531.0692, 531.0693, and 531.0694 to read as follows:

Sec. 531.0691. MEDICAID DRUG UTILIZATION REVIEW PROGRAM: DRUG USE REVIEWS AND ANNUAL REPORT. (a) In this section:

(1) "Medicaid Drug Utilization Review Program" means the program operated by the vendor drug program to improve the quality of pharmaceutical care under the Medicaid program.

(2) "Prospective drug use review" means the review of a patient's drug therapy and prescription drug order or medication order before dispensing or distributing a drug to the patient.

(3) "Retrospective drug use review" means the review of prescription drug claims data to identify patterns of prescribing.

(b) The commission shall provide for an increase in the number and types of retrospective drug use reviews performed each year under the Medicaid Drug Utilization Review Program, in comparison to the number and types of reviews performed in the state fiscal year ending August 31, 2009.

(c) In determining the number and types of drug use reviews to be performed, the commission shall:

(1) allow for the repeat of retrospective drug use reviews that address ongoing drug therapy problems and that, in previous years, improved client outcomes and reduced Medicaid spending;

(2) consider implementing disease-specific retrospective drug use reviews that address ongoing drug therapy problems in this state and that reduced Medicaid prescription drug use expenditures in other states; and

(3) regularly examine Medicaid prescription drug claims data to identify occurrences of potential drug therapy problems that may be addressed by repeating successful retrospective drug use reviews performed in this state and other states.

(d) In addition to any other information required by federal law, the commission shall include the following information in the annual report regarding the Medicaid Drug Utilization Review Program:

(1) a detailed description of the program's activities; and

(2) estimates of cost savings anticipated to result from the program's performance of prospective and retrospective drug use reviews.

(e) The cost-saving estimates for prospective drug use reviews under Subsection (d) must include savings attributed to drug use reviews performed through the vendor drug program's electronic claims processing system and clinical edits screened through the prior authorization system implemented under Section 531.073.

(f) The commission shall post the annual report regarding the Medicaid Drug Utilization Review Program on the commission's website.

Sec. 531.0692. MEDICAID DRUG UTILIZATION REVIEW BOARD: CONFLICTS OF INTEREST. (a) A member of the board of the Medicaid Drug Utilization Review Program may not have a contractual relationship, ownership interest, or other conflict of interest with a pharmaceutical manufacturer or labeler or with an entity engaged by the commission to assist in the administration of the Medicaid Drug Utilization Review Program.

(b) The executive commissioner may implement this section by adopting rules that identify prohibited relationships and conflicts or requiring the board to develop a conflict-of-interest policy that applies to the board.

Sec. 531.0693. PRESCRIPTION DRUG USE AND EXPENDITURE PATTERNS. (a) The commission shall monitor and analyze prescription drug use and expenditure patterns in the Medicaid program. The commission shall identify the therapeutic prescription drug classes and individual prescription drugs that are most often prescribed to patients or that represent the greatest expenditures.

(b) The commission shall post the data determined by the commission under Subsection (a) on the commission's website and update the information on a quarterly basis.

Sec. 531.0694. PERIOD OF VALIDITY FOR PRESCRIPTION. In its rules and standards governing the vendor drug program, the commission, to the extent allowed by federal law and laws regulating the writing and dispensing of

prescription medications, shall ensure that a prescription written by an authorized health care provider under the Medicaid program is valid for the lesser of the period for which the prescription is written or one year. This section does not apply to a prescription for a controlled substance, as defined by Chapter 481, Health and Safety Code.

SECTION 2. Section 531.071, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) General information about the aggregate costs of different classes of drugs is not confidential under Subsection (a), except that a drug name or information that could reveal a drug name is confidential.

(d) Information about whether the commission and a manufacturer or labeler reached or did not reach a supplemental rebate agreement under Section 531.070 for a particular drug is not confidential under Subsection (a).

SECTION 3. Section 531.072, Government Code, is amended by adding Subsections (b-1), (b-2), and (c-1) to read as follows:

(b-1) Notwithstanding Subsection (b), the preferred drug lists may contain:

(1) a drug provided by a manufacturer or labeler that has not reached a supplemental rebate agreement with the commission if the commission determines that inclusion of the drug on the preferred drug lists will have no negative cost impact to the state; or

(2) a drug provided by a manufacturer or labeler that has reached an agreement with the commission to provide program benefits in lieu of supplemental rebates, as described by Section 531.070.

(b-2) Consideration must be given to including all strengths and dosage forms of a drug on the preferred drug lists.

(c-1) In addition to the considerations listed under Subsection (c), the commission shall consider the inclusion of multiple methods of delivery within each drug class, including liquid, tablet, capsule, and orally disintegrating tablets.

SECTION 4. Section 531.073, Government Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) The commission shall ensure that requests for prior authorization may be submitted by telephone, facsimile, or electronic communications through the Internet.

(h) The commission shall provide an automated process that may be used to assess a Medicaid recipient's medical and drug claim history to determine whether the recipient's medical condition satisfies the applicable criteria for dispensing a drug without an additional prior authorization request.

(i) The commission shall study the costs and benefits of the prior authorization process and methods to improve efficiency.

SECTION 5. Section 531.074, Government Code, is amended by amending Subsections (i) and (m) and adding Subsections (f-1) and (i-1) to read as follows:

(f-1) The committee shall meet in public and shall permit public comment before voting on any changes in the preferred drug lists. Minutes of each meeting shall be made available to the public not later than the 10th business day after the date the minutes are approved. The committee may meet in executive session to discuss confidential information as described by Subsection (i).

(i) The commission shall adopt rules governing the operation of the committee, including rules governing the procedures used by the committee for providing notice of a meeting and rules prohibiting the committee from discussing confidential information described by Section 531.071 in a public meeting. The committee shall comply with the rules adopted under this subsection and Subsection (i-1).

(i-1) In addition to the rules under Subsection (i), the commission by rule shall require the committee or the committee's designee to present a summary of any clinical efficacy and safety information or analyses regarding a drug under consideration for a preferred drug list that is provided to the committee by a private entity that has contracted with the commission to provide the information. The committee or the committee's designee shall provide the summary in electronic form before the public meeting at which consideration of the drug occurs. Confidential information described by Section 531.071 must be omitted from the summary. The summary must be posted on the commission's Internet website.

(m) The commission or the commission's agent shall publicly disclose, immediately after the committee deliberations conclude, each specific drug recommended for or against preferred drug list status for each drug class included in the preferred drug list for the Medicaid vendor drug program. The disclosure must be posted on the commission's Internet website not later than the 10th business day ~~made in writing~~ after the conclusion of committee deliberations that result in recommendations made to the executive commissioner regarding the placement of drugs on the preferred drug list. The public disclosure must include:

(1) the general basis for the recommendation for each drug class; and

(2) for each recommendation, whether a supplemental rebate agreement or a program benefit agreement was reached under Section 531.070.

SECTION 6. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0741 to read as follows:

Sec. 531.0741. PUBLICATION OF INFORMATION REGARDING COMMISSION DECISIONS ON PREFERRED DRUG LIST PLACEMENT. The commission shall publish on the commission's Internet website any decisions on preferred drug list placement, including:

(1) a list of drugs reviewed and the commission's decision for or against placement on a preferred drug list of each drug reviewed;

(2) for each recommendation, whether a supplemental rebate agreement or a program benefit agreement was reached under Section 531.070; and

(3) the rationale for any departure from a recommendation of the pharmaceutical and therapeutics committee established under Section 531.074.

SECTION 7. Not later than December 1, 2010, the executive commissioner of the Health and Human Services Commission shall implement Sections 531.073(g), (h), and (i), Government Code, as added by this Act.

SECTION 8. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 9. This Act takes effect September 1, 2009.

(Rodriguez now present)

Representative Zerwas moved to adopt the conference committee report on **HB 2030**.

The motion to adopt the conference committee report on **HB 2030** prevailed by (Record 1371): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Mallory Caraway.

Absent — Bohac; Dukes; Dutton; Edwards; Heflin.

STATEMENT OF VOTE

When Record No. 1371 was taken, my vote failed to register. I would have voted yes.

Bohac

RESOLUTIONS ADOPTED

Representative Riddle moved to suspend all necessary rules to take up and consider at this time **HR 2726 - HR 2733**.

The motion prevailed.

The following resolutions were laid before the house:

HR 2726 (by Riddle), Commending Fiona Prendergast on her service as an intern in the office of State Representative Debbie Riddle.

HR 2727 (by Riddle), Commending Meredith Meyer on her service as an intern in the office of State Representative Debbie Riddle.

HR 2728 (by Riddle), Commending Juan Garcia-Lascurain on his service as an intern in the office of State Representative Debbie Riddle.

HR 2729 (by Riddle), Commending Katherine Butler on her service as an intern in the office of State Representative Debbie Riddle.

HR 2730 (by Riddle), Commending Katie-Rose Newton on her service as an intern in the office of State Representative Debbie Riddle.

HR 2731 (by Riddle), Commending Adam Kowis on his service as an intern in the office of State Representative Debbie Riddle.

HR 2732 (by Riddle), Commending Natalie Myers on her service as an intern in the office of State Representative Debbie Riddle.

HR 2733 (by Riddle), Commending Rianna Richardson on her service as an intern in the office of State Representative Debbie Riddle.

The resolutions were adopted.

HB 3613 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Otto called up with senate amendments for consideration at this time,

HB 3613, A bill to be entitled An Act relating to the determination of the market value of a residence homestead for ad valorem tax purposes on the basis of the property's value as a residence homestead.

Representative Otto moved to concur in the senate amendments to **HB 3613**.

The motion to concur in the senate amendments to **HB 3613** prevailed by (Record 1372): 146 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker.

Absent, Excused — Kuempel; Mallory Caraway.

Absent — Bohac.

STATEMENT OF VOTE

When Record No. 1372 was taken, my vote failed to register. I would have voted yes.

Bohac

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3613** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter B, Chapter 11, Tax Code, is amended by adding Section 11.131 to read as follows:

Sec. 11.131. RESIDENCE HOMESTEAD OF 100 PERCENT OR TOTALLY DISABLED VETERAN. (a) In this section:

(1) "Disabled veteran" has the meaning assigned by Section 11.22.

(2) "Residence homestead" has the meaning assigned by Section 11.13.

(b) A disabled veteran who receives from the United States Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead.

(b) Subsection (a), Section 11.22, Tax Code, is amended to read as follows:

(a) A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates as provided by Subsection (f) ~~[of this section]~~ in accordance with the following schedule:

an exemption of	for a disability rating of	but less [not greater] than:
up to:	at least:	
\$5,000 of the	10%	30%
assessed value		
7,500	30 [31]	50
10,000	50 [51]	70
12,000	70 [71] and over	

(c) Subsection (c), Section 11.43, Tax Code, is amended to read as follows:

(c) An exemption provided by Section 11.13, 11.131, 11.17, 11.18, 11.182, 11.183, 11.19, 11.20, 11.21, 11.22, 11.23(h), (j), or (j-1), 11.29, 11.30, or 11.31, once allowed, need not be claimed in subsequent years, and except as otherwise provided by Subsection (e), the exemption applies to the property until it changes

ownership or the person's qualification for the exemption changes. However, the chief appraiser may require a person allowed one of the exemptions in a prior year to file a new application to confirm the person's current qualification for the exemption by delivering a written notice that a new application is required, accompanied by an appropriate application form, to the person previously allowed the exemption.

(d) Subsection (a), Section 11.431, Tax Code, is amended to read as follows:

(a) The chief appraiser shall accept and approve or deny an application for a residence homestead exemption, including a disabled veteran residence homestead exemption, after the deadline for filing it has passed if it is filed not later than one year after the delinquency date for the taxes on the homestead.

(e) Section 403.302, Government Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) For purposes of Subsection (d), a residence homestead that receives an exemption under Section 11.131, Tax Code, in the year that is the subject of the study is not considered to be taxable property.

(f) Section 11.131, Tax Code, as added by this Act, applies to a tax year beginning on or after January 1, 2009.

(g) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2009.

HB 3613 - AUTHORS ADDED

Representative Otto moved to suspend Rule 8, Section 5 of the House Rules to add Representatives Anderson, Aycok, Berman, Bohac, B. Brown, Button, Callegari, Chisum, Christian, Corte, Crabb, Creighton, J. Davis, Edwards, Eissler, Farias, Farrar, Fletcher, Flores, Flynn, Guillen, Harless, Heflin, Hunter, Isett, Jones, P. King, Kleinschmidt, Kuempel, Legler, Leibowitz, McReynolds, S. Miller, Moody, Phillips, Quintanilla, Rose, Sheffield, W. Smith, Swinford, Truitt, Vaught, Weber, Woolley, and Zerwas as co-authors to **HB 3613**.

The motion prevailed.

HB 3613 - REMARKS

REPRESENTATIVE HILDERBRAN: Mr. Otto, I appreciate your hard work on this, too, but everybody on this floor knows that one of our colleagues has been working on this for a number of years—been determined. I know, being a member of the Ways and Means Committee, that this member has worked hard—persistence, determination—to get this done. So, I'd like us to all recognize Representative Kino Flores for his hard work. I'm glad we got this passed, and we couldn't have got it done without Kino Flores.

REMARKS ORDERED PRINTED

Representative McClendon moved to print remarks by Representative Hilderbran.

The motion prevailed.

RESOLUTIONS ADOPTED

Representative Corte moved to suspend all necessary rules to take up and consider at this time **HR 2586**, **HR 2641 - HR 2643**, and **HR 2773**.

The motion prevailed.

The following resolutions were laid before the house:

HR 2586 (by Eissler), In memory of Corporal Zachary Ryan Endsley of Spring.

HR 2641 (by Phillips), In memory of U.S. Army Specialist Braden Joseph Long of Sherman.

HR 2642 (by McCall), In memory of U.S. Army Staff Sergeant Eric Thomas Duckworth of Plano.

HR 2643 (by Hilderbran), In memory of U.S. Army Sergeant Mark A. Stone of Buchanan Dam.

HR 2773 (by S. Miller), Honoring the life of U.S. Army Specialist Donald Allen "Wesley" Burkett of Comanche.

The resolutions were unanimously adopted by a rising vote.

**HR 2745 - ADOPTED
(by Y. Davis)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 2745**.

The motion prevailed.

The following resolution was laid before the house:

HR 2745, Honoring Ida Belle Crocker on the occasion of her 80th birthday.

HR 2745 was adopted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, upon lunch recess today, 1W.14, for a formal meeting, to consider the calendar.

RECESS

At 12:48 p.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

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

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

CSSB 44 (Branch - House Sponsor), A bill to be entitled An Act relating to the participation of students in funding awarded under the advanced research program.

HR 1896 - PREVIOUSLY ADOPTED (by Riddle)

The chair laid out the following previously adopted resolution:

HR 1896, Honoring the National Foundation for Women Legislators for its assistance with Hurricane Ike relief efforts.

On motion of Representative Fletcher, the names of all the members of the house were added to **HR 1896** as signers thereof.

HR 1897 - PREVIOUSLY ADOPTED (by Riddle)

The chair laid out the following previously adopted resolution:

HR 1897, Honoring Office Depot for its assistance with Hurricane Ike relief efforts.

On motion of Representative Fletcher, the names of all the members of the house were added to **HR 1897** as signers thereof.

HR 1898 - PREVIOUSLY ADOPTED (by Riddle)

The chair laid out the following previously adopted resolution:

HR 1898, Honoring Nourish America for its assistance with Hurricane Ike relief efforts.

On motion of Representative Fletcher, the names of all the members of the house were added to **HR 1898** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Riddle who introduced representatives of the National Foundation for Women Legislators.

CSSB 52 (Coleman - House Sponsor), A bill to be entitled An Act relating to the penalties for the illegal use of a parking space or area designated specifically for persons with disabilities. (Shelton recorded voting no.)

Amendment No. 1

On behalf of Representative Fletcher, Representative Coleman offered the following amendment to **CSSB 52**:

Amend **CSSB 52** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 504.201, Transportation Code, is amended by amending Subsection (d) and adding Subsection (i) to read as follows:

(d) Subject to Subsection (i), the ~~The~~ initial application for specialty license plates under this section must be accompanied by a written statement from a physician who is licensed to practice medicine in this state or in a state adjacent to this state or who is authorized by applicable law to practice medicine in a hospital or other health facility of the Department of Veterans Affairs. If the applicant has a mobility problem caused by a disorder of the foot, the written statement may be issued by a person licensed to practice podiatry in this state or a state adjacent to this state. In this subsection, "podiatry" has the meaning assigned by Section 681.001. The statement must certify that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person's ability to ambulate. The statement must also certify whether a mobility problem is temporary or permanent. A written statement is not required as acceptable medical proof if:

(1) the person with a disability:

(A) has had a limb, hand, or foot amputated; or

(B) must use a wheelchair; and

(2) the applicant and the county assessor-collector processing the application execute an affidavit attesting to the person's disability.

(i) If the initial application for specialty license plates under this section is made by or on behalf of a person with a mobility problem that substantially impairs the person's ability to ambulate, the written statement required by Subsection (d) may be issued by a person licensed to practice chiropractic in this state or a state adjacent to this state. In this subsection, "chiropractic" has the meaning assigned by Section 201.002, Occupations Code.

SECTION _____. Section 681.003, Transportation Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) Subject to Subsections ~~Subsection~~ (e) and (f), the first application must be accompanied by a notarized written statement or written prescription of a physician licensed to practice medicine in this state or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration, certifying and providing evidence acceptable to the department that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person's ability to ambulate. The statement or prescription must include a certification of whether the disability is temporary or permanent and information acceptable to the department to determine the type of

disabled parking placard for which the applicant is eligible. The department shall determine a person's eligibility based on evidence provided by the applicant establishing legal blindness or mobility impairment.

(f) If a first application for a disabled parking placard under this section is made by or on behalf of a person with a mobility problem that substantially impairs the person's ability to ambulate, the notarized written statement or written prescription required by Subsection (c) may be issued by a person licensed to practice chiropractic in this state or a state adjacent to this state. In this subsection, "chiropractic" has the meaning assigned by Section 201.002, Occupations Code.

Amendment No. 1 was adopted.

CSSB 129 (Coleman - House Sponsor), A bill to be entitled An Act relating to the maximum speed limit for a neighborhood electric vehicle being operated on a street or highway.

CSSB 174 (Branch - House Sponsor), A bill to be entitled An Act relating to accountability of institutions of higher education, including educator preparation programs, and online institution resumes for public institutions of higher education. (Sheffield recorded voting no.)

SB 184 (Chisum - House Sponsor), A bill to be entitled An Act relating to "no regrets" greenhouse gas emissions reduction strategies. (Sheffield recorded voting no.)

CSSB 194 (D. Howard - House Sponsor), A bill to be entitled An Act relating to a prohibition against certain activities by a person employed in the financial aid office of a public institution of higher education or of a career school or college.

SB 203 (Coleman and Y. Davis - House Sponsors), A bill to be entitled An Act relating to the reporting of health care-associated infections in certain health care facilities.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **SB 203**:

Amend **SB 203** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) The heading to Chapter 98, Health and Safety Code, as added by Chapter 359 (**SB 288**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

CHAPTER 98. REPORTING OF HEALTH CARE-ASSOCIATED INFECTIONS AND PREVENTABLE ADVERSE EVENTS

(b) Subdivisions (1) and (11), Section 98.001, Health and Safety Code, as added by Chapter 359 (**SB 288**), Acts of the 80th Legislature, Regular Session, 2007, are amended to read as follows:

(1) "Advisory panel" means the Advisory Panel on Health Care-Associated Infections and Preventable Adverse Events.

(11) "Reporting system" means the Texas Health Care-Associated Infection and Preventable Adverse Events Reporting System.

(c) Section 98.051, Health and Safety Code, as added by Chapter 359 (SB 288), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 98.051. ESTABLISHMENT. The commissioner shall establish the Advisory Panel on Health Care-Associated Infections and Preventable Adverse Events within ~~[the infectious disease surveillance and epidemiology branch of]~~ the department to guide the implementation, development, maintenance, and evaluation of the reporting system. The commissioner may establish one or more subcommittees to assist the advisory panel in addressing health care-associated infections and preventable adverse events relating to hospital care provided to children or other special patient populations.

(d) Subsection (a), Section 98.052, Health and Safety Code, as added by Chapter 359 (SB 288), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(a) The advisory panel is composed of 18 ~~[16]~~ members as follows:

(1) two infection control professionals who:

(A) are certified by the Certification Board of Infection Control and Epidemiology; and

(B) are practicing in hospitals in this state, at least one of which must be a rural hospital;

(2) two infection control professionals who:

(A) are certified by the Certification Board of Infection Control and Epidemiology; and

(B) are nurses licensed to engage in professional nursing under Chapter 301, Occupations Code;

(3) three board-certified or board-eligible physicians who:

(A) are licensed to practice medicine in this state under Chapter 155, Occupations Code, at least two of whom have active medical staff privileges at a hospital in this state and at least one of whom is a pediatric infectious disease physician with expertise and experience in pediatric health care epidemiology;

(B) are active members of the Society for Healthcare Epidemiology of America; and

(C) have demonstrated expertise in quality assessment and performance improvement or infection control in health care facilities;

(4) four additional ~~[two]~~ professionals in quality assessment and performance improvement ~~[, one of whom is employed by a general hospital and one of whom is employed by an ambulatory surgical center];~~

(5) one officer of a general hospital;

(6) one officer of an ambulatory surgical center;

(7) three nonvoting members who are department employees representing the department in epidemiology and the licensing of hospitals or ambulatory surgical centers; and

(8) two members who represent the public as consumers.

(e) Subsections (a) and (c), Section 98.102, Health and Safety Code, as added by Chapter 359 (**SB 288**), Acts of the 80th Legislature, Regular Session, 2007, are amended to read as follows:

(a) The department shall establish the Texas Health Care-Associated Infection and Preventable Adverse Events Reporting System within the ~~[infectious disease surveillance and epidemiology branch of the]~~ department. The purpose of the reporting system is to provide for:

(1) the reporting of health care-associated infections by health care facilities to the department;

(2) the reporting of health care-associated preventable adverse events by health care facilities to the department;

(3) the public reporting of information regarding the health care-associated infections by the department;

(4) the public reporting of information regarding health care-associated preventable adverse events by the department; and

(5) ~~(4)~~ the education and training of health care facility staff by the department regarding this chapter.

(c) The data reported by health care facilities to the department must contain sufficient patient identifying information to:

(1) avoid duplicate submission of records;

(2) allow the department to verify the accuracy and completeness of the data reported; and

(3) for data reported under Section 98.103 or 98.104, allow the department to risk adjust the facilities' infection rates.

(f) Subchapter C, Chapter 98, Health and Safety Code, as added by Chapter 359 (**SB 288**), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 98.1045 to read as follows:

Sec. 98.1045. REPORTING OF PREVENTABLE ADVERSE EVENTS.

(a) Each health care facility shall report to the department the occurrence of any of the following preventable adverse events involving the facility's patient:

(1) a health care-associated adverse condition or event for which the Medicare program will not provide additional payment to the facility under a policy adopted by the federal Centers for Medicare and Medicaid Services; and

(2) subject to Subsection (b), an event included in the list of adverse events identified by the National Quality Forum that is not included under Subdivision (1).

(b) The executive commissioner may exclude an adverse event described by Subsection (a)(2) from the reporting requirement of Subsection (a) if the executive commissioner, in consultation with the advisory panel, determines that the adverse event is not an appropriate indicator of a preventable adverse event.

(g) Subsections (a), (b), and (g), Section 98.106, Health and Safety Code, as added by Chapter 359 (**SB 288**), Acts of the 80th Legislature, Regular Session, 2007, are amended to read as follows:

(a) The department shall compile and make available to the public a summary, by health care facility, of:

(1) the infections reported by facilities under Sections 98.103 and 98.104; and

(2) the preventable adverse events reported by facilities under Section 98.1045.

(b) Information included in the [The] departmental summary with respect to infections reported by facilities under Sections 98.103 and 98.104 must be risk adjusted and include a comparison of the risk-adjusted infection rates for each health care facility in this state that is required to submit a report under Sections 98.103 and 98.104.

(g) The department shall make the departmental summary available on an Internet website administered by the department and may make the summary available through other formats accessible to the public. The website must contain a statement informing the public of the option to report suspected health care-associated infections and preventable adverse events to the department.

(h) Section 98.108, Health and Safety Code, as added by Chapter 359 (SB 288), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 98.108. FREQUENCY OF REPORTING. In consultation with the advisory panel, the executive commissioner by rule shall establish the frequency of reporting by health care facilities required under Sections 98.103, ~~and~~ 98.104, and 98.1045. Facilities may not be required to report more frequently than quarterly.

(i) Section 98.109, Health and Safety Code, as added by Chapter 359 (SB 288), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Subsection (b-1) and amending Subsection (e) to read as follows:

(b-1) A state employee or officer may not be examined in a civil, criminal, or special proceeding, or any other proceeding, regarding the existence or contents of information or materials obtained, compiled, or reported by the department under this chapter.

(e) A department summary or disclosure may not contain information identifying a ~~[facility]~~ patient, employee, contractor, volunteer, consultant, health care professional, student, or trainee in connection with a specific ~~[infection]~~ incident.

(j) Sections 98.110 and 98.111, Health and Safety Code, as added by Chapter 359 (SB 288), Acts of the 80th Legislature, Regular Session, 2007, are amended to read as follows:

Sec. 98.110. DISCLOSURE AMONG CERTAIN AGENCIES ~~[WITHIN DEPARTMENT]~~. Notwithstanding any other law, the department may disclose information reported by health care facilities under Section 98.103, ~~or~~ 98.104, or 98.1045 to other programs within the department, to the Health and Human Services Commission, and to other health and human services agencies, as defined by Section 531.001, Government Code, for public health research or analysis purposes only, provided that the research or analysis relates to health care-associated infections or preventable adverse events. The privilege and confidentiality provisions contained in this chapter apply to such disclosures.

Sec. 98.111. CIVIL ACTION. Published infection rates or preventable adverse events may not be used in a civil action to establish a standard of care applicable to a health care facility.

(k) As soon as possible after the effective date of this Act, the commissioner of state health services shall appoint two additional members to the advisory panel who meet the qualifications prescribed by Subdivision (4), Subsection (a), Section 98.052, Health and Safety Code, as amended by this section.

(l) Not later than February 1, 2010, the executive commissioner of the Health and Human Services Commission shall adopt rules and procedures necessary to implement the reporting of health care-associated preventable adverse events as required under Chapter 98, Health and Safety Code, as amended by this section.

SECTION _____. (a) Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0312 to read as follows:

Sec. 32.0312. REIMBURSEMENT FOR SERVICES ASSOCIATED WITH PREVENTABLE ADVERSE EVENTS. The executive commissioner of the Health and Human Services Commission shall adopt rules regarding the denial or reduction of reimbursement under the medical assistance program for preventable adverse events that occur in a hospital setting. In adopting the rules, the executive commissioner:

(1) shall ensure that the commission imposes the same reimbursement denials or reductions for preventable adverse events as the Medicare program imposes for the same types of health care-associated adverse conditions and the same types of health care providers and facilities under a policy adopted by the federal Centers for Medicare and Medicaid Services;

(2) shall consult an advisory committee on health care quality, if established by the executive commissioner, to obtain the advice of that committee regarding denial or reduction of reimbursement claims for any other preventable adverse events that cause patient death or serious disability in health care settings, including events on the list of adverse events identified by the National Quality Forum; and

(3) may allow the commission to impose reimbursement denials or reductions for preventable adverse events described by Subdivision (2).

(b) Not later than September 1, 2010, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 32.0312, Human Resources Code, as added by this section.

(c) Rules adopted by the executive commissioner of the Health and Human Services Commission under Section 32.0312, Human Resources Code, as added by this section, may apply only to a preventable adverse event occurring on or after the effective date of the rules.

(Mallory Caraway now present)

Amendment No. 1 was adopted.

SB 271 (Rose - House Sponsor), A bill to be entitled An Act relating to the appointment of a successor guardian for certain wards adjudicated as totally incapacitated. (Anderson, Aycock, B. Brown, Craddick, Darby, Fletcher, Harless, and Riddle recorded voting no.)

Amendment No. 1

Representative Rose offered the following amendment to **SB 271**:

Amend **SB 271** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.076 to read as follows:

Sec. 161.076. INFORMAL CAREGIVER SERVICES. (a) In this section:

(1) "Area agency on aging" has the meaning assigned by Section 161.075.

(2) "Local entity" means an area agency on aging or other entity that provides services and support for older or disabled persons and their caregivers.

(b) The department shall coordinate with area agencies on aging and, to the extent considered feasible by the department, may coordinate with other local entities to coordinate public awareness outreach efforts regarding the role of informal caregivers in long-term care situations, including efforts to raise awareness of support services available in this state for informal caregivers.

(c) The department shall perform the following duties to assist a local entity with outreach efforts under this section:

(1) expand an existing department website to provide a link through which a local entity may post and access best practices information regarding informal caregiver support; and

(2) create a document template that a local entity may adapt as necessary to reflect resources available to informal caregivers in the area supported by the entity.

(d) The department shall create or modify a form to be included in the functional eligibility determination process for long-term care benefits for older persons under the Medicaid program and, to the extent considered feasible by the department, may include a form in systems for other long-term care support services. The department shall use the form to identify informal caregivers for the purpose of enabling the department to refer the caregivers to available support services. The form may be based on an existing form, may include optional questions for an informal caregiver, or may include questions from similar forms used in other states.

(e) The department shall coordinate with area agencies on aging and, to the extent considered feasible by the department, may coordinate with other local entities to develop and implement a protocol to evaluate the needs of certain informal caregivers. The protocol must:

(1) provide guidance on the type of caregivers who should receive an assessment; and

(2) include the use of a standardized assessment tool that may be based on similar tools used in other states, including the Tailored Caregiver Assessment and Referral process.

(f) The department shall require area agencies on aging and, to the extent considered feasible by the department, other local entities to use the protocol and assessment tool under Subsection (e) and report the data gathered from the assessment tool to the department.

(g) The department shall analyze the data reported under Subsection (f) and collected from the form under Subsection (d) and shall submit a report not later than December 1 of each even-numbered year to the governor and the Legislative Budget Board that summarizes the data analysis.

(g-1) Notwithstanding Subsection (g), the department shall submit the initial report required by that subsection not later than December 1, 2012. This subsection expires January 1, 2013.

(h) The department shall use the data analyzed under Subsection (g) to:

(1) evaluate the needs of assessed informal caregivers;

(2) measure the effectiveness of certain informal caregiver support interventions;

(3) improve existing programs;

(4) develop new services as necessary to sustain informal caregivers;

and

(5) determine the effect of informal caregiving on employment and employers.

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 1 was adopted.

SB 292 (S. King - House Sponsor), A bill to be entitled An Act relating to the requirement that licensed physicians provide emergency contact information to the Texas Medical Board.

Amendment No. 1

Representative J. Davis offered the following amendment to **SB 292**:

Amend **SB 292** (House Committee Report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Subtitle B, Title 3, Occupations Code, is amended by adding Chapter 167 to read as follows:

CHAPTER 167. TEXAS PHYSICIAN HEALTH PROGRAM

Sec. 167.001. DEFINITIONS. In this chapter:

(1) "Committee" means the Physician Health and Rehabilitation Advisory Committee established under this chapter.

(2) "Governing board" means the governing board of the program.

(3) "Medical director" means a person appointed under Section 167.002 to oversee the program.

(4) "Physician assistant board" means the Texas Physician Assistant Board established under Chapter 204.

(5) "Program" means the Texas Physician Health Program established under this chapter.

(6) "Program participant" means a physician or physician assistant who receives services under the program.

Sec. 167.002. MEDICAL DIRECTOR. (a) The board shall appoint a medical director for the program.

(b) The medical director must:

(1) be a physician licensed by the board; and

(2) have expertise in a field of medicine relating to disorders commonly affecting physicians or physician assistants, including substance abuse disorders.

(c) The medical director shall provide clinical and policy oversight for the program.

Sec. 167.003. GOVERNING BOARD. (a) The president of the board shall appoint persons to serve on the governing board of the program. The appointees shall include physicians, physician assistants, and other related professionals with experience addressing health conditions commonly found in the population of monitored physicians or physician assistants.

(b) The governing board shall:

(1) provide advice and counsel to the board; and

(2) establish policy and procedures for the operation and administration of the program.

(c) The board, with the advice and in consultation with the physician assistant board and Texas-based professional associations of physicians and physician assistants, shall adopt rules relating to the appointment of members to the governing board, including length of terms, procedures for filling a vacancy, and conflict-of-interest provisions.

Sec. 167.004. PHYSICIAN HEALTH AND REHABILITATION ADVISORY COMMITTEE. (a) The governing board shall appoint physicians to the Physician Health and Rehabilitation Advisory Committee who have experience in disorders commonly affecting physicians or physician assistants.

(b) The committee shall assist the governing board by making recommendations on the request of the governing board.

(c) The board, with the advice and in consultation with the physician assistant board and Texas-based professional associations of physicians and physician assistants, shall adopt rules relating to the appointment of members to the committee, including length of terms, procedures for filling a vacancy, and conflict-of-interest provisions.

(d) Chapter 2110, Government Code, does not apply to the committee.

Sec. 167.005. TEXAS PHYSICIAN HEALTH PROGRAM. (a) The Texas Physician Health Program is established to promote:

(1) physician and physician assistant wellness; and

(2) treatment of all health conditions that have the potential to compromise the physician's or physician assistant's ability to practice with reasonable skill and safety, including mental health issues, substance abuse issues, and addiction issues.

(b) The program is a confidential, nondisciplinary therapeutic program for physicians and physician assistants.

(c) The program is administratively attached to the board.

Sec. 167.006. RULES. The board, with the advice of and in consultation with the governing board, committee, and Texas-based professional associations of physicians and physician assistants, shall:

(1) adopt rules and policies as necessary to implement the program, including:

(A) policies for assessments under the program and guidelines for the validity of a referral to the program;

(B) policies and guidelines for initial contacts used to determine if there is a need for a physician or physician assistant to complete a clinically appropriate evaluation or to enter treatment, including policies and guidelines for arrangements for that evaluation or treatment; and

(C) policies and guidelines for interventions conducted under the program; and

(2) define applicable guidelines for the management of substance abuse disorders, psychiatric disorders, and physical illnesses and impairments.

Sec. 167.007. OPERATION OF PROGRAM. (a) The program must include provisions for:

(1) continuing care, monitoring, and case management of potentially impairing health conditions, including provisions for cooperation with the evaluating or treating facility;

(2) ongoing monitoring for relapse, including random drug testing, consultations with other physician health and rehabilitation committees, work site monitors, and treating health professionals, including mental health professionals; and

(3) other physician and physician assistant health and rehabilitation programs to operate under an agreement with the program, using established guidelines to ensure uniformity and credibility of services throughout this state.

(b) The program must ensure appropriate communications with the board, the physician assistant board, other state licensing boards, and physician health and rehabilitation programs.

(c) The program shall use physicians or other health care professional experts or consultants, as appropriate, when necessary to evaluate, recommend solutions for, or resolve a medical dispute.

Sec. 167.008. REFERRALS TO PROGRAM. (a) The program shall accept a self-referral from a physician or physician assistant and referrals from an individual, a physician health and rehabilitation committee, a physician assistant organization, a state physician health program, a hospital or hospital system licensed in this state, a residency program, the board, or the physician assistant board.

(b) A physician or physician assistant may refer the physician or physician assistant to the program.

(c) The program may not accept a referral, except as provided by board rules, for a violation of the standard of care as a result of drugs or alcohol or boundary violations with a patient or a patient's family.

Sec. 167.009. REFERRAL BY BOARD OR PHYSICIAN ASSISTANT BOARD AS PREREQUISITE FOR ISSUING OR MAINTAINING A LICENSE. (a) The board or the physician assistant board, through an agreed order or after a contested proceeding, may make a referral to the program and require participation in the program by a specified physician or physician assistant as a prerequisite for issuing or maintaining a license under Chapter 155 or 204.

(b) The board or the physician assistant board may discipline a physician or physician assistant required to participate in the program under Subsection (a) who does not participate in the program.

(c) Each program participant is individually responsible for payment of the participant's own medical costs, including any required evaluations, primary treatment, and continuing care.

Sec. 167.010. CONFIDENTIALITY. (a) Each referral, proceeding, report, investigative file, record, or other information received, gathered, created, or maintained by the program or its employees, consultants, work site monitors, or agents relating to a physician or physician assistant is privileged and confidential and is not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other means of legal compulsion for release to any person except as provided by this chapter.

(b) Notwithstanding Subsection (a), the program may report to the board or the physician assistant board, as appropriate, the name and pertinent information relating to impairment of a physician or physician assistant.

(c) Notwithstanding Subsection (a), the program shall make a report to the board or the physician assistant board, as appropriate, regarding a physician or physician assistant if the medical director or the governing board determines that the physician or physician assistant poses a continuing threat to the public welfare. If requested by the board or the physician assistant board, a report under this subsection must include all information in the possession or control of the program.

Sec. 167.011. FUNDING; FEES. (a) The Texas physician health program account is a special account in the general revenue fund. Funds in the account may be appropriated only to the board for administration of the program.

(b) The board by rule shall set and collect reasonable and necessary fees from program participants in amounts sufficient to offset, to the extent reasonably possible, the cost of administering this chapter.

(c) Each program participant shall pay an annual fee to partially offset the cost of participation and monitoring services.

(d) The board shall deposit fees collected under this section to the credit of the account established under Subsection (a).

(e) The board may grant a waiver to the fee imposed under Subsection (c). The board shall adopt rules relating to the issuance of a waiver under this subsection.

(b) Subsection (d), Section 153.051, Occupations Code, is amended to read as follows:

(d) The board may not set, charge, collect, receive, or deposit any of the following fees in excess of:

- (1) \$900 for a license;
- (2) \$400 for a first registration permit;
- (3) \$200 for a temporary license;
- (4) \$400 for renewal of a registration permit;
- (5) \$200 for a physician-in-training permit;
- (6) \$600 for the processing of an application and the issuance of a registration for anesthesia in an outpatient setting;
- (7) \$200 for an endorsement to other state medical boards;
- (8) \$200 for a duplicate license; ~~or~~
- (9) \$700 for a reinstated license after cancellation for cause; or
- (10) \$1,200 for an annual fee under Section 167.011(c) for a program participant in the Texas Physician Health Program.

(c) Effective January 1, 2010, the following laws are repealed:

- (1) Sections 164.202, 164.203, 164.204, and 164.205, Occupations Code; and
- (2) Sections 204.305, 204.306, 204.307, and 204.3075, Occupations Code.

(d) A rehabilitation order under Chapter 167 or 204, Occupations Code, entered into on or before January 1, 2010, is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

Representative S. King moved to postpone consideration of **SB 292** until 2:30 p.m. today.

The motion prevailed.

CSSB 300 (Shelton - House Sponsor), A bill to be entitled An Act relating to eliminating or modifying certain mandates on school districts.

SB 343 (McReynolds - House Sponsor), A bill to be entitled An Act relating to the creation of an advisory committee to study the retail availability of healthy foods in certain underserved areas of this state. (Christian, Flynn, C. Howard, Laubenberg, Legler, Paxton, Sheffield, and Truitt recorded voting no.)

SB 385 (Vaught, Fletcher, Miklos, Christian, Moody, et al. - House Sponsors), A bill to be entitled An Act relating to the interception of wire, oral, or electronic communications.

Amendment No. 1 (Committee Amendment No. 1)

Representative Vaught offered the following committee amendment to **SB 385**:

Amend **SB 385** (Senate engrossment) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 15, Article 18.20, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) The director of the Department of Public Safety shall make the report described by Subsection (c) of this section available on any publicly accessible Internet website maintained by the department. Before posting the report as required by this subsection, the department shall redact from the report any information including personal information, such as telephone numbers, social security numbers, or other personal identification information that could:

- (1) jeopardize an ongoing intercept or investigation; or
- (2) endanger the physical safety of a peace officer who made a request or a prosecutor who filed an application under this article.

SECTION _____. Section 15(d), Article 18.20, Code of Criminal Procedure, as added by this Act, applies only to a report submitted by the director of the Department of Public Safety to the applicable officials under Section 15(c), Article 18.20, Code of Criminal Procedure, on or after the effective date of this Act. A report submitted before the effective date of this Act is governed by the law in effect on the date the report is submitted, and that law is continued in effect for that purpose.

Amendment No. 1 was withdrawn.

Representative Vaught moved to postpone consideration of **SB 385** until the end of today's local, consent, and resolutions calendar.

The motion prevailed.

SB 390 (Harless - House Sponsor), A bill to be entitled An Act relating to confidentiality of certain information under the public information law and in local tax appraisal records regarding federal law enforcement officers.

Amendment No. 1

Representatives Vaught and Corte offered the following amendment to **SB 390**:

Amend **SB 390** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsection (a), Article 2.122, Code of Criminal Procedure, is amended to read as follows:

(a) The following named criminal investigators of the United States shall not be deemed peace officers, but shall have the powers of arrest, search and seizure as to felony offenses only under the laws of the State of Texas:

- (1) Special Agents of the Federal Bureau of Investigation;
- (2) Special Agents of the United States Secret Service;
- (3) Special Agents of the United States Immigration and Customs Enforcement agency [~~Customs Service~~];

(4) Special Agents of the Bureau of Alcohol, Tobacco, ~~and~~ Firearms and Explosives;

(5) Special Agents of the United States ~~Federal~~ Drug Enforcement Administration ~~Agency~~;

(6) Inspectors of the United States Postal Inspection Service;

(7) Special Agents of the Criminal Investigation Division and Inspectors of the Internal Security Division of the Internal Revenue Service;

(8) Civilian Special Agents of the United States Naval Criminal Investigative Service;

(9) Marshals and Deputy Marshals of the United States Marshals Service;

(10) ~~[Special Agents of the United States Immigration and Naturalization Service; and~~

~~[(11)]~~ Special Agents of the United States Department of State, Bureau of Diplomatic Security; and

(11) Special Agents of the Office of Inspector General of the United States Department of Veterans Affairs.

Amendment No. 1 was withdrawn.

SB 397 (Jackson - House Sponsor), A bill to be entitled An Act relating to methods of payment for reimbursement of jury service expenses.

SB 418 (Moody, Riddle, Miklos, Christian, and Pierson - House Sponsors), A bill to be entitled An Act relating to the compilation, maintenance, and release of information in a criminal street gang intelligence database by law enforcement agencies and criminal justice agencies.

SB 420 (Hughes - House Sponsor), A bill to be entitled An Act relating to the performance evaluation criteria for judges employed by a municipality. (Berman recorded voting no.)

SB 448 (Pickett - House Sponsor), A bill to be entitled An Act relating to the authority of the Texas Department of Transportation to mitigate adverse environmental impacts resulting from the construction, improvement, or maintenance of state highways or state highway facilities.

SB 449 (Gallego, Fletcher, Moody, Christian, and Pierson - House Sponsors), A bill to be entitled An Act relating to the penalty group classification of certain controlled substances.

SB 474 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Calendars.

SB 480 (W. Smith - House Sponsor), A bill to be entitled An Act relating to the authority of the Texas Transportation Commission to enter into a covenant for environmental remediation of real property owned by the Texas Department of Transportation.

CSSB 497 (Hartnett - House Sponsor), A bill to be entitled An Act relating to compensation paid to certain judges and justices.

Amendment No. 1

Representative Hartnett offered the following amendment to **CSSB 497**:

Amend **CSSB 497** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.023 to read as follows:

Sec. 24.023. DISTRICT COURT AGREEMENT WITH CERTAIN CONSTITUTIONAL COUNTY COURTS. (a) A district court judge and a county court judge may enter into a written agreement granting the county court authority to hear the following matters, provided that the district court has jurisdiction of the matter:

- (1) guilty pleas in felony cases;
- (2) default judgments;
- (3) uncontested civil cases in which a final judgment will be entered;
- (4) uncontested family law cases in which a final judgment will be entered; and
- (5) civil and family law cases in which an agreed final judgment will be entered.

(b) Subsection (a) applies only to a county:

- (1) that has two or more district courts each of which is composed of more than one county;
- (2) that does not have a county court at law; and
- (3) in which the county court retains original misdemeanor jurisdiction, and the county court judge is granted authority to consider those cases under the constitution or general law.

(c) A county court judge who enters into an agreement under Subsection (a) must be an attorney who is licensed to practice law in this state and who meets the qualifications for holding the office of district court judge.

(d) An agreement between a district court judge and a county court judge under this section may provide that final judgments must be approved by the district court judge.

(e) A county court judge has the same judicial immunity as the district court judge when presiding over cases as authorized by this section.

(f) All pleadings, documents, records, and other papers remain under the control of the district clerk. The district clerk may establish a separate docket for the cases considered by the county court judge.

Amendment No. 1 was adopted.

SB 521 (Keffer - House Sponsor), A bill to be entitled An Act relating to the Texas Department of Transportation's memorial sign program.

SB 531 (Zerwas - House Sponsor), A bill to be entitled An Act relating to the billing coordination system for claims submitted for payment from the Medicaid program. (Shelton recorded voting no.)

Amendment No. 1

Representative Kolkhorst offered the following amendment to **SB 531**:

Amend **SB 531** (House committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0424 to read as follows:

Sec. 32.0424. REQUIREMENTS OF THIRD-PARTY HEALTH INSURERS. (a) A third-party health insurer is required to provide to the department, on the department's request, information in a form prescribed by the department necessary to determine:

(1) the period during which an individual entitled to medical assistance, the individual's spouse, or the individual's dependents may be, or may have been, covered by coverage issued by the health insurer;

(2) the nature of the coverage; and

(3) the name, address, and identifying number of the health plan under which the person may be, or may have been, covered.

(b) A third-party health insurer shall accept the state's right of recovery and the assignment under Section 32.033 to the state of any right of an individual or other entity to payment from the third-party health insurer for an item or service for which payment was made under the medical assistance program.

(c) A third-party health insurer shall respond to any inquiry by the department regarding a claim for payment for any health care item or service reimbursed by the department under the medical assistance program not later than the third anniversary of the date the health care item or service was provided.

(d) A third-party health insurer may not deny a claim submitted by the department or the department's designee for which payment was made under the medical assistance program solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point of service that is the basis of the claim, if:

(1) the claim is submitted by the department or the department's designee not later than the third anniversary of the date the item or service was provided; and

(2) any action by the department or the department's designee to enforce the state's rights with respect to the claim is commenced not later than the sixth anniversary of the date the department or the department's designee submits the claim.

(e) This section does not limit the scope or amount of information required by Section 32.042.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Orr offered the following amendment to **SB 531**:

Amend **SB 531** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 32.024, Human Resources Code, is amended by adding Subsection (ii) to read as follows:

(ii) The department shall provide medical assistance reimbursement to a pharmacist who is licensed to practice pharmacy in this state, is authorized to administer immunizations in accordance with rules adopted by the Texas State Board of Pharmacy, and administers an immunization to a recipient of medical assistance to the same extent the department provides reimbursement to a physician or other health care provider participating in the medical assistance program for the administration of that immunization.

Amendment No. 2 was adopted.

SB 537 (Vaught, Moody, Christian, Kent, Vo, et al. - House Sponsors), A bill to be entitled An Act relating to the emergency installation and use of a device to intercept wire, oral, or electronic communications.

Amendment No. 1 (Committee Amendment No. 1)

Representative Vaught offered the following committee amendment to **SB 537**:

Amend **SB 537** by striking proposed Subsection (b)(3)(A), Section 8A, Article 18.20, Code of Criminal Procedure, on line 23 of page 1, and substituting the following:

(A) a presiding judge of an administrative judicial region appointed pursuant to Section 74.005, Government Code;

Amendment No. 1 was adopted.

Amendment No. 2

Representative Madden offered the following amendment to **SB 537**:

Amend **SB 537** by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES accordingly:

ARTICLE _____. CONTROL OF INTERCEPTING DEVICES

SECTION _____. Section 5, Article 18.20, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) Except as otherwise provided by this section and Section 8A, only the Department of Public Safety is authorized by this article to own, possess, install, operate, or monitor an electronic, mechanical, or other device. The Department of Public Safety may be assisted by an investigative or law enforcement officer or other person in the operation and monitoring of an interception of wire, oral, or electronic communications, provided that the officer or other person:

(1) is designated by the director for that purpose; and

(2) acts in the presence and under the direction of a commissioned officer of the Department of Public Safety.

(c) The Department of Public Safety, upon request by the Texas Department of Criminal Justice, shall authorize the Texas Department of Criminal Justice to own electronic, mechanical, or other devices for a use or purpose authorized by Section 500.008, Government Code, and the inspector general of the Texas Department of Criminal Justice, a commissioned officer of that office, or another person acting in the presence and under the direction of a commissioned officer of that office may possess, install, operate, or monitor those devices as provided by Section 500.008.

(d) The Department of Public Safety, upon request by the Texas Youth Commission, shall authorize the Texas Youth Commission to own electronic, mechanical, or other devices for a use or purpose authorized by Section 61.0455, Human Resources Code, and the inspector general of the Texas Youth Commission, a commissioned officer of that office, or another person acting in the presence and under the direction of a commissioned officer of that office may possess, install, operate, or monitor those devices as provided by Section 61.0455.

SECTION _____. Section 17, Article 18.20, Code of Criminal Procedure, is amended to read as follows:

Sec. 17. NONAPPLICABILITY. This article does not apply to conduct described as an affirmative defense under Section 16.02(c), Penal Code, except as otherwise specifically provided by that section.

SECTION _____. Chapter 500, Government Code, is amended by adding Section 500.008 to read as follows:

Sec. 500.008. DETECTION AND MONITORING OF CELLULAR TELEPHONES. (a) As provided by Article 18.20, Code of Criminal Procedure, the department may own and the office of inspector general may possess, install, operate, or monitor an electronic, mechanical, or other device, as defined by Article 18.20, Code of Criminal Procedure.

(b) The inspector general shall designate in writing the commissioned officers of the office of inspector general who are authorized to possess, install, operate, and monitor electronic, mechanical, or other devices for the department.

(c) An investigative or law enforcement officer or other person, on request of the office of inspector general, may assist the office in the operation and monitoring of an interception of wire, oral, or electronic communications if the investigative or law enforcement officer or other person:

(1) is designated by the executive director for that purpose; and

(2) acts in the presence and under the direction of a commissioned officer of the inspector general.

SECTION _____. Subchapter C, Chapter 61, Human Resources Code, is amended by adding Section 61.0455 to read as follows:

Sec. 61.0455. DETECTION AND MONITORING OF CELLULAR TELEPHONES. (a) As provided by Article 18.20, Code of Criminal Procedure, the commission may own and the office of the inspector general may possess, install, operate, or monitor an electronic, mechanical, or other device, as defined by Article 18.20, Code of Criminal Procedure.

(b) The inspector general shall designate in writing the commissioned officers of the office of inspector general who are authorized to possess, install, operate, or monitor an electronic, mechanical, or other devices for the commission.

(c) An investigative or law enforcement officer or other person, on request of the office of inspector general, may assist the office in the operation and monitoring of an interception of wire, oral, or electronic communications if the investigative or law enforcement officer or other person:

(1) is designated by the executive commissioner for that purpose; and

(2) acts in the presence and under the direction of a commissioned officer of the inspector general.

SECTION _____. Section 16.02, Penal Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) It is a defense to prosecution under Subsection (d)(1) that the electronic, mechanical, or other device is possessed by a person authorized to possess the device under Section 500.008, Government Code, or Section 61.0455, Human Resources Code.

SECTION _____. The changes in law made by this article with respect to Sections 16.02 and 38.11, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 2 was withdrawn.

SB 571 (Gonzales - House Sponsor), A bill to be entitled An Act relating to a crematory establishment's authority to accept for cremation unidentified human remains.

SB 581 (Rose - House Sponsor), A bill to be entitled An Act relating to intermunicipal commuter rail districts.

CSSB 589 (Phillips - House Sponsor), A bill to be entitled An Act relating to certain requirements for suncreening devices that are placed on or attached to a motor vehicle; providing a penalty.

SB 646 (Kolkhorst - House Sponsor), A bill to be entitled An Act relating to a study regarding the confidentiality of prescription information; providing a civil penalty.

SB 652 (Frost - House Sponsor), A bill to be entitled An Act relating to the maintenance of emergency contact and medical information databases by the Department of Public Safety of the State of Texas.

CSSB 666 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the administration of charitable trusts. (Flynn, Kleinschmidt, Laubenberg, Paxton, and Truitt recorded voting no.)

SB 671 (Gallego and Oliveira - House Sponsors), A bill to be entitled An Act relating to information requested by a member, committee, or agency of the legislature under the public information law.

CSSB 683 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the recusal or disqualification of a statutory probate court judge and subsequent assignment of another judge.

Amendment No. 1

Representative Hartnett offered the following amendment to **CSSB 683**:

Amend **CSSB 683** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 54.604, Government Code, is amended by amending Subsection (d) and adding Subsections (e), (f), (g), and (h) to read as follows:

(d) The appointment of the associate judge terminates if:
(1) ~~the appointing judge vacates the judge's office;~~
~~(2)~~ the associate judge becomes a candidate for election to public office; or

(2) ~~(1)~~ the commissioners court does not appropriate funds in the county's budget to pay the salary of the associate judge.

(e) If an associate judge serves a single court and the appointing judge vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless the successor appointed or elected judge terminates that employment.

(f) If an associate judge serves two courts and one of the appointing judges vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless the successor appointed or elected judge terminates that employment or the judge of the other court served by the associate judge terminates that employment as provided by Subsection (c).

(g) If an associate judge serves more than two courts and an appointing judge vacates the judge's office, the associate judge's employment continues, subject to Subsections (d) and (h), unless:

(1) if no successor judge has been elected or appointed, the majority of the judges of the other courts the associate judge serves vote to terminate that employment; or

(2) if a successor judge has been elected or appointed, the majority of the judges of the courts the associate judge serves, including the successor judge, vote to terminate that employment as provided by Subsection (b).

(h) Notwithstanding the powers of an associate judge provided by Section 54.610, an associate judge whose employment continues as provided by Subsection (e), (f), or (g) after the judge of a court served by the associate judge vacates the judge's office may perform administrative functions with respect to that court, but may not perform any judicial function, including any power prescribed by Section 54.610, with respect to that court until a successor judge is appointed or elected.

SECTION _____. Section 54.610, Government Code, is amended to read as follows:

Sec. 54.610. POWERS OF ASSOCIATE JUDGE. (a) Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the associate judge;

[and]

(12) take action as necessary and proper for the efficient performance of the associate judge's duties;

(13) order the attachment of a witness or party who fails to obey a subpoena;

(14) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 54.616;

(15) without prejudice to the right to a de novo hearing under Section 54.618, render and sign:

(A) a final order agreed to in writing as to both form and substance by all parties;

(B) a final default order;

(C) a temporary order;

(D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

(E) an order specifying that the court clerk shall issue:

(i) letters testamentary or of administration; or

(ii) letters of guardianship; or

(F) an order for inpatient or outpatient mental health, mental retardation, or chemical dependency services; and

(16) sign a final order that includes a waiver of the right to a de novo hearing in accordance with Section 54.618.

(b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

(c) An order described by Subsection (a)(15) that is rendered and signed by an associate judge constitutes an order of the referring court. The judge of the referring court shall sign the order not later than the 30th day after the date the associate judge signs the order.

(d) An answer filed by or on behalf of a party who previously filed a waiver described in Subsection (a)(15)(D) revokes that waiver.

SECTION _____. Section 54.612, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) A court reporter may be provided [is not required] during a hearing held by an associate judge appointed under this subchapter unless required by other law. A court reporter is required to be provided when the associate judge presides over a jury trial.

(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing, if one is not otherwise provided.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the [The] record [of a hearing before an associate judge] may be preserved by any means approved by the referring court.

(e) On a request for a de novo hearing, the referring court may consider testimony or other evidence in the record, if the record is taken by a court reporter, in addition to witnesses or other matters presented under Section 54.618.

SECTION _____. Section 54.614, Government Code, is amended to read as follows:

Sec. 54.614. REPORT. (a) The associate judge's report may contain the associate judge's findings, conclusions, or recommendations. The associate judge shall prepare a written report in the form directed by the referring court, including in the form of:

(1) [~~The form may be~~] a notation on the referring court's docket sheet; or

(2) a proposed order.

(b) After a hearing, the associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

(c) Notice may be given to the parties:

(1) in open court, by an oral statement or a copy of the associate judge's written report; [~~or~~]

(2) by certified mail, return receipt requested; or

(3) by facsimile transmission.

(d) There is a rebuttable presumption that notice is received [The associate judge shall certify the date of mailing of notice by certified mail. Notice is considered given] on the [third day after the] date stated on:

(1) the signed return receipt, if notice was provided by certified mail; or

(2) the confirmation page produced by the facsimile machine, if notice was provided by facsimile transmission [~~of mailing~~].

(e) After a hearing conducted by an associate judge, the associate judge shall send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

SECTION _____. The heading to Section 54.615, Government Code, is amended to read as follows:

Sec. 54.615. NOTICE OF RIGHT TO DE NOVO HEARING BEFORE REFERRING COURT [~~APPEAL~~].

SECTION _____. Section 54.615(a), Government Code, is amended to read as follows:

(a) An associate judge shall give all parties notice of the right to a de novo hearing before [~~of appeal to the judge of~~] the referring court.

SECTION _____. Section 54.616, Government Code, is amended to read as follows:

Sec. 54.616. ORDER OF COURT. (a) Pending a de novo hearing before [~~appeal of the associate judge's report to~~] the referring court, a proposed order or judgment [~~the decisions and recommendations~~] of the associate judge has [~~judge's report have~~] the force and effect, and is [~~are~~] enforceable as, an order or judgment of the referring court, except for an order [~~orders~~] providing for [~~incarceration or for~~] the appointment of a receiver.

(b) Except as provided by Section 54.610(c), if a request for a de novo hearing before [~~If an appeal to~~] the referring court is not timely filed or the right to a de novo hearing before [~~an appeal to~~] the referring court is waived, the proposed order or judgment [~~findings and recommendations~~] of the associate judge becomes [~~become~~] the order or judgment of the referring court at the time the judge of the referring court signs the proposed [~~an~~] order or judgment [~~conforming to the associate judge's report~~].

SECTION _____. Section 54.617, Government Code, is amended to read as follows:

Sec. 54.617. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT [~~REPORT~~]. (a) Unless a party files a written request for a de novo hearing before the referring court [~~notice of appeal~~], the referring court may:

(1) adopt, modify, or reject the associate judge's proposed order or judgment [~~report~~];

(2) hear further evidence; or

(3) recommit the matter to the associate judge for further proceedings.

(b) The judge of the referring court shall sign a proposed order or judgment the court adopts as provided by Subsection (a)(1) not later than the 30th day after the date the associate judge signed the order or judgment.

SECTION _____. Section 54.618, Government Code, is amended to read as follows:

Sec. 54.618. DE NOVO HEARING BEFORE [~~APPEAL TO~~] REFERRING COURT. (a) A party may request a de novo hearing before the referring court [~~appeal an associate judge's report~~] by filing with the clerk of the

referring court a written request ~~[notice of appeal]~~ not later than the seventh working ~~[third]~~ day after the date the party receives notice of the substance of the associate judge's report as provided by Section 54.614.

(b) A request for a de novo hearing under this section must specify the issues that will be presented ~~[An appeal]~~ to the referring court ~~[must be made in writing and specify the findings and conclusions of the associate judge to which the party objects. The appeal is limited to the findings and conclusions specified in the written appeal].~~

(c) In the de novo hearing before the referring court, the ~~[The]~~ parties may present witnesses ~~[on appeal to the referring court as in a hearing de novo]~~ on the issues specified ~~[raised]~~ in the request for hearing ~~[appeal]~~. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.

(d) Notice of a request for a de novo hearing before ~~[an appeal to]~~ the referring court must be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(e) If a request for a de novo hearing before ~~[an appeal to]~~ the referring court is filed by a party, any other party may file a request for a de novo hearing before ~~[an appeal to]~~ the referring court not later than the seventh day after the date of filing of the initial ~~request [appeal]~~.

(f) The referring court, after notice to the parties, shall hold a de novo hearing ~~[on all appeals]~~ not later than the 30th day after the date on which the initial ~~request for a de novo hearing [appeal]~~ was filed with the clerk of the referring court, unless all of the parties agree to a later date.

(g) Before the start of a hearing conducted by an associate judge, the parties may waive the right of a de novo hearing before ~~[appeal to]~~ the referring court. The waiver may be in writing or on the record.

(h) The denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, motion for judgment notwithstanding the verdict, or other post-trial motion.

(i) A party may not demand a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial.

SECTION _____. Section 54.619, Government Code, is amended to read as follows:

Sec. 54.619. APPELLATE REVIEW. (a) A party's failure to request a de novo hearing before ~~[Failure to appeal to]~~ the referring court or a party's waiver of the right to request a de novo hearing before ~~[by waiver or otherwise, the approval by]~~ the referring court ~~[of an associate judge's report]~~ does not deprive the ~~[a]~~ party of the right to appeal to or request other relief from a court of appeals or the supreme court.

(b) Except as provided by Subsection (c), the [The] date the judge of a referring court signs an order or judgment is the controlling date for the purposes of appeal to or request for other relief from a court of appeals or the supreme court.

(c) The date an order described by Section 54.610(a)(15) is signed by an associate judge is the controlling date for the purpose of an appeal to or a request for other relief relating to the order from a court of appeals or the supreme court.

SECTION _____. The changes in law made by this Act to Chapter 54, Government Code, apply to a matter referred to a statutory probate court associate judge on or after the effective date of this Act. A matter referred to a statutory probate court associate judge before the effective date of this Act is governed by the law in effect on the date the matter was referred to the associate judge, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

SB 689 (Peña, Miklos, Christian, Riddle, Moody, et al. - House Sponsors), A bill to be entitled An Act relating to restrictions on the use of the Internet by sex offenders and to the reporting, collection, and exchange of information regarding those offenders; providing a civil penalty.

CSSB 705 (Naishtat - House Sponsor), A bill to be entitled An Act relating to long-term care consumer information and Medicaid waiver programs.

SB 726 (Hughes - House Sponsor), A bill to be entitled An Act relating to the creation of the Harrison County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

Representative Hughes moved to postpone consideration of **SB 726** until 3:30 p.m. today.

The motion prevailed.

SB 742 (Hughes - House Sponsor), A bill to be entitled An Act relating to the qualifications to serve as an associate judge or visiting associate judge in certain family law proceedings.

POSTPONED BUSINESS

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

SB 292 (S. King - House Sponsor), A bill to be entitled An Act relating to the requirement that licensed physicians provide emergency contact information to the Texas Medical Board.

SB 292 was read second time earlier today, an amendment was offered, and **SB 292** was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Representative S. King moved to postpone consideration of **SB 292** until 4 p.m. today.

The motion prevailed.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

CSSB 771 (Otto - House Sponsor), A bill to be entitled An Act relating to the determination of the value of property for ad valorem tax purposes, including appeals through binding arbitration of appraisal review board orders determining protests of property value determinations.

Amendment No. 1

Representative Otto offered the following amendment to **CSSB 771**:

Amend **CSSB 771** on page 9 after line 8 by adding a new SECTION 12 to read as follows:

SECTION 12. Section 6.411(c) and (d), Tax Code, are amended to read as follows:

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

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

(Farabee in the chair)

Amendment No. 1 was adopted.

SB 806 (Rose and Naishtat - House Sponsors), A bill to be entitled An Act relating to the imposition of a disciplinary action on a licensed nursing facility administrator; providing a penalty.

Amendment No. 1

Representative Rose offered the following amendment to **SB 806**:

Amend **SB 806** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 250.003, Health and Safety Code, is amended to read as follows:

Sec. 250.003. VERIFICATION OF EMPLOYABILITY; ANNUAL SEARCH; DISCHARGE.

SECTION _____. Section 250.003, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (d) to read as follows:

(a) A facility may not employ an applicant:

(1) ~~[a person]~~ if the facility determines, as a result of a criminal history check, that the applicant ~~[a person]~~ has been convicted of an offense listed in this chapter that bars employment or that a conviction is a contraindication to employment with the consumers the facility serves;

(2) ~~[, and]~~ if the applicant is a nurse aide, until the facility further verifies that the applicant is listed in the nurse aide registry; and

(3) until the facility verifies that the applicant is not designated in the registry maintained under this chapter or in the employee misconduct registry maintained under Section 253.007 as having a finding entered into the registry concerning abuse, neglect, or mistreatment of a consumer of a facility, or misappropriation of a consumer's property.

(a-1) Except for an applicant for employment at or an employee of a facility licensed under Chapter 242 or 247, a person licensed under another law of this state is exempt from the requirements of this chapter.

(d) In addition to the initial verification of employability, a facility shall:

(1) annually search the nurse aide registry maintained under this chapter and the employee misconduct registry maintained under Section 253.007 to determine whether any employee of the facility is designated in either registry as having abused, neglected, or exploited a resident or consumer of a facility or an individual receiving services from a facility; and

(2) maintain in each employee's personnel file a copy of the results of the search conducted under Subdivision (1).

SECTION _____. Section 253.001, Health and Safety Code, is amended by amending Subdivisions (1), (2), and (3) and adding Subdivision (3-a) to read as follows:

(1) "Commissioner" means the commissioner of aging and disability ~~human~~ services.

(2) "Department" means the ~~Texas~~ Department of Aging and Disability ~~Human~~ Services.

(3) "Employee" means a person who:

(A) works at a facility;

(B) is an individual who provides personal care services, active treatment, or any other personal services to a resident or consumer of the facility; and

(C) is not licensed by an agency of the state to perform the services the employee performs at the facility or is; ~~and~~

~~(D) is not~~ a nurse aide employed by a ~~nursing~~ facility.

(3-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

SECTION _____. Chapter 253, Health and Safety Code, is amended by adding Section 253.0055 to read as follows:

Sec. 253.0055. REMOVAL OF NURSE AIDE FINDING. If a finding of reportable conduct is the basis for an entry in the nurse aide registry maintained under Chapter 250, and the entry is subsequently removed from the nurse aide registry, the commissioner or the commissioner's designee shall immediately remove the record of reportable conduct from the employee misconduct registry maintained under Section 253.007.

SECTION _____. Section 253.006, Health and Safety Code, is amended to read as follows:

Sec. 253.006. INFORMAL PROCEEDINGS. The executive commissioner ~~department~~ by rule shall adopt procedures governing informal proceedings held in compliance with Section 2001.056, Government Code.

SECTION _____. Subsection (a), Section 253.007, Health and Safety Code, is amended to read as follows:

(a) The department shall establish an employee misconduct registry. If the department in accordance with this chapter finds that an employee of a facility has committed ~~[commits]~~ reportable conduct, the department shall make a record of the employee's name, the employee's address, the employee's social security number, the name of the facility, the address of the facility, the date the reportable conduct occurred, and a description of the reportable conduct.

SECTION _____. Section 253.0075, Health and Safety Code, is amended to read as follows:

Sec. 253.0075. RECORDING REPORTABLE CONDUCT REPORTED BY DEPARTMENT OF FAMILY AND PROTECTIVE ~~[AND REGULATORY]~~ SERVICES. On receipt of a finding of an employee's reportable conduct by the Department of Family and Protective ~~[and Regulatory]~~ Services under Subchapter I, Chapter 48, Human Resources Code, the department shall record the information in the employee misconduct registry in accordance with Section 253.007.

SECTION _____. Section 253.008, Health and Safety Code, is amended to read as follows:

Sec. 253.008. VERIFICATION OF EMPLOYABILITY; ANNUAL SEARCH. (a) Before a facility as defined in this chapter or an agency as defined in Section 48.401, Human Resources Code, ~~[or a person exempt from licensing under Section 142.003(a)(19)]~~ may hire an employee, the facility or agency ~~[person]~~ shall search the employee misconduct registry under this chapter and the nurse aide registry maintained under Chapter 250 as required by the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) to determine whether the applicant for employment is designated in either registry as having abused, neglected, or exploited a resident or consumer of a facility or agency or an individual receiving services from a facility or agency ~~[from a person exempt from licensing under Section 142.003(a)(19)].~~

(b) A facility or agency ~~[a person exempt from licensing under Section 142.003(a)(19)]~~ may not employ a person who is listed in either registry as having abused, neglected, or exploited a resident or consumer of a facility or agency or an individual receiving services from a facility or agency ~~[from a person exempt from licensing under Section 142.003(a)(19)].~~

(c) In addition to the initial verification of employability, a facility or agency shall:

(1) annually search the employee misconduct registry and the nurse aide registry maintained under Chapter 250 to determine whether any employee of the facility or agency is designated in either registry as having abused, neglected, or exploited a resident or consumer of a facility or agency or an individual receiving services from a facility or agency; and

(2) maintain in each employee's personnel file a copy of the results of the search conducted under Subdivision (1).

SECTION _____. Section 253.009, Health and Safety Code, is amended to read as follows:

Sec. 253.009. NOTIFICATION. (a) Each facility as defined in this chapter and each agency as defined in Section 48.401, Human Resources Code, ~~and each person exempt from licensing under Section 142.003(a)(19)~~ shall notify its employees in a manner prescribed by the Department of Aging and Disability Services ~~[department]~~:

(1) about the employee misconduct registry; and
 (2) that an employee may not be employed if the employee is listed in the registry.

(b) The executive commissioner ~~[department]~~ shall adopt rules to implement this section.

SECTION _____. Section 48.401, Human Resources Code, is amended to read as follows:

Sec. 48.401. DEFINITIONS. In this subchapter:

(1) "Agency" means:

(A) an entity licensed under Chapter 142, Health and Safety Code;
 [or]
 (B) a person exempt from licensing under Section 142.003(a)(19), Health and Safety Code; or
 (C) an entity investigated by the department under Subchapter F or under Section 261.404, Family Code.

(2) "Commissioner" means the commissioner of the Department of Family and Protective Services.

(3) "Employee" means a person who:

(A) works for an agency;
 (B) provides personal care services, active treatment, or any other personal services to an individual receiving agency services or to an individual who is a child for whom an investigation is authorized under Section 261.404, Family Code; and
 (C) is not licensed by the state to perform the services the person performs for the agency.

(4) ~~(3)~~ "Employee misconduct registry" means the employee misconduct registry established under Chapter 253, Health and Safety Code.

~~(4) "Executive director" means the executive director of the Department of Protective and Regulatory Services.]~~

(5) "Reportable conduct" includes:

(A) abuse or neglect that causes or may cause death or harm to an individual receiving agency services;
 (B) sexual abuse of an individual receiving agency services;
 (C) financial exploitation of an individual receiving agency services in an amount of \$25 or more; and
 (D) emotional, verbal, or psychological abuse that causes harm to an individual receiving agency services.

SECTION _____. Section 48.403, Human Resources Code, is amended to read as follows:

Sec. 48.403. FINDING. After an investigation and following the procedures of this subchapter, if the department confirms or validates the occurrence of reportable conduct by an employee, the department shall immediately forward the finding to the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services to record the reportable conduct in the employee misconduct registry under Section 253.007, Health and Safety Code.

SECTION _____. Subsection (c), Section 48.404, Human Resources Code, is amended to read as follows:

(c) If the employee notified of the violation accepts the finding of the department or fails to timely respond to the notice, the commissioner ~~[executive director]~~ or the commissioner's ~~[executive director's]~~ designee shall issue an order approving the finding and ordering that the department's findings be forwarded to the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services to be recorded in the employee misconduct registry under Section 253.007, Health and Safety Code.

SECTION _____. Section 48.405, Human Resources Code, is amended to read as follows:

Sec. 48.405. HEARING; ORDER. (a) If the employee requests a hearing, the department or its designee shall:

- (1) set a hearing;
- (2) give written notice of the hearing to the employee; and
- (3) designate a hearings examiner to conduct the hearing.

(b) The hearings examiner shall make findings of fact and conclusions of law and shall promptly issue to the commissioner ~~[executive director]~~ or the commissioner's ~~[executive director's]~~ designee a proposal for decision as to the occurrence of the reportable conduct.

(c) Based on the findings of fact and conclusions of law and the recommendations of the hearings examiner, the commissioner ~~[executive director]~~ or the commissioner's ~~[executive director's]~~ designee by order may find that the reportable conduct has occurred. If the commissioner ~~[executive director]~~ or the commissioner's ~~[executive director's]~~ designee finds that reportable conduct has occurred, the commissioner ~~[executive director]~~ or the commissioner's ~~[executive director's]~~ designee shall issue an order approving the finding.

SECTION _____. Subsections (b) and (d), Section 48.406, Human Resources Code, are amended to read as follows:

(b) Not later than the 30th day after the date the decision becomes final as provided by Chapter 2001, Government Code, the employee may file a petition for judicial review contesting the finding of the reportable conduct. If the employee does not request judicial review of the finding, the department shall send a record of the department's findings to the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services to record in the employee misconduct registry under Section 253.007, Health and Safety Code.

(d) If the court sustains the finding of the occurrence of the reportable conduct, the department shall forward the finding of reportable conduct to the [~~Texas~~] Department of Aging and Disability [~~Human~~] Services to record the reportable conduct in the employee misconduct registry under Section 253.007, Health and Safety Code.

SECTION _____. Section 48.407, Human Resources Code, is amended to read as follows:

Sec. 48.407. INFORMAL PROCEEDINGS. The executive commissioner [~~department~~] by rule shall adopt procedures governing informal proceedings held in compliance with Section 2001.056, Government Code.

SECTION _____. Section 48.408, Human Resources Code, is amended to read as follows:

Sec. 48.408. INFORMATION FOR THE EMPLOYEE MISCONDUCT REGISTRY. (a) When the department forwards a finding of reportable conduct to the [~~Texas~~] Department of Aging and Disability [~~Human~~] Services for recording in the employee misconduct registry, the department shall provide the employee's name, the employee's address, the employee's social security number, if available, the name of the agency, the address of the agency, the date the reportable conduct occurred, and a description of the reportable conduct.

(b) If a governmental agency of another state or the federal government finds that an employee has committed an act that constitutes reportable conduct, the department may send to the [~~Texas~~] Department of Aging and Disability [~~Human~~] Services, for recording in the employee misconduct registry, the employee's name, the employee's address, the employee's social security number, if available, the name of the agency, the address of the agency, the date of the act, and a description of the act.

SECTION _____. Not later than September 1, 2010, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement the changes in law made by this Act related to the employee misconduct registry, the nurse aide registry, and records contained in those registries. The changes in law made by this Act apply only to reportable conduct that occurs on or after September 1, 2010. Reportable conduct that occurs before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

CSSB 861 (Dutton - House Sponsor), A bill to be entitled An Act relating to the exchange of information among certain governmental entities concerning at-risk youth.

Representative S. Turner moved to postpone consideration of **CSSB 861** until 6:30 p.m. today.

The motion prevailed.

SB 870 (Castro and Lucio - House Sponsors), A bill to be entitled An Act relating to the duties of the interagency obesity council and the Department of Agriculture relating to health, wellness, and prevention of obesity. (Anderson,

Aycock, Berman, B. Brown, Button, Cook, Darby, Fletcher, Flynn, Harless, Jones, Kleinschmidt, Laubenberg, D. Miller, Paxton, Riddle, Shelton, Truitt, and Woolley recorded voting no.)

Amendment No. 1

Representative Kolkhorst offered the following amendment to **SB 870**:

Amend **SB 870** (House committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0993 to read as follows:

Sec. 531.0993. OBESITY PREVENTION PILOT PROGRAM. (a) The commission and the Department of State Health Services shall coordinate to establish a pilot program designed to:

(1) decrease the rate of obesity in child health plan program enrollees and Medicaid recipients;

(2) improve the nutritional choices and increase physical activity levels of child health plan program enrollees and Medicaid recipients; and

(3) achieve long-term reductions in child health plan and Medicaid program costs incurred by the state as a result of obesity.

(b) The commission and the Department of State Health Services shall implement the pilot program for a period of at least 24 months in one or more health care service regions in this state, as selected by the commission. In selecting the regions for participation, the commission shall consider the degree to which child health plan program enrollees and Medicaid recipients in the region are at higher than average risk of obesity.

(c) In developing the pilot program, the commission and the Department of State Health Services shall identify measurable goals and specific strategies for achieving those goals. The specific strategies may be evidence-based to the extent evidence-based strategies are available for the purposes of the program.

(d) The commission shall submit a report on or before each November 1 that occurs during the period the pilot program is operated to the standing committees of the senate and house of representatives having primary jurisdiction over the child health plan and Medicaid programs regarding the results of the program. In addition, the commission shall submit a final report to the committees regarding those results not later than three months after the conclusion of the program. Each report must include:

(1) a summary of the identified goals for the program and the strategies used to achieve those goals;

(2) an analysis of all data collected in the program as of the end of the period covered by the report and the capability of the data to measure achievement of the identified goals;

(3) a recommendation regarding the continued operation of the program; and

(4) a recommendation regarding whether the program should be implemented statewide.

(e) The executive commissioner may adopt rules to implement this section.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Castro offered the following amendment to **SB 870**:

Amend **SB 870** (House Committee Report) in SECTION 1 of the bill, by striking added Section 114.007, Health and Safety Code (page 2, line 26 through page 3, line 23), and renumbering subsequent sections of amended Chapter 114, Health and Safety Code, appropriately.

Amendment No. 2 was adopted.

SB 883 (Pickett - House Sponsor), A bill to be entitled An Act relating to the use of the state highway fund to participate in the costs associated with a toll facility of a public or private entity.

SB 887 (Zerwas - House Sponsor), A bill to be entitled An Act relating to the licensing and regulation of dentists, dental hygienists, dental assistants, and dental laboratories; providing penalties.

SB 939 (Hughes - House Sponsor), A bill to be entitled An Act relating to a memorandum of understanding between the Texas Education Agency and the Department of Family and Protective Services addressing exchange of information regarding students in foster care.

Amendment No. 1

Representative Rose offered the following amendment to **SB 939**:

Amend **SB 939** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 54.211, Education Code, is amended to read as follows:

Sec. 54.211. EXEMPTIONS FOR STUDENTS IN FOSTER OR OTHER RESIDENTIAL CARE. (a) A student is exempt from the payment of tuition and fees authorized in this chapter if the student:

(1) was in [~~foster care or other residential care under~~] the conservatorship of the Department of Family and Protective Services [~~on or after~~]:

(A) on the day preceding the student's 18th birthday;

(B) on or after the day of the student's 14th birthday, if the student was also eligible for adoption on or after that day; [~~or~~]

(C) on the day the student graduated from high school or received the equivalent of a high school diploma; or

(D) on the day preceding:

(i) the date the student is adopted, if that date is on or after September 1, 2009; or

(ii) the date permanent managing conservatorship of the student is awarded to a person other than the student's parent, if that date is on or after September 1, 2009; and

(2) enrolls in an institution of higher education as an undergraduate student not later than [↗

~~[(A) the third anniversary of the date the student was discharged from the foster or other residential care, the date the student graduated from high school, or the date the student received the equivalent of a high school diploma, whichever date is earliest; or~~

~~[(B) the student's 25th [21st] birthday.~~

(b) The Texas Education Agency and the Texas Higher Education Coordinating Board shall develop outreach programs to ensure that students in the conservatorship of the Department of Family and Protective Services and ~~[foster or other residential care]~~ in grades 9-12 are aware of the availability of the exemption from the payment of tuition and fees provided by this section.

SECTION _____. Subsection (b), Section 261.312, Family Code, is amended to read as follows:

(b) A review team consists of at least five members who serve staggered two-year terms. Review team members are appointed by the director of the department and consist of volunteers who live in and are broadly representative of the region in which the review team is established and have expertise in the prevention and treatment of child abuse and neglect. At least two members of a review team [community representatives and private citizens who live in the region for which the team is established. Each member] must be parents [a parent] who have [has] not been convicted of or indicted for an offense involving child abuse or neglect, have [has] not been determined by the department to have engaged in child abuse or neglect, and are [or is] not under investigation by the department for child abuse or neglect. A member of a review team is a department volunteer for the purposes of Section 411.114, Government Code.

SECTION _____. Section 263.3025, Family Code, is amended by adding Subsection (d) to read as follows:

(d) In accordance with department rules, a child's permanency plan must include concurrent permanency goals consisting of a primary permanency goal and at least one alternate permanency goal.

SECTION _____. Subchapter D, Chapter 263, Family Code, is amended by adding Section 263.3026 to read as follows:

Sec. 263.3026. PERMANENCY GOALS; LIMITATION. (a) The department's permanency plan for a child may include as a goal:

(1) the reunification of the child with a parent or other individual from whom the child was removed;

(2) the termination of parental rights and adoption of the child by a relative or other suitable individual;

(3) the award of permanent managing conservatorship of the child to a relative or other suitable individual; or

(4) another planned, permanent living arrangement for the child.

(b) If the goal of the department's permanency plan for a child is to find another planned, permanent living arrangement for the child, the department shall document that there is a compelling reason why the other permanency goals identified in Subsection (a) are not in the child's best interest.

SECTION _____. Subsection (b), Section 263.303, Family Code, is amended to read as follows:

(b) The permanency progress report must:

(1) recommend that the suit be dismissed; or

(2) recommend that the suit continue, and:

(A) identify the date for dismissal of the suit under this chapter;

(B) provide:

(i) the name of any person entitled to notice under Chapter 102 who has not been served;

(ii) a description of the efforts by the department or another agency to locate and request service of citation; and

(iii) a description of each parent's assistance in providing information necessary to locate an unserved party;

(C) evaluate the parties' compliance with temporary orders and with the service plan;

(D) evaluate whether the child's placement in substitute care meets the child's needs and recommend other plans or services to meet the child's special needs or circumstances;

(E) describe the permanency plan for the child and recommend actions necessary to ensure that a final order consistent with that permanency plan, including the concurrent permanency goals contained in that plan, is rendered before the date for dismissal of the suit under this chapter; and

(F) with respect to a child 16 years of age or older, identify the services needed to assist the child in the transition to adult life.

SECTION _____. Subsection (b), Section 263.306, Family Code, is amended to read as follows:

(b) The court shall also review the service plan, permanency report, and other information submitted at the hearing to:

(1) determine:

(A) the safety of the child;

(B) the continuing necessity and appropriateness of the placement;

(C) the extent of compliance with the case plan; ~~and~~

(D) the extent of progress that has been made toward alleviating or mitigating the causes necessitating the placement of the child in foster care; and

(E) whether the department has made reasonable efforts to finalize the permanency plan that is in effect for the child, including the concurrent permanency goals for the child; and

(2) project a likely date by which the child may be returned to and safely maintained in the child's home, placed for adoption, or placed in permanent managing conservatorship.

SECTION _____. Subsection (b), Section 263.501, Family Code, is amended to read as follows:

(b) If the department has been named as a child's managing conservator in a final order that terminates a parent's parental rights, the court shall conduct a placement review hearing not later than the 90th day after the date the court renders the final order. The court shall conduct additional [a] placement review hearings [hearing] at least once every six months until the date the child is adopted or the child becomes an adult.

SECTION _____. Section 263.502, Family Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The placement review report must identify the department's permanency goal for the child and must:

(1) evaluate whether the child's current placement is appropriate for meeting the child's needs;

(2) evaluate whether efforts have been made to ensure placement of the child in the least restrictive environment consistent with the best interest and special needs of the child if the child is placed in institutional care;

(3) contain a transition [discharge] plan for a child who is at least 16 years of age that identifies the services and specific tasks that are needed to assist the child in making the transition from substitute care to adult living and describes the services that are being provided [available] through the Transitional Living Services [Preparation for Adult Living] Program operated by the department;

(4) evaluate whether the child's current educational placement is appropriate for meeting the child's academic needs;

(5) identify other plans or services that are needed to meet the child's special needs or circumstances; ~~and~~

(6) describe the efforts of the department or authorized agency to place the child for adoption if parental rights to the child have been terminated and the child is eligible for adoption, including efforts to provide adoption promotion and support services as defined by 42 U.S.C. Section 629a and other efforts consistent with the federal Adoption and Safe Families Act of 1997 (Pub. L. No. 105-89); and

(7) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, describe the efforts of the department to find a permanent placement for the child, including efforts to:

(A) work with the caregiver with whom the child is placed to determine whether that caregiver is willing to become a permanent placement for the child;

(B) locate a relative or other suitable individual to serve as permanent managing conservator of the child; and

(C) evaluate any change in a parent's circumstances to determine whether:

(i) the child can be returned to the parent; or

(ii) parental rights should be terminated.

(d) If the goal of the department's permanency plan for a child is to find another planned, permanent living arrangement, the placement review report must document a compelling reason why adoption, permanent managing conservatorship with a relative or other suitable individual, or returning the child to a parent are not in the child's best interest.

SECTION _____. Section 263.503, Family Code, is amended to read as follows:

Sec. 263.503. PLACEMENT REVIEW HEARINGS; PROCEDURE. (a) At each placement review hearing, the court shall determine whether:

(1) the child's current placement is necessary, safe, and appropriate for meeting the child's needs, including with respect to a child placed outside of the state, whether the placement continues to be appropriate and in the best interest of the child;

(2) efforts have been made to ensure placement of the child in the least restrictive environment consistent with the best interest and special needs of the child if the child is placed in institutional care;

(3) the services that are needed to assist a child who is at least 16 years of age in making the transition from substitute care to independent living are available in the community;

(4) other plans or services are needed to meet the child's special needs or circumstances;

(5) the department or authorized agency has exercised due diligence in attempting to place the child for adoption if parental rights to the child have been terminated and the child is eligible for adoption; ~~and~~

(6) for a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, a permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child;

(7) for a child whose permanency goal is another planned, permanent living arrangement, the department has:

(A) documented a compelling reason why adoption, permanent managing conservatorship with a relative or other suitable individual, or returning the child to a parent is not in the child's best interest; and

(B) identified a family or other caring adult who has made a permanent commitment to the child; and

(8) the department or authorized agency has made reasonable efforts to finalize the permanency plan that is in effect for the child.

(b) For a child for whom the department has been named managing conservator in a final order that does not include termination of parental rights, the court may order the department to provide services to a parent for not more than six months after the date of the placement review hearing if:

(1) the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and

(2) the court determines that further efforts at reunification with a parent are:

(A) in the best interest of the child; and

(B) likely to result in the child's safe return to the child's parent.

SECTION _____. (a) The changes in law made by this Act to Section 54.211, Education Code, apply beginning with tuition and fees imposed by a public institution of higher education for the 2009 fall semester. Tuition and fees for a term or semester before the 2009 fall semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act to Subsection (b), Section 263.501, Family Code, applies only to a child in the conservatorship of the Department of Family and Protective Services for whom a final order in a suit affecting the parent-child relationship is rendered on or after the effective date of this Act. A child in the conservatorship of the Department of Family and Protective Services for whom a final order in a suit affecting the parent-child relationship is rendered before the effective date of this Act is governed by the law in effect on the date the final order was rendered, and the former law is continued in effect for that purpose.

SECTION _____. Notwithstanding any other provision of this Act providing an effective date of this Act, this section and the section of this Act that amends Section 54.211, Education Code, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, those sections take effect September 1, 2009.

Amendment No. 1 was adopted.

SB 970 (Phillips - House Sponsor), A bill to be entitled An Act relating to the qualifications required of the executive director of the Texas Department of Transportation. (Sheffield recorded voting no.)

SB 978 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1024 (F. Brown - House Sponsor), A bill to be entitled An Act relating to authority of a school district to mail a tax bill with an adopted rate that is higher than the district's rollback tax rate before the date of a rollback election.

PRINTING RULES SUSPENDED

Representative Dunnam moved to suspend Rule 12, Section 1(a) and Rule 13, Sections 5 and 10 of the House Rules to the extent necessary to permit the following:

(1) For the conference committee report on **HB 300** (the Texas Department of Transportation Sunset Reauthorization Bill), the copy of the third printing required to be provided to members under the House Rules shall be accomplished by providing an electronic copy of the report available for viewing to each member. Notice of the availability of the electronic copy shall be transmitted to the member's Capitol electronic mail address before the hard-copy third printing is delivered to the chief clerk. Any member may request a printed copy of the third printing by requesting the same from the chief clerk. The conference

committee report is eligible for consideration by the house not earlier than the 24th hour after the hard-copy third printing has been delivered by the printer to the chief clerk. The date and time the chief clerk receives the hard-copy third printing shall be noted in the Texas Legislative Information System.

(2) For all senate amendments to house bills, the copy of the second printing required to be provided to members under the House Rules shall be accomplished by providing an electronic copy of the report available for viewing to each member. Notice of the availability of the electronic copy shall be transmitted to the member's Capitol electronic mail address before the hard-copy second printing is delivered to the chief clerk. Any member may request a printed copy of the second printing by requesting the same from the chief clerk. The senate amendments are eligible for consideration by the house not earlier than the 24th hour after the hard-copy second printing has been delivered by the printer to the chief clerk. The date and time the chief clerk receives the hard-copy second printing shall be noted in the Texas Legislative Information System.

The motion prevailed.

POSTPONED BUSINESS

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

SB 726 (Hughes - House Sponsor), A bill to be entitled An Act relating to the creation of the Harrison County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

SB 726 was read second time earlier today and was postponed until this time.

Representative Hughes moved to postpone consideration of **SB 726** until 4:30 p.m. today.

The motion prevailed.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 1050 (McClendon - House Sponsor), A bill to be entitled An Act relating to the release of certain information relating to child fatalities resulting from abuse or neglect. (Cook and Jones recorded voting no.)

SB 1068 (Gallego - House Sponsor), A bill to be entitled An Act relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general.

Amendment No. 1

Representative Gallego offered the following amendment to **SB 1068**:

Amend **SB 1068** (House Committee Report) by adding a new Section 4 to read as follows and renumber the subsequent sections accordingly:

SECTION 4. Chapter 552, Subchapter C, Government Code is amended by adding Section 552.150 to read as follows:

Sec. 552.150. DUTIES OF GOVERNMENTAL BODIES WITHHOLDING OR REDACTING INFORMATION WITHOUT REQUESTING A DECISION FROM THE ATTORNEY GENERAL. (a) A governmental body that redacts or withholds information in accordance with any exception recognized by this Chapter and does not request a decision from the attorney general shall provide the following to the requestor:

(1) A description of the information being withheld or redacted.

(2) Citation to the appropriate statutory authority which makes the information exempt.

(3) Instructions to the requestor informing the requestor about the requestor's right to appeal, including instructions on obtaining a review and opinion from the attorney general.

(b) Requestors shall have the right to request a review and opinion from the attorney general before being required to sue for a writ of mandamus pursuant to Section 552.321 or seek a declaratory judgment pursuant to 552.3215.

(c) Information and instructions required by this section to be provided to requestors shall be made on a form prescribed by the attorney general.

Amendment No. 1 was adopted.

SB 1112 (Farabee - House Sponsor), A bill to be entitled An Act relating to the provision of money from a county's general fund to disaster victims.

SB 1127 (Hopson - House Sponsor), A bill to be entitled An Act relating to the confidentiality of test results of samples of compounded products.

SB 1153 (Martinez - House Sponsor), A bill to be entitled An Act relating to the liability of a landowner for an act or omission of a firefighter or peace officer on the property of the landowner.

SB 1166 (Chisum - House Sponsor), A bill to be entitled An Act relating to the duties and salary of the county attorney of Swisher County and the election and duties of the district attorney for the 64th Judicial District.

SB 1171 (McReynolds - House Sponsor), A bill to be entitled An Act relating to certain health-related reports, records, and information.

SB 1199 (F. Brown - House Sponsor), A bill to be entitled An Act relating to refunds of and credits for certain sales and use taxes paid by certain exempt organizations.

Amendment No. 1

Representative Merritt offered the following amendment to **SB 1199**:

Amend **SB 1199** (House Committee Report) as follows by adding a new Section 2 as follows and renumbering other sections accordingly:

SECTION 2. Subchapter I, Chapter 151, Tax Code, is amended by adding a new section to read as follows:

Section 151.4261. Credit or Reimbursement In Return Transactions. A seller is entitled to a credit or reimbursement equal to the amount of sales tax refunded to a purchaser when the purchaser receives a full or partial refund of the sales price of a returned taxable item.

Amendment No. 1 was adopted.

Representative F. Brown moved to postpone consideration of **SB 1199** until 6:45 p.m. today.

The motion prevailed.

CSSB 1201 (Lewis - House Sponsor), A bill to be entitled An Act relating to an affidavit required to be filed in a cause of action against certain licensed or registered professionals.

SB 1211 (Madden - House Sponsor), A bill to be entitled An Act relating to the liability of a volunteer audiologist, assistant in audiology, speech-language pathologist, or assistant in speech-language pathology.

CSSB 1247 (Pierson - House Sponsor), A bill to be entitled An Act relating to the imposition of the municipal hotel occupancy tax by certain eligible central municipalities. (Craddick, Creighton, Gattis, C. Howard, Kolkhorst, Laubenberg, Parker, Paxton, Shelton, and Truitt recorded voting no.)

Amendment No. 1

Representative Hughes offered the following amendment to **CSSB 1247**:

Amend **CSSB 1247** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Section 351.101(a), Tax Code, is amended to read as follows:

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention — hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or

(B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; ~~and~~

(7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:

(A) the municipality owns the facilities or fields;

(B) the municipality:

(i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;

(ii) has a population of at least 65,000 but not more than 70,000 and is located in a county that has a population of 155,000 or less; or

(iii) has a population of at least 34,000 but not more than 36,000 and is located in a county that has a population of 90,000 or less; and

(C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments; and

(8) signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality.

(b) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2009.

Amendment No. 1 was adopted.

SB 1264 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Calendars.

SB 1266 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1273 (Fletcher, Miklos, Moody, Christian, and Riddle - House Sponsors), A bill to be entitled An Act relating to the prosecution of and punishment for the theft of certain electronic equipment and interference with certain radio frequencies.

Representative Fletcher moved to postpone consideration of **SB 1273** until 6:05 p.m. today.

The motion prevailed.

POSTPONED BUSINESS

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

SB 292 (S. King - House Sponsor), A bill to be entitled An Act relating to the requirement that licensed physicians provide emergency contact information to the Texas Medical Board.

SB 292 was read second time earlier today, an amendment was offered, and **SB 292** was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was adopted.

SB 292, as amended, was passed to third reading.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

CSSB 1304 (Branch - House Sponsor), A bill to be entitled An Act relating to notice to students of a public institution of higher education of the required use of a portion of a student's tuition payments to provide student financial aid.

CSSB 1317 (T. Smith - House Sponsor), A bill to be entitled An Act relating to education and examination requirements for the issuance of a driver's license to certain persons. (Aycock, Berman, and Darby recorded voting no.)

SB 1326 (S. King - House Sponsor), A bill to be entitled An Act relating to the functions of the statewide health coordinating council; providing civil penalties. (The vote was reconsidered later today, and **SB 1326** was passed to third reading.)

Amendment No. 1

Representative Thompson offered the following amendment to **SB 1326**:

Amend **SB 1326** (House Committee Report) as follows:

(1) On page 6, between line 6 and line 7, insert new SECTION 13, as follows:

SECTION 13. Chapter 104, Subchapter B, Health and Safety Code, is amended by adding new Section 104.0157, to read as follows:

Sec. 104.0157. TEXAS HEALTH BENEFITS STUDY. (a) The statewide health coordinating council, in consultation with all interested parties, shall study the disparity in patient co-payments between orally- and intravenously-administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents.

(b) Not later than August 1, 2010, the council 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 conducted under Subsection (a), together with any recommendation for legislation.

(2) Renumber the remaining section of the bill as appropriate.

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

SB 1343 (Gonzales - House Sponsor), A bill to be entitled An Act relating to the formula funding for public institutions of higher education for certain credit hours that do not count toward a degree.

Amendment No. 1

Representative Gonzales offered the following amendment to **SB 1343**:

Amend **SB 1343** as follows:

In amended Section 61.0595(d)(3), Education Code, insert the following between "contact hours," and "or another": "a dual credit course for which the student received credit toward a high school diploma,"

Amendment No. 1 was adopted.

SB 1369 (Hunter - House Sponsor), A bill to be entitled An Act relating to the appointment of attorneys ad litem. (Craddick, Legler, and Woolley recorded voting no.)

Amendment No. 1

Representative Rose offered the following amendment to **SB 1369**:

Amend **SB 1369** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill appropriately:

SECTION _____. Section 264.601(2), Family Code, is amended to read as follows:

(2) "Volunteer advocate program" means a volunteer-based, nonprofit program that:

(A) provides advocacy services to abused or neglected children with the goal of obtaining a permanent placement for a child that is in the child's best interest; and

(B) complies with recognized standards for volunteer advocate programs.

SECTION _____. Section 264.602, Family Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) The statewide organization with which the attorney general contracts under Section 264.603 shall contract for services with eligible volunteer advocate programs to provide advocacy services to abused or neglected children [~~expand the existing services of the programs~~].

(f) Expenses incurred by a volunteer advocate program to promote public awareness of the need for volunteer advocates or to explain the work performed by volunteer advocates that are paid with money from the attorney general volunteer advocate program account under Section 504.611, Transportation Code, are not considered administrative expenses for the purpose of Section 264.603(b).

SECTION _____. Section 264.603(a), Family Code, is amended to read as follows:

(a) The attorney general shall contract with one statewide organization of individuals or groups of individuals who have expertise in the dynamics of child abuse and neglect and experience in operating volunteer advocate programs to provide training, technical assistance, and evaluation services for the benefit of local volunteer advocate programs. The contract shall:

(1) include [require] measurable goals and objectives relating to the number of:

(A) volunteer advocates in the program; and

(B) children receiving services from the program; and

(2) follow practices designed to ensure compliance with standards referenced in the contract [for expanding local volunteer child advocate programs to areas of the state in which those programs do not exist].

SECTION _____. Section 264.604(a), Family Code, is amended to read as follows:

(a) A person is eligible for a contract under Section 264.602 only if the person is a public or private nonprofit entity that operates a volunteer advocate program that:

(1) uses individuals appointed as volunteer advocates or guardians ad litem by the court to provide for the needs of abused or neglected children;

(2) has provided court-appointed advocacy services for at least six months [~~two years~~];

(3) provides court-appointed advocacy services for at least 10 children each month; and

(4) has demonstrated that the program has local judicial support.

SECTION _____. Sections 264.607(b) and (c), Family Code, are repealed.

Amendment No. 1 was adopted.

SB 1382 (McClendon - House Sponsor), A bill to be entitled An Act relating to the coordination of the planning, construction, operation, and maintenance of a statewide passenger rail system by the Texas Department of Transportation.

SB 1409 (McReynolds - House Sponsor), A bill to be entitled An Act relating to the definition of first responder for purposes of the immunization registry.

SB 1436 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the appeal of a censure issued by the State Commission on Judicial Conduct.

SB 1437 (Hunter - House Sponsor), A bill to be entitled An Act relating to the powers of an associate judge in a Title IV-D case.

SB 1439 (Leibowitz - House Sponsor), A bill to be entitled An Act relating to the travel, board, and lodging expenses of a person appointed to assist the State Commission on Judicial Conduct.

SB 1440 (Madden - House Sponsor), A bill to be entitled An Act relating to orders and judgments rendered by associate judges in child support and child protection cases.

Amendment No. 1

Representative Rose offered the following amendment to **SB 1440**:

Amend **SB 1440** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 261.302, Family Code, is amended by adding Subsection (g) to read as follows:

(g) The department, without filing suit, may seek a court order in aid of an investigation under Section 261.303.

SECTION _____. Section 261.303, Family Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (c-1), (c-2), (c-3), (f), (g), (h), (i), (j), (k), (l), and (m) to read as follows:

(a) A person may not interfere with an investigation of a report of child abuse or neglect conducted by the department or designated agency, and a court may render an order to assist the department in an investigation under this subchapter.

(b) If admission to the home, school, or any place where the child may be cannot be obtained, or if consent to transport a child for purposes relating to an interview or investigation cannot be obtained, then, on presentation of an application supported by an affidavit described by Subsection (c-2) that is executed by an investigator or authorized representative of the department, ~~for good cause shown~~ the court having family law jurisdiction, including any associate judge designated by the court, may, on finding that the affidavit is sufficient and without prior notice or a hearing, ~~shall~~ order the parent, the person responsible for the care of the children, or the person in charge of any place where the child may be to allow entrance, transport of the child, or both entrance and transport for the interview, examination, and investigation.

(c) If a parent or person responsible for the child's care does not consent to release of the child's prior medical, psychological, or psychiatric records or to a medical, psychological, or psychiatric examination of the child that is requested by the department or designated agency, then, on presentation of an application supported by an affidavit described by Subsection (c-2) that is executed by an investigator or authorized representative of the department, the court having family law jurisdiction, including any associate judge designated by the court, may, on finding that the affidavit is sufficient and without prior notice or a hearing, ~~shall, for good cause shown,~~ order the records to be released or the examination to be made at the times and places designated by the court.

(c-1) If a person having possession of records relating to a child that are relevant to an investigation does not consent to the release of the records on the request of the department or designated agency, then, on presentation of an application supported by an affidavit described by Subsection (c-2) that is executed by an investigator or authorized representative of the department, the court having family law jurisdiction, including any associate judge designated by the court, may, on finding that the affidavit is sufficient and without prior notice or a hearing, order the records to be released at the time and place designated by the court.

(c-2) An application filed under this section must be accompanied by an affidavit executed by an investigator or authorized representative of the department that states facts sufficient to lead a person of ordinary prudence and caution to believe that:

(1) based on information available, a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect;

(2) the requested order is necessary to aid in the investigation; and

(3) there is a fair probability that allegations of abuse or neglect will be sustained if the order is issued and executed.

(c-3) An application and supporting affidavit used to obtain a court order in aid of an investigation under this section may be filed on any day, including Sunday.

(f) A court may designate an associate judge to render an order in aid of an investigation under this section. An order rendered by an associate judge is immediately effective without the ratification or signature of the court making the designation.

(g) As soon as practicable after executing the order or attempting to execute the order, as applicable, the department shall file with the clerk of the court that rendered the order a written report stating:

(1) the facts surrounding the execution of the order, including the date and time the order was executed and the name of the investigator or authorized representative executing the order; or

(2) the reasons why the department was unable to execute the order.

(h) A court issuing an order in aid of an investigation under this section shall keep a record of all the proceedings before the court under this subchapter, including a report filed with the court under Subsection (g). The record of proceedings, including any application and supporting affidavit presented to the court and any report filed with the court under Subsection (g), is confidential and may only be disclosed as provided by Subsection (i) or Section 261.201.

(i) If the department files a suit under Chapter 262, the department shall include with its original petition a copy of the record of all the proceedings before the court under this subchapter, including an application and supporting affidavit for an order under this section and any report relating to an order in aid of an investigation.

(j) As soon as practicable after the department obtains access to records of a child under an order in aid of an investigation, the department shall notify the child's parents or another person with legal custody of the child that the department has obtained the records.

(k) Access to a confidential record under this subchapter does not constitute a waiver of confidentiality.

(l) This section does not prevent a court from requiring notice and a hearing before issuance of an order in aid of an investigation under this section if the court determines that:

(1) there is no immediate risk to the safety of the child; and

(2) notice and a hearing are required to determine whether the requested access to persons, records, or places or to transport the child is necessary to aid in the investigation.

(m) A court's denial of a request for an ex parte order under this section does not prevent the issuance of a criminal warrant.

Amendment No. 1 was adopted.

SB 1441 (Hunter - House Sponsor), A bill to be entitled An Act relating to the terms of the members of the Court Reporters Certification Board.

CSSB 1458 (Swinford and Oliveira - House Sponsors), A bill to be entitled An Act relating to the authority of the governing body of a municipality or the commissioners court of a county to enter into an ad valorem tax abatement agreement.

SB 1472 (Hernandez - House Sponsor), A bill to be entitled An Act relating to public meetings for permit applications under the Texas Clean Air Act.

Representative Hernandez moved to postpone consideration of **SB 1472** until 5:30 p.m. today.

The motion prevailed.

SB 1492 (Ritter - House Sponsor), A bill to be entitled An Act relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council and to the recovery of certain transmission costs by electric utilities in those areas and to the provision of power during a natural disaster or declared emergency.

Representative Ritter moved to postpone consideration of **SB 1492** until 6:16 p.m. today.

The motion prevailed.

POSTPONED BUSINESS

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

SB 726 (Hughes - House Sponsor), A bill to be entitled An Act relating to the creation of the Harrison County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

SB 726 was read second time earlier today and was postponed until this time.

Representative Hughes moved to postpone consideration of **SB 726** until 6 p.m. today.

The motion prevailed.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 1598 (Herrero - House Sponsor), A bill to be entitled An Act relating to an agreement authorizing a nonparent relative of a child to make certain decisions regarding the child; providing a penalty.

SB 1599 (Darby - House Sponsor), A bill to be entitled An Act relating to the disclosure of criminal history record information to the Court Reporters Certification Board.

SB 1609 (Callegari - House Sponsor), A bill to be entitled An Act relating to the control of access to state highways by the Texas Department of Transportation.

SB 1616 (Phillips - House Sponsor), A bill to be entitled An Act relating to the fees for certain license plates.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 1616**:

Amend **SB 1616** (engrossed version) in SECTION 7 of the bill as follows:

(1) On page 5, line 20, strike "this chapter [~~subchapter~~]" and substitute "Subchapters G and I [~~this subchapter~~]".

(2) On page 6, line 16 through page 7, line 6, strike Subsections (c-1) and (j) and substitute the following:

(c-1) Subsections (b) and (c) do not apply to the sale at auction of a specialty plate or personalized specialty plate that is not used on a motor vehicle.

(j) From amounts received by the department under the contract described by Subsection (a), the department shall deposit to the credit of the state highway fund an amount sufficient to enable the department to recover its administrative costs for all license plates issued under this section, [including] any payments to the vendor under the contract [~~Subsection (a)~~], and any other amounts allocated by law to the state highway fund [~~by another law~~]. To the extent that the disposition of other amounts received by [~~from~~] the department is [~~vendor are~~] governed by another law, those amounts shall be deposited in accordance with the other law [~~and for each type of license plate the amount charged for the license plate may not be less than the amount in effect on January 1, 2003~~]. Any additional amount received by [~~from~~] the department under the contract [~~vendor~~] shall be deposited to the credit of the general revenue fund.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Chisum and Thompson offered the following amendment to **SB 1616**:

Amend **SB 1616** (House Committee Report) by adding an appropriately numbered Section ____ to read as follows and renumber the subsequent sections accordingly:

SECTION ____ . Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.660 to read as follows:

Sec. 504.660. SEXUAL ASSAULT AWARENESS LICENSE PLATES. (a) The department shall design and issue specialty license plates to support victims of sexual assault.

(b) The license plates must include the words "Speak up. Speak out." and an image of a blue ribbon.

(c) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of the sexual assault program fund established by Section 420.008, Government Code.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hughes offered the following amendment to **SB 1616**:

Amend **SB 1616** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 504.409, Transportation Code, is amended to read as follows:

Sec. 504.409. ~~[VOLUNTEER]~~ FIREFIGHTERS. (a) The department shall issue specialty license plates for:

(1) volunteer firefighters certified by:

(A) ~~[(+)]~~ the Texas Commission on Fire Protection; or

(B) ~~[(=)]~~ the State Firemen's and Fire Marshals' Association of Texas; and

(2) fire protection personnel as that term is defined by Section 419.021, Government Code.

(b) The fee for issuance of each set of ~~[the]~~ license plates is:

(1) \$4 for volunteer firefighters; and

(2) \$30 for fire protection personnel.

(c) A person may be issued not more than three sets ~~[only one set]~~ of ~~[the]~~ license plates.

Amendment No. 3 was adopted.

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. 1 and 2).

(Homer in the chair)

SB 1629 (Rose - House Sponsor), A bill to be entitled An Act relating to the persons exempted from the required prepayment of the personnel costs incurred by a governmental body in responding to requests from a requestor under the public information law that require large amounts of personnel time.

Amendment No. 1

Representative Rose offered the following amendment to **SB 1629**:

Amend **SB 1629** (House committee printing) as follows:

(1) In SECTION 1 of the bill, amended Section 552.275(j), Government Code (page 1, lines 9 and 10), strike "a representative of" and substitute "an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for ~~[a representative of]~~".

(2) In SECTION 1 of the bill, amended Section 552.275(j)(1), Government Code (page 1, line 11), between "television" and "station", insert "broadcast".

(3) In SECTION 1 of the bill, amended Section 552.275(j)(1), Government Code (page 1, line 11), strike "license" and substitute "broadcast license for an assigned frequency".

(4) In SECTION 1 of the bill, amended Section 552.275(j), Government Code (page 1, lines 13 through 22), strike amended Subdivision (2) and substitute the following:

(2) a newspaper that is qualified under Section 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;

(5) In SECTION 1 of the bill, amended Section 552.275(j), Government Code (page 1, line 23 through page 2, line 1), strike amended Subdivision (3) and substitute the following:

(3) a newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or

(4) a magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.

Amendment No. 1 was adopted.

SB 1645 (Hopson - House Sponsor), A bill to be entitled An Act relating to a study of the feasibility of establishing separate reimbursement under the Medicaid vendor drug program for certain pharmacy care management services. (Anderson, Button, Cook, Craddick, Creighton, Gattis, Jones, Kolkhorst, Legler, D. Miller, and Parker recorded voting no.)

Amendment No. 1

Representative McClendon offered the following amendment to **SB 1645**:

Amend **SB 1645** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. NORMAL DISTRIBUTION CHANNEL. Section 431.401(5), Health and Safety Code, is amended to read as follows:

(5) "Normal distribution channel" means a chain of custody for a prescription drug, either directly or by drop shipment, from the manufacturer of the prescription drug, the manufacturer to the manufacturer's co-licensed product partner, the manufacturer to the manufacturer's third-party logistics provider, or the manufacturer to the manufacturer's exclusive distributor, to:

(A) a pharmacy to:

(i) a patient; or

(ii) another designated person authorized by law to dispense or administer the drug to a patient;

(B) an authorized distributor of record to:

(i) a pharmacy to a patient; or
(ii) another designated person authorized by law to dispense or administer the drug to a patient;

(C) an authorized distributor of record to a wholesale distributor licensed under this chapter to another designated person authorized by law to dispense or administer the drug to a patient;

(D) an authorized distributor of record to a pharmacy warehouse to the pharmacy warehouse's intracompany pharmacy;

(E) [~~(D)~~] a pharmacy warehouse to the pharmacy warehouse's intracompany pharmacy or another designated person authorized by law to dispense or administer the drug to a patient;

(F) [~~(E)~~] a person authorized by law to prescribe a prescription drug that by law may be administered only under the supervision of the prescriber; or

(G) [~~(F)~~] an authorized distributor of record to one other authorized distributor of record to a licensed practitioner for office use.

SECTION _____. EXEMPTION FROM CERTAIN PROVISIONS FOR CERTAIN WHOLESAL DISTRIBUTORS. Section 431.4031, Health and Safety Code, is amended to read as follows:

Sec. 431.4031. EXEMPTION FROM CERTAIN PROVISIONS FOR CERTAIN WHOLESAL DISTRIBUTORS. (a) A wholesale distributor that distributes prescription drugs that are medical gases or a wholesale distributor that is a manufacturer or a third-party logistics provider on behalf of a manufacturer is exempt from Sections 431.404(a)(5) and (6), (b), and (c), 431.4045(2), 431.405, 431.407, and 431.408.

(b) A state agency or a political subdivision of this state that distributes prescription drugs using federal or state funding to nonprofit health care facilities or local mental health or mental retardation authorities for distribution to a pharmacy, practitioner, or patient is exempt from Sections 431.405(b), 431.407, 431.408, 431.412, and 431.413.

SECTION _____. RULES. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt, modify, or repeal rules as necessary to implement the changes in law made by this Act to Chapter 431, Health and Safety Code.

Amendment No. 1 was adopted.

SB 1650 (Hartnett - House Sponsor), A bill to be entitled An Act relating to appeals in cases arising under the Federal Arbitration Act.

CSSB 1651 (Lewis - House Sponsor), A bill to be entitled An Act relating to state indemnification of certain judges and certain judicial appointees.

Amendment No. 1

Representative Lewis offered the following amendment to **CSSB 1651**:

Amend **CSSB 1651** (House Committee Printing) as follows:

(1) Add the following appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Chapter 104, Civil Practice and Remedies Code, is amended by adding Section 104.0011 to read as follows:

Sec. 104.0011. NONAPPLICABILITY OF INDEMNICATION PROVISIONS. Section 104.001(8) does not apply to a current or former appointee of the supreme court to the process server review board established by supreme court order.

Amendment No. 1 was withdrawn.

Representative Lewis moved to postpone consideration of **CSSB 1651** until the end of today's local, consent, and resolutions calendar.

The motion prevailed.

SB 1685 (Gonzales - House Sponsor), A bill to be entitled An Act relating to the creation of a district court records technology fund.

SB 1326 - VOTE RECONSIDERED

Representative S. King moved to reconsider the vote by which **SB 1326**, as amended, was passed to third reading.

The motion to reconsider prevailed.

SB 1326 (S. King - House Sponsor), A bill to be entitled An Act relating to the functions of the statewide health coordinating council; providing civil penalties.

Amendment No. 1 - Vote Reconsidered

Representative Thompson moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

SB 1326 was passed to third reading.

SB 1705 (Pitts - House Sponsor), A bill to be entitled An Act relating to the authority and policies and procedures of the Dallas County Hospital District with regard to appointing, contracting for, or employing physicians, dentists, and other health care providers. (Shelton recorded voting no.)

SB 1723 (Guillen - House Sponsor), A bill to be entitled An Act relating to an informational manual for voluntary caregivers who provide temporary care for children who are the subject of an investigation by the Department of Family and Protective Services.

SB 1728 (Chavez and Branch - House Sponsors), A bill to be entitled An Act relating to the administration of and eligibility for the Joint Admissions Medical Program.

SB 1729 (Alonzo - House Sponsor), A bill to be entitled An Act relating to the terms of student members of certain Texas Higher Education Coordinating Board advisory committees.

SB 1732 (Harless - House Sponsor), A bill to be entitled An Act relating to safety requirements for public swimming pools and other artificial bodies of water. (C. Howard, Kleinschmidt, Laubenberg, D. Miller, Paxton, and Truitt recorded voting no.)

SB 1735 (Branch - House Sponsor), A bill to be entitled An Act relating to the employment and commissioning of law enforcement personnel to provide security services to certain educational institutions. (Craddick, Legler, and Shelton recorded voting no.)

Amendment No. 1

Representative Hodge offered the following amendment to **SB 1735**:

Amend **SB 1735** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Sections 51.2125(a) and (c), Education Code, are amended to read as follows:

(a) This section applies only to a private institution of higher education that ~~[has a fall head count enrollment of more than 10,000 students and that]~~ has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a home-rule municipality that has [with] a population of 1.18 million or more and is located predominantly in a county that has a total area of less than 1,000 square miles [than one million]. For purposes of this section, a private institution of higher education is a private or independent institution of higher education as defined by Section 61.003.

(c) A mutual assistance agreement authorized by this section may designate the geographic area in which the campus peace officers are authorized to provide assistance to the peace officers of the municipality, except that if the agreement is entered into with a municipality described by Subsection (a) that elects all or part of the municipality's governing body from election districts [with a population of more than one million], the designated geographic area consists of each of the election districts of the municipality's governing body that contains any part of the campus of the institution and each of the election districts of the governing body that is contiguous to another municipality that contains any part of the campus of the institution.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Representative Hodge, your amendment to **SB 1735** changes Section 51.2125 of the Education Code, originally enacted to permit Southern Methodist University in Dallas to enter into mutual assistance agreements with the police departments of the municipalities in which its campus is located. SMU has a critical need to do this since it must manage law enforcement responsibilities with four different municipal police departments and because its campus is designated as a Mass Care Shelter by the American Red Cross for administering aid in the event of a regional public health emergency. In the event of such an emergency, SMU would require the assistance of the police from the municipalities surrounding its campus for crowd and traffic control, as

well as other police functions. This distinguishes SMU from other institutions that may be affected if your amendment is added to **SB 1735**. Can you assure me your amendment will not diminish SMU's ability to enter into, and maintain, mutual assistance agreements with its local law enforcement agencies?

REPRESENTATIVE HODGE: Yes, if this amendment is adopted, SMU's ability to enter into, and maintain, mutual assistance agreements with local law enforcement agencies will not be affected.

REMARKS ORDERED PRINTED

Representative Branch moved to print remarks between Representative Hodge and Representative Branch.

The motion prevailed.

Amendment No. 1 was adopted.

CSSB 1757 (D. Howard - House Sponsor), A bill to be entitled An Act relating to the disposal of unused pharmaceuticals so that they do not enter a wastewater system. (Craddick and Shelton recorded voting no.)

SB 1759 was deferred until the end of today's local, consent, and resolutions calendar.

CSSB 1764 (Cohen - House Sponsor), A bill to be entitled An Act relating to the dissemination of information regarding the cost of attending public and private institutions of higher education and regarding the availability of financial aid to assist in paying that cost.

SB 1785 was deferred until the end of today's local, consent, and resolutions calendar.

HB 300 - RULES SUSPENDED

Representative Isett moved to suspend all necessary rules to consider **HB 300** with senate amendments at this time.

The motion prevailed.

HB 300 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE INSTRUCTED

Representative Isett called up with senate amendments for consideration at this time,

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

Representative Isett moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 300**.

The motion prevailed.

Representative Pickett moved to instruct the Conference Committee on **HB 300** to follow the house version as it relates to local option taxes in the text of the conference committee report on **HB 300**.

The motion to instruct the conferees prevailed by (Record 1373): 84 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Callegari; Castro; Chavez; Christian; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dunnam; Edwards; Eiland; Eissler; Elkins; Farabee; Flynn; Frost; Gattis; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Harper-Brown; Hilderbran; Hodge; Hopson; Howard, C.; Hughes; Hunter; Isett; Jones; King, P.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Madden; Mallory Caraway; Martinez Fischer; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Moody; Morrison; Olivo; Otto; Parker; Paxton; Peña; Pickett; Quintanilla; Raymond; Ritter; Rose; Sheffield; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thibaut; Thompson; Turner, S.; Veasey; Vo; Walle; Weber; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Brown, B.; Burnam; Button; Chisum; Cohen; Coleman; Corte; Deshotel; Dukes; England; Farias; Farrar; Fletcher; Flores; Gallego; Geren; Giddings; Gonzales; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Howard, D.; Jackson; Keffer; Kent; King, S.; Leibowitz; Lewis; Lucio; Maldonado; Marquez; Martinez; McCall; McClendon; Miklos; Naishtat; Oliveira; Ortiz; Patrick; Phillips; Pierson; Riddle; Rios Ybarra; Rodriguez; Shelton; Smith, T.; Strama; Truitt; Turner, C.; Vaught; Villarreal; Woolley.

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

Absent, Excused — Kuempel.

Absent — Dutton; Harless; Orr; Pitts.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1373. I intended to vote yes.

Gallego

When Record No. 1373 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

I was shown voting no on Record No. 1373. I intended to vote yes.

Maldonado

I was shown voting no on Record No. 1373. I intended to vote yes.

Marquez

I was shown voting yes on Record No. 1373. I intended to vote no.

Menendez

When Record No. 1373 was taken, I was temporarily out of the house chamber. I would have voted no.

Orr

I was shown voting no on Record No. 1373. I intended to vote yes.

Rios Ybarra

Representative Elkins moved to instruct the Conference Committee on **HB 300** to retain the substance of the Elkins and Ortiz amendments (Amendment No. 101 and Amendment No. 102) as they relate to red light cameras in the text of the conference committee report on **HB 300**.

The motion to instruct the conferees prevailed by (Record 1374): 103 Yeas, 28 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Eissler; Elkins; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Hartnett; Hernandez; Herrero; Hilderbran; Hodge; Hopson; Hughes; Hunter; Isett; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez Fischer; McClendon; McReynolds; Merritt; Miller, S.; Olivo; Orr; Ortiz; Otto; Parker; Paxton; Peña; Phillips; Raymond; Riddle; Rios Ybarra; Rodriguez; Rose; Sheffield; Shelton; Smith, W.; Smithee; Swinford; Taylor; Thompson; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Zerwas.

Nays — Alvarado; Anchia; Button; Driver; Hancock; Harper-Brown; Hochberg; Howard, D.; Jackson; Kent; King, P.; Madden; McCall; Miklos; Miller, D.; Moody; Morrison; Naishtat; Pickett; Pierson; Quintanilla; Ritter; Smith, T.; Solomons; Strama; Thibaut; Turner, C.; Woolley.

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

Absent, Excused — Kuempel.

Absent — Dutton; Eiland; England; Gallego; Harless; Heflin; Howard, C.; Jones; Martinez; Menendez; Oliveira; Patrick; Pitts; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1374. I intended to vote no.

Alonzo

I was shown voting yes on Record No. 1374. I intended to vote no.

Bolton

I was shown voting yes on Record No. 1374. I intended to vote no.

Cohen

When Record No. 1374 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

When Record No. 1374 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

I was shown voting yes on Record No. 1374. I intended to vote no.

Maldonado

When Record No. 1374 was taken, I was in the house but away from my desk. I would have voted no.

Patrick

HB 300 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 300**: Isett, chair; Pickett, McClendon, Harper-Brown, and W. Smith.

POSTPONED BUSINESS

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

SB 1472 (Hernandez - House Sponsor), A bill to be entitled An Act relating to public meetings for permit applications under the Texas Clean Air Act.

SB 1472 was read second time earlier today and was postponed until this time.

SB 1472 was passed to third reading. (Anderson, Button, Cook, Craddick, Creighton, Gattis, Jones, Kolkhorst, Laubenberg, Legler, D. Miller, Parker, Paxton, Shelton, Truitt, and Woolley recorded voting no.)

LEAVE OF ABSENCE GRANTED

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

Geren on motion of Ritter.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 1798 (Cohen - House Sponsor), A bill to be entitled An Act relating to certifying the eligibility of certain educational aides to receive an exemption from tuition and fees charged by public institutions of higher education.

SB 1803 (Laubenberg - House Sponsor), A bill to be entitled An Act relating to the Glenda Dawson Donate Life-Texas Registry.

SB 1804 (Hughes - House Sponsor), A bill to be entitled An Act relating to medical assistance reimbursement for wheeled mobility systems for recipients of medical assistance.

Amendment No. 1

Representative Walle offered the following amendment to **SB 1804**:

Amend **SB 1804** (house committee printing) in SECTION 1 of the bill, in added Section 32.0424(b)(1), Human Resources Code (page 2, line 12), between "employs" and the underlined comma, by inserting "or contracts with".

Amendment No. 1 was adopted.

SB 1804 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WALLE: Mr. Hughes, my understanding is there are two steps in this process: a seating assessment and a final fitting. Is that true?

REPRESENTATIVE HUGHES: Yes. As you know, current Medicaid rules require that a physician, licensed occupational therapist, or a licensed physical therapist do a clinical assessment of the patient's needs and request the type of chair needed for each individual patient. Nothing in this bill is intended to change the role of occupational therapists in conducting seating assessments for manual and power custom wheelchairs, which require an assessment by a physician, licensed occupational therapist, or licensed physical therapist.

WALLE: Does anything in your bill change the role of an occupational therapist during the seating assessment process?

HUGHES: No, sir. My bill applies only to the final fitting that is currently done by the provider. **SB 1804** would require that the provider doing the final fitting must be certified or otherwise qualified.

WALLE: Under your bill, could an occupational therapist do the final fitting?

HUGHES: Yes. If a person, such as an occupational therapist, does not hold a RESNA certification but meets all other requirements in the bill—which include being employed by or contracting with the provider, being present at the time of delivery, directing a fitting to ensure that the system is appropriate for the recipient, and verifying that it functions for the recipient—the person can do the final fitting.

WALLE: Is it your intent to work with the Health and Human Services Commission during the interim to ensure that this legislative intent is followed?

HUGHES: Yes.

REMARKS ORDERED PRINTED

Representative Walle moved to print remarks between Representative Hughes and Representative Walle.

The motion prevailed.

SB 1820 (Madden - House Sponsor), A bill to be entitled An Act relating to the calculation of a person's net resources for purposes of determining child support liability.

SB 1824 (Lucio - House Sponsor), A bill to be entitled An Act relating to the Interagency Task Force for Children with Special Needs.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SB 1835 was withdrawn.

SB 1853 (Hopson - House Sponsor), A bill to be entitled An Act relating to disciplinary actions regarding a pharmacy technician or pharmacy technician trainee.

SB 1932 (McReynolds - House Sponsor), A bill to be entitled An Act relating to the licensing requirements of hospitals temporarily providing outpatient dialysis services to a person because of a disaster.

(Speaker pro tempore in the chair)

SB 1953 was withdrawn.

CSSB 1970 (T. Smith - House Sponsor), A bill to be entitled An Act relating to certain election practices and procedures; providing penalties.

Amendment No. 1

Representatives Hilderbran, Thompson, and Hodge offered the following amendment to **CSSB 1970**:

Amend **CSSB 1970** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 141.001(a), Election Code, is amended to read as follows:

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

- (1) be a United States citizen;
- (2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;
- (3) have not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities or for which the person's sentence has not been commuted by the chief executive officer of the jurisdiction of conviction;

(5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made; and

(6) satisfy any other eligibility requirements prescribed by law for the office.

SECTION _____. Section 141.031(a), Election Code, is amended to read as follows:

(a) A candidate's application for a place on the ballot that is required by this code must:

(1) be in writing;

(2) be signed and sworn to by the candidate and indicate the date that the candidate swears to the application;

(3) be timely filed with the appropriate authority; and

(4) include:

(A) the candidate's name;

(B) the candidate's occupation;

(C) the office sought, including any place number or other distinguishing number;

(D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;

(E) a statement that the candidate is a United States citizen;

(F) a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:

(i) totally mentally incapacitated; or

(ii) partially mentally incapacitated without the right to vote;

(G) a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities or for which the person's sentence has not been commuted by the chief executive officer of the jurisdiction of conviction;

(H) the candidate's date of birth;

(I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;

(J) the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;

(K) the statement: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the constitution and laws of the United States and of the State of Texas"; and

(L) a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code.

(Geren now present)

Amendment No. 1 was adopted.

SB 1984 (T. King - House Sponsor), A bill to be entitled An Act relating to certification of a person in certain counties as eligible for disabled parking privileges.

POSTPONED BUSINESS

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

SB 726 (Hughes - House Sponsor), A bill to be entitled An Act relating to the creation of the Harrison County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

SB 726 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Orr offered the following amendment to **SB 726**:

Amend **SB 726** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8855 to read as follows:

CHAPTER 8855. PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8855.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Prairielands Groundwater Conservation

District.

Sec. 8855.002. NATURE OF DISTRICT; FINDINGS. (a) The district is a groundwater conservation district initially composed of Ellis, Hill, Johnson, and Somervell Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is created to serve a public use and benefit.

(c) All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by this chapter and by Chapter 36, Water Code.

(d) Any fees imposed by the district under this chapter are necessary to pay for the costs of accomplishing the purposes of the district, including the conservation and management of groundwater resources, as provided by this chapter and Section 59, Article XVI, Texas Constitution.

Sec. 8855.003. DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Ellis, Hill, Johnson, and Somervell Counties.

Sec. 8855.004. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

Sec. 8855.005. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve the purposes expressed by this chapter and Chapter 36, Water Code. A power granted by this chapter or Chapter 36, Water Code, shall be broadly interpreted to achieve that intent and those purposes.

[Sections 8855.006-8855.020 reserved for expansion]

SUBCHAPTER B. INITIAL ORGANIZATION

Sec. 8855.021. APPOINTMENT OF INITIAL DIRECTORS. (a) The district is governed by a board of eight initial directors appointed as provided by Section 8855.051(a).

(b) Initial directors shall be appointed not later than the 90th day after the effective date of the Act enacting this chapter. If after the 90th day fewer than eight initial directors have been appointed, each unfilled initial director position shall be considered a vacancy and filled by the remaining initial directors.

(c) Except as provided under Subsection (b) for failure to appoint an initial director, if a vacancy occurs on the board in a position for which an initial director has previously been appointed, the appointing county commissioners court for the vacant position shall appoint a person to fill the vacancy in a manner that meets the representational requirements of Section 8855.051.

(d) To be eligible to serve as an initial director, a person must be a registered voter in the appointing county.

(e) Each initial director must qualify to serve as a director under Section 36.055, Water Code.

Sec. 8855.022. ORGANIZATIONAL MEETING OF INITIAL DIRECTORS. As soon as practicable after all the initial directors have qualified under Section 36.055, Water Code, a majority of the initial directors shall convene the organizational meeting of the district at a location in the district agreeable to a majority of the directors. If an agreement on location cannot be reached, the organizational meeting shall be held at a suitable location on the Hill College campus in Cleburne, Johnson County, Texas.

Sec. 8855.023. INITIAL TERMS. (a) The two initial directors appointed from each county shall draw lots to determine which director serves an initial term expiring August 31, 2011, and which director serves an initial term expiring August 31, 2013.

(b) Each successor director shall be appointed and shall serve in accordance with Subchapter C.

[Sections 8855.024-8855.050 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8855.051. GOVERNING BODY; TERMS. (a) Except as provided by Subchapter D, the district is governed by a board of eight directors appointed as follows:

- (1) two directors appointed by the Ellis County Commissioners Court;
- (2) two directors appointed by the Hill County Commissioners Court;

(3) two directors appointed by the Johnson County Commissioners Court; and

(4) two directors appointed by the Somervell County Commissioners Court.

(b) Directors serve staggered four-year terms, with the term of one director from each of the four counties expiring on August 31 of each odd-numbered year.

(c) A director may serve multiple consecutive terms.

Sec. 8855.052. DIRECTOR ELIGIBILITY; QUALIFICATION. (a) To be eligible to serve as a director, a person must be a registered voter in the appointing county.

(b) Each director must qualify to serve under Section 36.055, Water Code.

Sec. 8855.053. VACANCIES. If a vacancy occurs on the board, the appointing county commissioners court for the vacant position shall appoint a person to fill the vacancy. Section 36.051(c), Water Code, does not apply to the district.

Sec. 8855.054. COMPENSATION; REIMBURSEMENT.

(a) Notwithstanding Sections 36.060(a) and (d), Water Code, a director may not receive compensation for performing the duties of director.

(b) A director is entitled to reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district.

[Sections 8855.055-8855.070 reserved for expansion]

SUBCHAPTER D. DISTRICT EXPANSION

Sec. 8855.071. EXPANSION OF DISTRICT BOUNDARIES. (a) After the effective date of the Act enacting this chapter, the district territory described in Section 8855.003 shall be expanded to include all of the territory in Navarro County, and the governing board described by Section 8855.051(a) shall be expanded to 10 members and include two directors appointed by the Navarro County Commissioners Court, if:

(1) pursuant to Chapter 35, Water Code, the Texas Commission on Environmental Quality designates all or any portion of the territory in Navarro County as a priority groundwater management area; and

(2) following the designation described by Subdivision (1), the commissioners court of Navarro County:

(A) adopts a resolution that states, "By this action of the Navarro County Commissioners Court, all of the territory in Navarro County, Texas, shall, as of the date of this resolution, be included in the boundaries of the Prairielands Groundwater Conservation District"; and

(B) appoints two directors who are registered to vote in Navarro County to the board.

(b) A person appointed under this section must qualify to serve under Section 36.055, Water Code.

(c) At the first regular meeting of the board following the qualification of both directors, the two directors appointed under this section shall draw lots to determine which director serves a term expiring August 31 of the first odd-numbered year after the directors' appointment, and which director serves a term expiring August 31 of the next odd-numbered year.

(d) A director appointed under this section shall otherwise serve in accordance with Subchapter C.

[Sections 8855.072-8855.100 reserved for expansion]

SUBCHAPTER E. POWERS AND DUTIES

Sec. 8855.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the powers and duties provided by the general law of this state applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution, including Chapter 36, Water Code.

Sec. 8855.102. CONTRACTS. The district may enter into a contract with any person, public or private, for any purpose authorized by law.

Sec. 8855.103. APPLICABILITY OF DISTRICT REGULATIONS. Groundwater regulation under this chapter applies to all persons except as exempted from permitting under Section 36.117, Water Code, or this chapter.

Sec. 8855.104. WELL SPACING RULES; EXEMPTIONS. (a) Except as provided by Subsection (b), the district shall exempt from the well spacing requirements adopted by the district any well that is completed on or before the effective date of those requirements.

(b) The district may provide by rule that a well may lose its exemption under this section if the well is modified in a manner that substantially increases the capacity of the well after the effective date of the well spacing requirements adopted by the district.

(c) Except as provided by this section and notwithstanding Section 8855.103, the district may require a well or class of wells exempt from permitting under Chapter 36, Water Code, to comply with the well spacing requirements adopted by the district. The district shall apply well spacing requirements uniformly to any well or class of wells based on the size or capacity of the well and without regard to the type of use of the groundwater produced by the well.

Sec. 8855.105. REGISTRATION AND REPORTING REQUIREMENTS FOR CERTAIN EXEMPT WELLS. The district may adopt rules that require the owner or operator of a well or class of wells exempt from permitting under Section 36.117, Water Code, to register the well with the district and, except for a well exempt from permitting under Section 36.117(b)(1), to report groundwater withdrawals from the well using reasonable and appropriate reporting methods and frequency.

Sec. 8855.106. ENFORCEMENT. (a) The district may enforce this chapter against any person in the manner provided by Chapter 36, Water Code. In lieu of a remedy available to the district under Section 36.102, Water Code, or in addition to those remedies, the district may impose a fee in addition to a fee assessed under Section 8855.152 on a person producing groundwater in violation of a district order or rule, including the failure or refusal to comply with any district order or rule relating to reducing or ceasing groundwater use. The purpose of a fee authorized by this subsection is to serve as a disincentive to producing groundwater except as authorized by the district.

(b) A fee imposed under Subsection (a) may not exceed an amount equal to 10 times the amount of a fee assessed under Section 8855.152.

[Sections 8855.107-8855.150 reserved for expansion]

SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

Sec. 8855.151. TAXES PROHIBITED. The district may not impose a tax. Sections 36.020(a) and 36.201-36.204, Water Code, do not apply to the district.

Sec. 8855.152. DISTRICT REVENUES. (a) The district by rule, resolution, or order may establish, amend, pledge, encumber, spend the proceeds from, and assess to any person production fees, based on the amount of groundwater authorized by permit to be withdrawn from a well or on the amount of water actually withdrawn, to enable the district to fulfill its purposes and regulatory functions as provided by this chapter. The district may use revenue generated by fees it assesses for any lawful purpose.

(b) Notwithstanding any provision of general law to the contrary, a fee authorized by Subsection (a) may not exceed:

(1) \$1 per acre-foot annually for groundwater used for agricultural purposes; or

(2) 30 cents per thousand gallons annually for groundwater used for nonagricultural purposes.

(c) Notwithstanding any provision of general law or this chapter to the contrary, if any, the district may assess a production fee under this section for groundwater produced from a well or class of wells exempt from permitting under Section 36.117, Water Code, except for a well exempt from permitting under Section 36.117(b)(1). A production fee assessed by the district under this subsection must be based on the amount of groundwater actually withdrawn from the well and may not exceed the amount established by the district for permitted uses under Subsection (b)(2) of this section.

(d) Notwithstanding Section 36.1071(f), Water Code, the district by rule, resolution, or order before the adoption of its management plan may:

(1) establish, assess, and enforce the collection of production fees under this section; and

(2) establish and enforce metering and reporting requirements, except for a well exempt from permitting under Section 36.117(b)(1), Water Code.

(e) The district by rule may establish a temporary or permanent discounted fee rate for persons who prepay production fees to the district under this section on or before the dates established by district rule.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Bolton offered the following amendment to **SB 726**:

Amend **SB 726** (house committee printing) as follows:

(1) Immediately below the enacting clause (page 1, between lines 5 and 6), add the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE 1. BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION
DISTRICT: DISTRICT TERRITORY; RATIFICATION ELECTION

SECTION 1.01. Section 8802.003, Special District Local Laws Code, is amended to read as follows:

Sec. 8802.003. DISTRICT TERRITORY. (a) The district is composed of the territory described by the Texas Water Commission's August 15, 1986, order, as that territory may have been modified under:

- (1) Subchapter J, Chapter 36, Water Code; or
- (2) other law.

(b) In addition, the district includes the territory described by Section 2.01 of the Act enacting this subsection.

SECTION 1.02. Subchapter A, Chapter 8802, Special District Local Laws Code, is amended by adding Section 8802.005 to read as follows:

Sec. 8802.005. RATIFICATION ELECTION. (a) Before August 31, 2011, the board of directors shall hold an election to ratify the annexation of the territory described by Section 2.02 of the Act enacting this subsection. If a majority of the voters voting at the election do not vote in favor of ratifying the annexation, the board may hold another election for the same purpose.

(b) Except as provided by this section, a ratification election must be conducted as provided by Section 36.328, Water Code, and the Election Code.

(c) This section expires September 1, 2011.

SECTION 1.03. Section 8802.053, Special District Local Laws Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) As soon as practicable after the publication of each federal decennial census, the board shall revise the single-member districts as the board considers appropriate to reflect population changes.

(c-1) When the board revises the single-member districts [under this subsection], the board shall place two of the districts wholly within the territory described by Section 2.04 of the Act amending Subsection (c) and adding this subsection[=

(1) entirely within the boundaries of the city of Austin, as those boundaries exist at that time; or

(2) within the boundaries of the city of Austin, as those boundaries exist at that time, but also including unincorporated areas or other municipalities that are surrounded wholly or partly by the boundaries of the city of Austin if the areas or municipalities are nonecontiguous to the territory of any other single member district].

SECTION 1.04. Subchapter B, Chapter 8802, Special District Local Laws Code, is amended by adding Section 8802.054 to read as follows:

Sec. 8802.054. APPLICABILITY OF OTHER LAW. Section 36.059, Water Code, does not apply to the district.

SECTION 1.05. Sections 8802.051(b) and 8802.053(d), Special District Local Laws Code, are repealed.

SECTION 1.06. This article takes effect September 1, 2009.

ARTICLE 1A. BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION
DISTRICT: FEES; DIRECTORS AND TERRITORY CONTINGENT ON
ANNEXATION

SECTION 1A.01. This article takes effect only if the annexation of the territory described by Section 2.02 of this Act is ratified at an election held under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act. If the annexation of the territory described by Section 2.02 of this Act is not ratified, this article has no effect.

SECTION 1A.02. Section 8802.003, Special District Local Laws Code, is amended by adding Subsection (c) to read as follows:

(c) In addition, the district includes the territory described by Section 2.02 of the Act enacting this subsection.

SECTION 1A.03. Subchapter B, Chapter 8802, Special District Local Laws Code, is amended by adding Sections 8802.0511, 8802.054, and 8802.055 to read as follows:

Sec. 8802.0511. DIRECTORS; TERMS. (a) The district is governed by a board of seven directors who serve staggered four-year terms.

(b) Three directors must be elected by voters residing in the territory described by Section 2.03 of the Act enacting this subsection.

(c) Four directors must be elected by voters of the district who reside outside the territory described by Section 2.03 of the Act enacting this subsection.

Sec. 8802.054. SINGLE-MEMBER DISTRICTS. (a) The district is divided into seven numbered, single-member districts for electing directors.

(b) The board may revise the single-member districts as necessary or appropriate.

(c) When the board revises the single-member districts, the board shall place three of the districts entirely inside and four of the districts entirely outside the territory described by Section 2.03 of the Act enacting this subsection.

(d) When the boundaries of the single-member districts are changed, a director in office on the effective date of the change, or elected or appointed before the effective date of the change to a term of office beginning on or after the effective date of the change, is entitled to serve the term or the remainder of the term in the numbered single-member district to which elected or appointed even though the change in boundaries places the person's residence outside the numbered single-member district for which the person was elected or appointed.

(e) At the first regularly scheduled election of directors after the board of the district is expanded from five to seven directors, directors elected to fill any vacant director positions shall draw lots to determine which of those directors shall serve a two-year term and which shall serve a four-year term. Lots must be determined so that not more than four directors' terms expire in any even-numbered year.

Sec. 8802.055. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Not later than three months after the date of the election under Section 8802.005, the board shall appoint two temporary directors to the board to represent the territory the annexation of which was ratified at the election.

(b) The temporary directors shall serve at large until the next general election of directors of the district under Section 8802.052.

SECTION 1A.04. Section 8802.105(a), Special District Local Laws Code, is amended to read as follows:

(a) Each year the board may assess against the City of Austin a water use fee in an amount not to exceed the lesser of \$900,000 or 60 percent of the total funding the district expects to receive for the next fiscal year from water use fees assessed against Austin and other nonexempt users in that year as computed [7 ~~subject to the computation]~~ under Subsection (b).

SECTION 1A.05. Sections 8802.051 and 8802.053, Special District Local Laws Code, are repealed.

SECTION 1A.06. (a) Except as provided by Section 1A.01 of this Act, this article takes effect on the date the annexation of the territory described by Section 2.02 of this Act is ratified at an election held under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act.

(b) If the annexation of territory is ratified at an election described by Subsection (a) of this section, the board of directors of the Barton Springs-Edwards Aquifer Conservation District shall notify the Texas Commission on Environmental Quality of the changes in territory and board members.

ARTICLE 2. BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT: DESCRIPTION OF TERRITORIES

SECTION 2.01. The territory annexed to the Barton Springs-Edwards Aquifer Conservation District under Section 8802.003(b), Special District Local Laws Code, as added by Section 1.01 of this Act, is described as follows:

(1) 1.8750 acres described as Lot 1, Block 1 of Vanisha Development Subdivision, as recorded in Book No. 14, Pages 98-99, Hays County, Texas;

(2) 21.003 acres of land situated in the Thomas G. Allen Survey, Hays County, Texas, being a portion of that certain tract of land in a deed to South Corridor Park, Ltd., recorded in Document No. 00025896, Hays County, Texas; and

(3) 24.628 acres of land situated in the Elisha Pruett Survey, Abstract 23, described in a deed to Hays Consolidated Independent School District, recorded in Document No. 05001881, Hays County, Texas.

SECTION 2.02. The territory annexed to the Barton Springs-Edwards Aquifer Conservation District if ratified at an election under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act, is described as follows:

(1) Beginning at the current eastern district boundary and the Colorado River, running east along the Colorado River to a point where the district boundary intersects Interstate Highway 35, then south along Interstate Highway 35 to William Cannon Drive, then west along Old Lockhart Road, then north on Congress Avenue, then west on Ben White Boulevard, then north on South First Street, then east on Elizabeth Street, then north on Congress Avenue following along the district boundary to the place of beginning; and

(2) Beginning at the current western district boundary and the Colorado River, then following westerly along the southern border of the Colorado River to a point due north of the intersection of Weston Lane and Brightman Lane, then south on that line to said intersection, then south on Weston Lane to its intersection with FM 2244, then west on FM 2244 to its intersection with State Highway 71, then west on State Highway 71 until the intersection with the extraterritorial jurisdiction limits of the City of Bee Cave as of the date of the ratification election under Section 8802.005, Special District Local Laws Code, then generally south and west following the extraterritorial jurisdiction limits of the City of Bee Cave, to exclude the City of Bee Cave and its extraterritorial jurisdiction as of the date of the ratification election under Section 8802.005, Special District Local Laws Code, until it intersects with State Highway 71, then west on Highway 71 until it intersects with Bee Creek Road, then north on Bee Creek Road until it intersects with Siesta Shores Drive, then due east from that intersection to the southern boundary of Lake Travis, then following the southern boundary of Lake Travis until it intersects the Blanco County line, then following the Blanco County line until it intersects the Hays County line, then east along the Hays County line until its intersection of the district boundary existing before the effective date of this Act, then north following the western district boundary to the Colorado River, the point of beginning.

(3) Any boundary reference to a highway, street, road, avenue, boulevard, or lane shall mean the center line of the boundary.

SECTION 2.03. If the annexation of territory is ratified by an election held under Section 8802.005, Special District Local Laws Code, as added by Article 1 of this Act, the territory for certain voting districts under Sections 8802.0511(a) and (b) and Section 8802.054(c), Special District Local Laws Code, as added by Article 1A of this Act, is described as follows:

(1) Beginning at a point where Interstate Highway 35 crosses the Colorado River in Travis County, then south along Interstate Highway 35 to Slaughter Lane, then west along Slaughter Lane to FM 1826, then north along FM 1826 to U.S. Highway 290, then east along U.S. Highway 290 to Old Bee Cave Road, then northwest along Old Bee Cave Road to Travis Cook Road, then north along Travis Cook Road to Barton Creek Boulevard, then north along Barton Creek Boulevard to FM 2244, then west along FM 2244 to Weston Lane, then north along Weston Lane to Brightman Lane, then due north from that intersection to the Colorado River, then east along the Colorado River to the place of the beginning.

(2) Any boundary reference to a highway, street, road, avenue, boulevard, or lane shall mean the center line of the boundary.

SECTION 2.04. The territory for voting districts under Section 8802.053(c-1), Special District Local Laws Code, as added by Section 1.03 of this Act, is described as follows:

(1) Beginning at the eastern district boundary and the Colorado River, then south along the eastern district boundary to the intersection of Interstate Highway 35 and Slaughter Lane; then west along Slaughter Lane to the district

boundary, then north along the district boundary to the Colorado River, then east along the Colorado River following the district boundary to the point of the beginning.

(2) Any boundary reference to a highway, street, road, avenue, boulevard, or lane shall mean the center line of the boundary.

ARTICLE 3. BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION
DISTRICT: JURISDICTIONAL CONFLICT

SECTION 3.01. The Edwards Aquifer Authority maintains sole authority to regulate and manage the San Antonio segment of the Edwards Aquifer.

ARTICLE 4. BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION
DISTRICT: INTENT, NOTICE, AND EFFECTIVE DATE

SECTION 4.01. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4.02. Except as provided by Section 1.06, 1A.01, or 1A.06 of this Act, this article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009, except as provided by Section 1A.01 or 1A.06 of this Act.

(2) Designate SECTIONS 1 - 3 of the bill (page 1, line 6 through page 10, line 18) as ARTICLE 5 of the bill, insert the ARTICLE heading "HARRISON COUNTY GROUNDWATER CONSERVATION DISTRICT", and renumber those SECTIONS accordingly.

(3) In SECTION 3 of the bill, in the effective date language (page 10, line 14), strike "This Act takes effect immediately if it receives" and substitute "This article takes effect immediately if this Act receives".

(4) In SECTION 3 of the bill, in the effective date language (page 10, line 18), strike "Act" and substitute "article".

Amendment No. 2 was adopted.

SB 726, as amended, was passed to third reading.

SB 1273 (Fletcher, Miklos, Moody, Christian, and Riddle - House Sponsors), A bill to be entitled An Act relating to the prosecution of and punishment for the theft of certain electronic equipment and interference with certain radio frequencies.

SB 1273 was read second time earlier today and was postponed until this time.

Representative Fletcher moved to postpone consideration of **SB 1273** until 6:50 p.m. today.

The motion prevailed.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

CSSB 2033 (Eissler - House Sponsor), A bill to be entitled An Act relating to adoption of a school district grading policy.

SB 2047 (Fletcher, Miklos, Christian, Moody, Riddle, et al. - House Sponsors), A bill to be entitled An Act relating to the interception or the collection of information from certain communications in an investigation of criminal conduct.

Amendment No. 1 (Committee Amendment No. 1)

Representative Miklos offered the following committee amendment to **SB 2047**:

Amend **SB 2047** by striking all of SECTION 5, line 18, page 4 and replace with the following:

SECTION 5. Subsection (a), Section 14, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

(a) A district judge may issue an order for the installation and use ~~[within the judge's judicial district]~~ of a mobile tracking device in the same judicial district as the site of:

(1) the investigation; or

(2) the person, vehicle, container, item, or object the movement of which will be tracked by the mobile tracking device.

Amendment No. 1 was adopted.

CSSB 2064 (Otto - House Sponsor), A bill to be entitled An Act relating to the issuance of state and local government securities, including the powers and duties of the Bond Review Board and the issuance of private activity bonds. (Christian and C. Howard recorded voting no.)

SB 2080 (McClendon - House Sponsor), A bill to be entitled An Act relating to the establishment of a strategy for reducing child abuse and neglect and improving child welfare.

Amendment No. 1

Representative McClendon offered the following amendment to **SB 2080**:

Amend **SB 2080** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION ____ . Chapter 1001, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. TEXAS MEDICAL CHILD ABUSE RESOURCES AND EDUCATION SYSTEM (MEDCARES)

Sec. 1001.151. TEXAS MEDICAL CHILD ABUSE RESOURCES AND EDUCATION SYSTEM GRANT PROGRAM. (a) The department shall establish the Texas Medical Child Abuse Resources and Education System (MEDCARES) grant program to award grants for the purpose of developing and supporting regional programs to improve the assessment, diagnosis, and treatment of child abuse and neglect as described by the report submitted to the 80th Legislature by the committee on pediatric centers of excellence relating to abuse and neglect in accordance with Section 266.0031, Family Code, as added by Chapter 1406 (SB 758), Acts of the 80th Legislature, Regular Session, 2007.

(b) The department may award grants to hospitals or academic health centers with expertise in pediatric health care and a demonstrated commitment to developing basic and advanced programs and centers of excellence for the assessment, diagnosis, and treatment of child abuse and neglect.

(c) The department shall encourage collaboration among grant recipients in the development of program services and activities.

Sec. 1001.152. USE OF GRANT. A grant awarded under this subchapter may be used to support:

(1) comprehensive medical evaluations, psychosocial assessments, treatment services, and written and photographic documentation of abuse;

(2) education and training for health professionals, including physicians, medical students, resident physicians, child abuse fellows, and nurses, relating to the assessment, diagnosis, and treatment of child abuse and neglect;

(3) education and training for community agencies involved with child abuse and neglect, law enforcement officials, child protective services staff, and children's advocacy centers involved with child abuse and neglect;

(4) medical case reviews and consultations and testimony regarding those reviews and consultations;

(5) research, data collection, and quality assurance activities, including the development of evidence-based guidelines and protocols for the prevention, evaluation, and treatment of child abuse and neglect;

(6) the use of telemedicine and other means to extend services from regional programs into underserved areas; and

(7) other necessary activities, services, supplies, facilities, and equipment as determined by the department.

Sec. 1001.153. MEDCARES ADVISORY COMMITTEE. The executive commissioner shall establish an advisory committee to advise the department and the executive commissioner in establishing rules and priorities for the use of grant funds awarded through the program. The advisory committee is composed of the following nine members:

- (1) the state Medicaid director or the state Medicaid director's designee;
- (2) the medical director for the Department of Family and Protective Services or the medical director's designee; and
- (3) as appointed by the executive commissioner:
 - (A) two pediatricians with expertise in child abuse or neglect;
 - (B) a nurse with expertise in child abuse or neglect;
 - (C) a representative of a pediatric residency training program;
 - (D) a representative of a children's hospital;
 - (E) a representative of a children's advocacy center; and
 - (F) a member of the Governor's EMS and Trauma Advisory Council.

Sec. 1001.154. GIFTS AND GRANTS. The department may solicit and accept gifts, grants, and donations from any public or private source for the purposes of this subchapter.

Sec. 1001.155. REQUIRED REPORT. Not later than December 1 of each even-numbered year, the department, with the assistance of the advisory committee established under this subchapter, shall submit a report to the governor and the legislature regarding the grant activities of the program and grant recipients, including the results and outcomes of grants provided under this subchapter.

Sec. 1001.156. RULES. The executive commissioner may adopt rules as necessary to implement this subchapter.

Sec. 1001.157. APPROPRIATION REQUIRED. The department is not required to award a grant under this subchapter unless the department is specifically appropriated money for purposes of this subchapter.

SECTION ____. (a) Not later than November 1, 2009, the executive commissioner of the Health and Human Services Commission shall appoint the members of the advisory committee as required by Section 1001.153, Health and Safety Code, as added by this Act.

(b) Not later than January 1, 2010, the Department of State Health Services shall establish and implement a grant program as described by Subchapter F, Chapter 1001, Health and Safety Code, as added by this Act.

(c) Not later than December 1, 2010, the Department of State Health Services shall provide the initial report to the governor and the legislature as required by Section 1001.155, Health and Safety Code, as added by this Act.

SECTION ____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

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

Amendment No. 1 was adopted.

Amendment No. 2

Representative McClendon offered the following amendment to **SB 2080**:

Amend **SB 2080** (house committee printing) as follows:

(1) In SECTION 2(a) of the bill (page 1, line 8), strike "15" and substitute "nine".

(2) In SECTION 2(a)(2) of the bill (page 1, line 11), strike "five" and substitute "two".

(1) In SECTION 2(a)(3) of the bill (page 1, line 13), strike "five" and substitute "two".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Dukes offered the following amendment to **SB 2080**:

Amend **SB 2080** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 162.3041, Family Code, is amended by adding Subsection (a-1) and amending Subsection (d) to read as follows:

(a-1) Notwithstanding Subsection (a), if the department first entered into an adoption assistance agreement with a child's adoptive parents after the child's 16th birthday, the department shall, in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission, offer adoption assistance after the child's 18th birthday to the child's adoptive parents under an existing adoption agreement until the last day of the month of the child's 21st birthday, provided the child is:

(1) regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate;

(2) regularly attending an institution of higher education or a postsecondary vocational or technical program;

(3) participating in a program or activity that promotes, or removes barriers to, employment;

(4) employed for at least 80 hours a month; or

(5) incapable of doing any of the activities described by Subdivisions (1) through (4) due to a documented medical condition.

(d) If the legislature does not appropriate sufficient money to provide adoption assistance to the adoptive parents of all children described by Subsection (a), the department shall provide adoption assistance only to the adoptive parents of children described by Subsection (a)(1). The department is not required to provide adoption assistance benefits under Subsection (a-1) unless the department is specifically appropriated funds for purposes of that subsection.

SECTION _____. Section 264.101, Family Code, is amended by amending Subsections (a-1) and (d) and adding Subsection (a-2) to read as follows:

(a-1) The department shall continue to pay the cost of foster care for a child for whom the department provides care, including medical care, until the last day of the month in which ~~later of:~~

[~~(1) the date~~] the child attains the age of 18. The department shall continue to pay the cost of foster care for a child after the month in which the child attains the age of 18 as long as the child is:

(1) regularly attending[; or

[~~(2) the date the child graduates from~~] high school or [~~ceases to be~~] enrolled in a [~~secondary school in a~~] program leading toward a high school diploma or high school equivalency certificate;

(2) regularly attending an institution of higher education or a postsecondary vocational or technical program;

(3) participating in a program or activity that promotes, or removes barriers to, employment;

(4) employed for at least 80 hours a month; or

(5) incapable of performing the activities described by Subdivisions (1) through (4) due to a documented medical condition.

(a-2) The department shall continue to pay the cost of foster care under:

(1) Subsection (a-1)(1) until the last day of the month in which the child attains the age of 22; and

(2) Subsections (a-1)(2) through (5) until the last day of the month the child attains the age of 21.

(d) The executive commissioner of the Health and Human Services Commission may adopt rules that establish criteria and guidelines for the payment of foster care, including medical care, for a child and for providing care for a child after the child becomes 18 years of age if the child meets the requirements for continued foster care under Subsection (a-1) [is regularly attending an institution of higher education or a vocational or technical program].

SECTION _____. Sections 264.751(1) and (3), Family Code, are amended to read as follows:

(1) "Designated caregiver" means an individual who has a longstanding and significant relationship with a child for whom the department has been appointed managing conservator and who:

(A) is appointed to provide substitute care for the child, but is not licensed by the department or verified by a licensed child-placing agency or the department [certified] to operate a foster home, foster group home, agency foster home, or agency foster group home under Chapter 42, Human Resources Code; or

(B) is subsequently appointed permanent managing conservator of the child after providing the care described by Paragraph (A).

(3) "Relative caregiver" means a relative who:

(A) provides substitute care for a child for whom the department has been appointed managing conservator, but who is not licensed by the department or verified by a licensed child-placing agency or the department [certified] to operate a foster home, foster group home, agency foster home, or agency foster group home under Chapter 42, Human Resources Code; or

(B) is subsequently appointed permanent managing conservator of the child after providing the care described by Paragraph (A).

SECTION _____. Subchapter I, Chapter 264, Family Code, is amended by adding Section 264.760 to read as follows:

Sec. 264.760. ELIGIBILITY FOR FOSTER CARE PAYMENTS AND PERMANENCY CARE ASSISTANCE. Notwithstanding any other provision of this subchapter, a relative or other designated caregiver who becomes licensed by the department or verified by a licensed child-placing agency or the department to operate a foster home, foster group home, agency foster home, or agency foster group home under Chapter 42, Human Resources Code, may receive foster care payments in lieu of the benefits provided by this subchapter, beginning with the first month in which the relative or other designated caregiver becomes licensed or is verified.

SECTION _____. Chapter 264, Family Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. PERMANENCY CARE ASSISTANCE PROGRAM

Sec. 264.851. DEFINITIONS. In this subchapter:

(1) "Foster child" means a child who is or was in the temporary or permanent managing conservatorship of the department.

(2) "Kinship provider" means a relative of a foster child, or another adult with a longstanding and significant relationship with a foster child before the child was placed with the person by the department, with whom the child resides for at least six consecutive months after the person becomes licensed by the department or verified by a licensed child-placing agency or the department to provide foster care.

(3) "Permanency care assistance agreement" means a written agreement between the department and a kinship provider for the payment of permanency care assistance benefits as provided by this subchapter.

(4) "Permanency care assistance benefits" means monthly payments paid by the department to a kinship provider under a permanency care assistance agreement.

(5) "Relative" means a person related to a foster child by consanguinity or affinity.

Sec. 264.852. PERMANENCY CARE ASSISTANCE AGREEMENTS. (a) The department shall enter into a permanency care assistance agreement with a kinship provider who is eligible to receive permanency care assistance benefits.

(b) The department may enter into a permanency care assistance agreement with a kinship provider who is the prospective managing conservator of a foster child only if the kinship provider meets the eligibility criteria under federal and state law and department rule.

(c) A court may not order the department to enter into a permanency care assistance agreement with a kinship provider unless the kinship provider meets the eligibility criteria under federal and state law and department rule, including requirements relating to the criminal history background check of a kinship provider.

(d) A permanency care assistance agreement may provide for reimbursement of the nonrecurring expenses a kinship provider incurs in obtaining permanent managing conservatorship of a foster child, including attorney's fees and court costs. The reimbursement of the nonrecurring expenses under this subsection may not exceed \$2,000.

Sec. 264.853. RULES. The executive commissioner shall adopt rules necessary to implement the permanency care assistance program. The rules must:

(1) establish eligibility requirements to receive permanency care assistance benefits under the program; and

(2) ensure that the program conforms to the requirements for federal assistance as required by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub. L. No. 110-351).

Sec. 264.854. MAXIMUM PAYMENT AMOUNT. The executive commissioner shall set the maximum monthly amount of assistance payments under a permanency care assistance agreement in an amount that does not exceed the amount of the monthly foster care maintenance payment the department would pay to a foster care provider caring for the child for whom the kinship provider is caring.

Sec. 264.855. CONTINUED ELIGIBILITY FOR PERMANENCY CARE ASSISTANCE BENEFITS AFTER AGE 18. If the department first entered into a permanency care assistance agreement with a foster child's kinship provider after the child's 16th birthday, the department may continue to provide permanency care assistance payments until the last day of the month of the child's 21st birthday, provided the child is:

(1) regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate;

(2) regularly attending an institution of higher education or a postsecondary vocational or technical program;

(3) participating in a program or activity that promotes, or removes barriers to, employment;

(4) employed for at least 80 hours a month; or

(5) incapable of any of the activities described by Subdivisions (1) through (4) due to a documented medical condition.

Sec. 264.856. APPROPRIATION REQUIRED. The department is not required to provide permanency care assistance benefits under this subchapter unless the department is specifically appropriated money for purposes of this subchapter.

Sec. 264.857. DEADLINE FOR NEW AGREEMENTS. The department may not enter into a permanency care assistance agreement after August 31, 2017. The department shall continue to make payments after that date under a permanency care assistance agreement entered into on or before August 31, 2017, according to the terms of the agreement.

SECTION ____. Not later than April 1, 2010, the executive commissioner of the Health and Human Services Commission shall adopt rules to implement and administer the permanency care assistance program under Subchapter K, Chapter 264, Family Code, as added by this Act.

SECTION _____. Sections 162.3041 and 264.101, Family Code, as amended by this Act, and Section 264.855, Family Code, as added by this Act, take effect October 1, 2010.

Amendment No. 3 was adopted.

LEAVE OF ABSENCE GRANTED

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

Geren on motion of Ritter.

POSTPONED BUSINESS

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

SB 1492 (Ritter - House Sponsor), A bill to be entitled An Act relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council and to the recovery of certain transmission costs by electric utilities in those areas and to the provision of power during a natural disaster or declared emergency.

SB 1492 was read second time earlier today and was postponed until this time.

Representative Ritter moved to postpone consideration of **SB 1492** until 6:45 p.m. today.

The motion prevailed.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 2085 (Hancock - House Sponsor), A bill to be entitled An Act relating to the offense of unlawful use of public funds for political advertising by a political subdivision.

CSSB 2096 (McClendon - House Sponsor), A bill to be entitled An Act relating to the creation of and the powers of a comprehensive multimodal urban transportation authority, including the power to impose taxes, issue bonds, and exercise limited eminent domain authority. (Anderson, Aycock, B. Brown, Button, Cook, Craddick, Creighton, Darby, Fletcher, Gattis, Harless, C. Howard, Jones, Kleinschmidt, Kolkhorst, Laubenberg, Parker, Paxton, Riddle, Truitt, and Woolley recorded voting no.)

SB 2141 (Hughes - House Sponsor), A bill to be entitled An Act relating to the statute of repose for engineers and architects. (Sheffield recorded voting no.)

SB 2148 (Bohac - House Sponsor), A bill to be entitled An Act relating to information and assistance provided by the chief appraiser to emergency management authorities.

SB 2153 (Hernandez - House Sponsor), A bill to be entitled An Act relating to the booting of vehicles by private entities in parking facilities; providing penalties. (Anderson, Aycock, Button, Craddick, Creighton, Gattis, Kolkhorst, Legler, Parker, and Shelton recorded voting no.)

SB 2228 was deferred until the end of today's local, consent, and resolutions calendar.

SB 2230 (Anderson - House Sponsor), A bill to be entitled An Act relating to the jurisdiction and operation of the district courts in McLennan County.

SB 2240 (Crowover - House Sponsor), A bill to be entitled An Act relating to the financing of educational and related facilities by higher education facility authorities or nonprofit corporations performing the functions of those authorities and to the governance of certain higher education facility authorities. (Button, Craddick, Legler, D. Miller, and Woolley recorded voting no.)

SB 2248 (Patrick - House Sponsor), A bill to be entitled An Act relating to public school students placed in substitute care.

CSSB 2253 (Guillen - House Sponsor), A bill to be entitled An Act relating to the authority of certain municipalities and counties to regulate platting requirements near an international border. (Christian, C. Howard, Laubenberg, Paxton, Phillips, and Truitt recorded voting no.)

Amendment No. 1

Representative Guillen offered the following amendment to **CSSB 2253**:

Amend **CSSB 2253** (house committee printing) as follows:

(1) Strike SECTION 4 of the bill, amended Section 232.025, Local Government Code (page 9, line 10, through page 10, line 11).

(2) Strike SECTION 5 of the bill, added Section 232.0251, Local Government Code (page 10, lines 12-27).

(3) Strike SECTION 8 of the bill, amended Section 232.031(a), Local Government Code (page 17, lines 12-20).

(4) Strike SECTION 9 of the bill, added Section 232.045, Local Government Code (page 17, line 21, through page 24, line 2).

(5) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

SB 2258 (Hochberg - House Sponsor), A bill to be entitled An Act relating to intensive summer programs for public school students and to college readiness programs at public institutions of higher education.

POSTPONED BUSINESS

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

CSSB 861 (Dutton - House Sponsor), A bill to be entitled An Act relating to the exchange of information among certain governmental entities concerning at-risk youth.

CSSB 861 was read second time earlier today and was postponed until this time.

Representative Giddings moved to postpone consideration of **CSSB 861** until the end of today's local, consent, and resolutions calendar.

The motion prevailed.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

SB 2262 (Branch - House Sponsor), A bill to be entitled An Act relating to the administration of mathematics, science, and technology teacher preparation academies at institutions of higher education.

CSSB 2274 (Chisum - House Sponsor), A bill to be entitled An Act relating to the authority of a school district to impose ad valorem taxes.

Amendment No. 1

Representative Paxton offered the following amendment to **CSSB 2274**:

Amend **CSSB 2274** (House committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 11.42, Tax Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) An exemption authorized by Section 11.13(c) or (d) is effective as of January 1 of the tax year in which the person qualifies for the exemption and applies to the entire tax year. If the individual acquired the property in that tax year, each other exemption authorized by Section 11.13 for which the individual qualifies the property in that tax year is also effective as of January 1 of the tax year and applies to the entire tax year.

(c-1) Except as provided by Subsection (c), if an individual acquires a property after January 1 of a tax year and qualifies the property during that tax year for one or more exemptions under Section 11.13, but the individual does not qualify for an exemption under Section 11.13(c) or (d) for an individual 65 years of age or older, and the property did not previously qualify for any exemption under Section 11.13 for any portion of the tax year in which the property was acquired, the individual may receive the exemptions for which the individual qualifies for the portion of that tax year for which the individual qualifies for the exemptions immediately on qualification for the exemptions.

SECTION _____. Section 26.10, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not affect a residence homestead exemption other than an exemption under Section 11.13(c) or (d) for an individual 65 years of age or older, and for purposes of Subsection (b)(1)(B) the taxes shall be calculated taking into account any residence homestead exemption applicable to the property other than an exemption under Section 11.13(c) or (d) for an individual 65 years of age or older.

SECTION _____. Chapter 26, Tax Code, is amended by adding Section 26.1115 to read as follows:

Sec. 26.1115. CALCULATION OF TAXES ON RESIDENCE HOMESTEAD GENERALLY. (a) If an individual receives one or more exemptions under Section 11.13, other than an exemption under Section 11.13(c) or (d) for an individual 65 years of age or older, for a portion of a tax year as provided by Section 11.42(c-1), except as provided by Subsection (b) the amount of tax due on the property for that year is calculated by:

(1) subtracting:

(A) the amount of the taxes that otherwise would be imposed on the property for the entire year had the individual qualified for the exemptions for the entire year; from

(B) the amount of the taxes that otherwise would be imposed on the property for the entire year had the individual not qualified for the exemptions during the year;

(2) multiplying the remainder determined under Subdivision (1) by a fraction, the denominator of which is 365 and the numerator of which is the number of days in that year that elapsed before the date the individual first qualified the property for the exemptions; and

(3) adding the product determined under Subdivision (2) and the amount described by Subdivision (1)(A).

(b) If an individual receives one or more exemptions to which Subsection (a) applies for a portion of a tax year as provided by Section 11.42(c-1) and the exemptions terminate during the year in which the individual acquired the property, the amount of tax due on the property for that year is calculated by:

(1) subtracting:

(A) the amount of the taxes that otherwise would be imposed on the property for the entire year had the individual qualified for the exemptions for the entire year; from

(B) the amount of the taxes that otherwise would be imposed on the property for the entire year had the individual not qualified for the exemptions during the year;

(2) multiplying the remainder determined under Subdivision (1) by a fraction, the denominator of which is 365 and the numerator of which is the sum of:

(A) the number of days in that year that elapsed before the date the individual first qualified the property for the exemptions; and

(B) the number of days in that year that elapsed after the date the exemptions terminated; and

(3) adding the product determined under Subdivision (2) and the amount described by Subdivision (1)(A).

(c) If an individual qualifies to receive an exemption as described by Subsection (a) with respect to a property after the amount of tax due on the property is calculated and if the effect of the qualification is to reduce the amount of tax due on the property, the assessor for each taxing unit shall recalculate the amount of the tax due on the property and correct the tax roll. If the tax bill has

been mailed and the tax on the property has not been paid, the assessor shall mail a corrected tax bill to the person in whose name the property is listed on the tax roll or to the person's authorized agent. If the tax on the property has been paid, the collector for the taxing unit shall refund to the person who paid the tax the amount by which the payment exceeded the tax due.

SECTION _____. Section 26.112(a), Tax Code, is amended to read as follows:

(a) Except as provided by Section 26.10(b), if at any time during a tax year property is owned by an individual who qualifies for an exemption under Section 11.13(c) or (d), the amount of the tax due on the property for the tax year is calculated as if the person qualified for the exemption on January 1 and continued to qualify for the exemption for the remainder of the tax year. If the individual acquired the property in that tax year, the amount of the tax due on the property is calculated as if the person qualified on January 1 for each exemption for which the individual qualifies the property in that tax year under Section 11.13 and continued to qualify for each exemption for the remainder of the tax year.

Amendment No. 1 was adopted.

CSSB 2279 (S. Turner - House Sponsor), A bill to be entitled An Act relating to the dedication of certain civil penalties for violations of the Deceptive Trade Practices-Consumer Protection Act to provide civil legal services to the indigent.

CSSB 2324 (Lewis - House Sponsor), A bill to be entitled An Act relating to the classification of certain types of marital property in regards to claims for payment of a criminal restitution judgment.

SB 2325 (Madden - House Sponsor), A bill to be entitled An Act relating to the confidentiality of certain information pertaining to the State Commission on Judicial Conduct.

SB 2340 (Homer - House Sponsor), A bill to be entitled An Act relating to electronic monitoring and other alternative means for certain defendants to discharge a fine or costs or satisfy a term of confinement in county jail.

SB 2350 (Hughes - House Sponsor), A bill to be entitled An Act relating to the payment and distribution of consumer assistance funds in an action by the attorney general.

SB 2381 (Dukes - House Sponsor), A bill to be entitled An Act relating to the fee charged for registration on the master bidders list.

SB 2385 (Naishtat and Madden - House Sponsors), A bill to be entitled An Act relating to information regarding the relative or designated caregivers for a child in the managing conservatorship of the state.

SB 2420 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the location at which a certification examination for interpreters for the deaf or hard of hearing may be conducted.

SB 2424 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the authorization of certain nonemergency ambulance services under the Medicaid program.

SB 2435 (Naishtat - House Sponsor), A bill to be entitled An Act relating to medical assistance program reimbursement for guardianship expenses of certain recipients.

CSSB 2440 (Corte and Martinez Fischer - House Sponsors), A bill to be entitled An Act relating to the Bexar Metropolitan Water District.

SB 2468 (Coleman, J. Davis, Cohen, Walle, et al. - House Sponsors), A bill to be entitled An Act relating to the postemployment activities of certain local government officers in certain counties; providing a penalty. (Anderson, Aycock, Berman, Cook, Darby, Flynn, Harless, C. Howard, Jones, Laubenberg, Paxton, Shelton, and Truitt recorded voting no.)

Amendment No. 1

Representative Cook offered the following amendment to **SB 2468**:

Amend **SB 2468** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Section 172.003(3), Local Government Code, is amended to read as follows:

(3) "Political Subdivision" means a county, municipality, special district, school district, junior college district, housing authority, or other political subdivision of this [the] state or any other state.

Amendment No. 1 was adopted.

SB 2469 (Gonzales - House Sponsor), A bill to be entitled An Act relating to the creation of two additional county courts at law in Hidalgo County. (Berman recorded voting no.)

(Geren now present)

CSSB 2505 (Geren - House Sponsor), A bill to be entitled An Act relating to safety of children who participate in rodeos. (Aycock, Berman, Christian, Darby, Flynn, Harless, C. Howard, T. King, Laubenberg, Paxton, Phillips, and Truitt recorded voting no.)

POSTPONED BUSINESS

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

SB 1199 (F. Brown - House Sponsor), A bill to be entitled An Act relating to refunds of and credits for certain sales and use taxes paid by certain exempt organizations.

SB 1199 was read second time earlier today, an amendment was offered and disposed of, and **SB 1199** was postponed until this time.

Representative Thompson moved to postpone consideration of **SB 1199** until the end of today's local, consent, and resolutions calendar.

The motion prevailed.

SB 1492 (Ritter - House Sponsor), A bill to be entitled An Act relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council and to the recovery of certain transmission costs by electric utilities in those areas and to the provision of power during a natural disaster or declared emergency.

SB 1492 was read second time earlier today and was postponed until this time.

Representative Ritter moved to postpone consideration of **SB 1492** until the end of today's local, consent, and resolutions calendar.

The motion prevailed.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 2512 (Eiland - House Sponsor), A bill to be entitled An Act relating to the creation of the Chambers County Improvement District No. 3; granting road powers; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2517 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to the dissolution of the Ballinger Memorial Hospital District and the North Runnels County Hospital District and the creation of the Runnels County Hospital District; granting the authority to impose a tax and issue bonds; granting the power of eminent domain.

POSTPONED BUSINESS

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

SB 1273 (Fletcher, Miklos, Moody, Christian, and Riddle - House Sponsors), A bill to be entitled An Act relating to the prosecution of and punishment for the theft of certain electronic equipment and interference with certain radio frequencies.

SB 1273 was read second time earlier today and was postponed until this time.

Amendment No. 1 (Committee Amendment No.)

Representative Miklos offered the following committee amendment to **SB 1273**:

Amend **SB 1273** as follows:

Strike "or" from line 2, page 3, Subsection (F) of Section 31.03, Penal Code in SECTION 1 and strike proposed Subsection (G) from line 3 to line 10, page 3 in SECTION 1 of the bill.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Phillips offered the following amendment to **SB 1273**:

Amend **SB 1273** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly

SECTION _____. Section 1956.001(10), Occupations Code, is amended to read as follows:

- (10) "Regulated metal" means:
- (A) manhole covers;
 - (B) guardrails;
 - (C) metal cylinders designed to contain compressed air, oxygen, gases, or liquids;
 - (D) beer kegs made from metal other than aluminum;
 - (E) historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum;
 - (F) unused rebar;
 - (G) street signs;
 - (H) drain gates;
 - (I) safes;
 - (J) communication, transmission, and service wire or cable;
 - (K) condensing or evaporator coils, tubing, or rods for central heating or air conditioning units;
 - (L) utility structures, including the fixtures and hardware;
 - (M) aluminum or stainless steel containers designed to hold propane for fueling forklifts; ~~and~~
 - (N) metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions;
 - (O) catalytic converters not attached to a vehicle;
 - (P) fire hydrants;
 - (Q) metal bleachers or other seating facilities used in recreational areas or sporting arenas;
 - (R) any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad;
 - (S) insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation;
 - (T) backflow valves; and
 - (U) metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals.

SECTION _____. The heading to Section 1956.003, Occupations Code, is amended to read as follows:

Sec. 1956.003. LOCAL LAW; CRIMINAL PENALTY.

SECTION _____. Section 1956.003, Occupations Code, is amended by adding Subsections (a-1), (f), (g), and (h) to read as follows:

(a-1) A county, municipality, or political subdivision may require the record of purchase described under Section 1956.033 to contain a clear and legible thumbprint of a seller of regulated material.

(f) A county, municipality, or political subdivision that issues a license or permit authorized under Subsection (b) shall issue a notice to an owner or operator of a metal recycling entity operating without the license or permit informing the owner or operator that the entity is operating without the required license or permit and that the owner or operator may be subject to criminal penalties if the owner or operator does not submit an application for the appropriate license or permit before the 15th day after the date the notice is received.

(g) A person commits an offense if the person owns or operates a metal recycling entity and does not submit an application for the appropriate license or permit before the 15th day after the date of receiving a notice under Subsection (f).

(h) An offense under Subsection (g) is a Class A misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted under Subsection (g), in which event the offense is a state jail felony.

SECTION _____. Section 1956.015(d), Occupations Code, is amended to read as follows:

(d) Information provided under this section is not subject to disclosure under Chapter 552, Government Code. Except as provided by Subsection (b), the [The] department shall:

(1) maintain the confidentiality of information provided under this section; and

(2) require that any contractor, subcontractor, or third party that has access to, comes into possession of, or otherwise obtains information provided under this section shall maintain the confidentiality of the information provided under this section ~~[that relates to the financial condition or business affairs of a metal recycling entity or that is otherwise commercially sensitive. The confidential information is not subject to disclosure under Chapter 552, Government Code].~~

SECTION _____. Subchapter A-1, Chapter 1956, Occupations Code, is amended by adding Section 1956.016 to read as follows:

Sec. 1956.016. REGISTRATION DATABASE. The department shall make available on its Internet website a publicly accessible list of all registered metal recycling entities.

SECTION _____. Section 1956.032, Occupations Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) Except as provided by Subsection (f), a person attempting to sell regulated material to a metal recycling entity shall:

(1) display to the metal recycling entity the person's personal identification document;

(2) provide to the metal recycling entity the make, model, and license plate number of the motor vehicle used to transport the regulated material and the name of the state issuing the license plate; and

(3) either:

(A) present written documentation evidencing that the person is the legal owner or is lawfully entitled to sell the regulated material; or

(B) sign a written statement provided by the metal recycling entity that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale.

(g) Notwithstanding Section 1956.002, a person attempting to sell regulated material who represents that they are a metal recycling entity shall provide a copy of the certificate of registration issued under Section 1956.022 in addition to the information required under Subsection (a).

SECTION _____. Section 1956.033(b), Occupations Code, is amended to read as follows:

(b) The record must be in English and include:

(1) the place and date of the purchase;

(2) the name and address of each individual from whom the regulated material is purchased or obtained;

(3) the identifying number of the seller's personal identification document;

(4) a description made in accordance with the custom of the trade of the type and quantity of regulated material purchased; and

(5) the information required by Sections 1956.032(a)(2) and (3) [~~Section 1956.032(a)(3)~~].

SECTION _____. Section 1956.034, Occupations Code, is amended to read as follows:

Sec. 1956.034. PRESERVATION OF RECORDS. A metal recycling entity shall preserve each record required by Sections 1956.032 and 1956.033 until the third anniversary of the date the record was made. The records must be kept in an easily retrievable format.

SECTION _____. Section 1956.036, Occupations Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (d), not later than 48 hours [~~the seventh day~~] after the [~~date of the~~] purchase or other acquisition of material for which a record is required under Section 1956.033, a metal recycling entity shall send an electronic transaction report to the department via the department's Internet website. The [~~by facsimile or electronic mail to or file with the department a~~] report must contain [~~containing~~] the information required to be recorded under Section 1956.033 [~~that section~~].

(b) If a metal recycling entity purchases bronze material that is a cemetery vase, receptacle, memorial, or statuary or a pipe that can reasonably be identified as aluminum irrigation pipe, the entity shall:

(1) not later than the close of business on the entity's first working day after the purchase date, notify the department by telephone; and

(2) not later than 48 hours [~~the fifth day~~] after the purchase [~~date~~], submit to the department electronically via the department's Internet website [~~mail to~~] or file with the department a report containing the information required to be recorded under Section 1956.033.

(d) A metal recycling entity may submit the transaction report required under Subsection (a) by facsimile if:

(1) the entity submits to the department annually:

(A) an application requesting an exception to the electronic reporting requirement; and

(B) an affidavit stating that the entity does not have an available and reliable means of submitting the transaction report electronically; and

(2) the department approves the entity's application under this subsection.

SECTION _____. Section 1956.037(a), Occupations Code, is amended to read as follows:

(a) A metal recycling entity may not dispose of, process, sell, or remove from the premises an item of regulated metal unless:

(1) the entity acquired the item more than five days [~~72 hours~~], excluding weekends and holidays, before the disposal, processing, sale, or removal; [~~or~~]

(2) the entity purchased the item from a manufacturing, industrial, commercial, retail, or other seller that sells regulated material in the ordinary course of its business; or

(3) the entity:

(A) acquired the item more than 72 hours, excluding weekends and holidays, before the disposal, processing, sale, or removal; and

(B) obtained a digital or video photograph of the seller of the regulated material and the regulated material purchased.

SECTION _____. Section 1956.038, Occupations Code, is amended to read as follows:

Sec. 1956.038. PROHIBITED ACTS. (a) A person may not, with the intent to deceive:

(1) display to a metal recycling entity a false or invalid personal identification document in connection with the person's attempted sale of regulated material;

(2) make a false, material statement or representation to a metal recycling entity in connection with:

(A) that person's execution of a written statement required by Section 1956.032(a)(3); or

(B) the entity's efforts to obtain the information required under Section 1956.033(b); [~~or~~]

(3) display or provide to a metal recycling entity any information required under Section 1956.032 that the person knows is false or invalid; or

(4) display another individual's personal identification document in connection with the sale of regulated material.

(b) A metal recycling entity may not pay more than:

(1) \$150 in cash for a purchase of regulated metal; or

(2) \$1,000 in cash for a purchase of regulated material, other than regulated metal.

(c) Notwithstanding Section 1956.003(a) or any other law, a county, municipality, or political subdivision may not adopt a rule, charter, or ordinance or issue an order or impose standards that limit the use of cash by a metal recycling entity in a manner more restrictive than that provided by Subsection (b), unless such a rule, charter, or ordinance was adopted before January 1, 2010.

SECTION _____. Section 1956.040, Occupations Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person commits an offense if the person knowingly violates Section 1956.021, Section 1956.023(d), Section 1956.036(a), or Section 1956.038. An offense under this subsection is a Class A misdemeanor unless it is shown on trial of the offense that the person has previously been convicted of a violation of this subchapter, in which event the offense is a state jail felony.

(a-1) A person commits an offense if the person knowingly violates Section 1956.037 and has previously been found liable for a civil penalty under Section 1956.202(a-1). An offense under this subsection is a Class A misdemeanor unless it is shown on trial of the offense that the person has previously been convicted of a violation of this subchapter, in which event the offense is a state jail felony.

SECTION _____. Section 1956.103(a), Occupations Code, is amended to read as follows:

(a) A person may not sell or otherwise transfer to a metal recycling entity:

(1) a lead-acid battery, fuel tank, or PCB-containing capacitor that is included with another type of scrap, used, or obsolete metal without first obtaining from the metal recycling entity a written and signed acknowledgment that the scrap, used, or obsolete metal includes one or more lead-acid batteries, fuel tanks, or PCB-containing capacitors;

(2) any of the following items that contain or enclose a lead-acid battery, fuel tank, or PCB-containing capacitor or of which a lead-acid battery, fuel tank, or PCB-containing capacitor is a part:

(A) a motor vehicle;

(B) a motor vehicle that has been junked, flattened, dismantled, or changed so that it has lost its character as a motor vehicle;

(C) an appliance; or

(D) any other item of scrap, used, or obsolete metal; ~~[or]~~

(3) a motor vehicle or a motor vehicle that has been junked, flattened, dismantled, or changed so that it has lost its character as a motor vehicle if the motor vehicle includes, contains, or encloses a tire or scrap tire; or

(4) a metal alcoholic beverage keg, regardless of condition, unless the seller is the manufacturer of the keg, the brewer or distiller of the beverage that was contained in the keg, or an authorized representative of the manufacturer, brewer, or distiller.

SECTION _____. Section 1956.151, Occupations Code, is amended to read as follows:

Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION. The department shall deny an application for a certificate of registration, suspend or revoke a certificate of registration, or reprimand a person who is registered under this chapter if the person:

- (1) obtains a certificate of registration by means of fraud, misrepresentation, or concealment of a material fact;
- (2) sells, barter, or offers to sell or barter a certificate of registration;
- (3) violates a provision of this chapter or a rule adopted under this chapter; or
- (4) violates Section 1956.021.

SECTION _____. Section 1956.202, Occupations Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsections (a-1) and [Subsection] (d), a person who violates this chapter or a rule adopted under this chapter is liable to this state for a civil penalty of not more than \$1,000 for each violation.

(a-1) A person who violates Section 1956.037 is liable to this state for a civil penalty of not more than \$10,000 for each violation.

(d) A civil penalty may not be assessed under this section for conduct described by Section 1956.021, Section 1956.023(d), Section 1956.036(a), or Section 1956.038.

SECTION _____. Section 31.03(e), Penal Code, is amended to read as follows:

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than:

(A) \$50; or

(B) \$20 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is:

(i) \$50 or more but less than \$500; or

(ii) \$20 or more but less than \$500 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06; or

(B) the value of the property stolen is less than:

(i) \$50 and the defendant has previously been convicted of any grade of theft; or

(ii) \$20, the defendant has previously been convicted of any grade of theft, and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06;

(3) a Class A misdemeanor if the value of the property stolen is \$500 or more but less than \$1,500;

(4) a state jail felony if:

(A) the value of the property stolen is \$1,500 or more but less than \$20,000, or the property is less than 10 head of cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, or any part thereof under the value of \$20,000, or less than 100 head of sheep, swine, or goats or any part thereof under the value of \$20,000;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave;

(C) the property stolen is a firearm, as defined by Section 46.01;

(D) the value of the property stolen is less than \$1,500 and the defendant has been previously convicted two or more times of any grade of theft;

(E) the property stolen is an official ballot or official carrier envelope for an election; or

(F) the value of the property stolen is less than \$20,000 and the property stolen is ~~[insulated or noninsulated wire or cable that consists of at least 50 percent]:~~

(i) aluminum;

(ii) bronze; ~~[or]~~

(iii) copper; or

(iv) brass;

(5) a felony of the third degree if the value of the property stolen is \$20,000 or more but less than \$100,000, or the property is:

(A) 10 or more head of cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$100,000; or

(B) 100 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$100,000;

(6) a felony of the second degree if the value of the property stolen is \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the property stolen is \$200,000 or more.

SECTION _____. Section 1956.014(d), Occupations Code, is repealed.

SECTION _____. (a) Notwithstanding Subsection (c) of this section, the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(c) The enhancement of the punishment of an offense provided under Section 1956.003(h), Occupations Code, as added by this Act, applies only to an offense committed on or after January 1, 2010. For purposes of this subsection, an offense is committed before January 1, 2010, if any element of the offense occurs before that date. An offense committed before January 1, 2010, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

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

Amendment No. 2 was adopted.

SB 1273, as amended, was passed to third reading.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

SB 2524 (Otto - House Sponsor), A bill to be entitled An Act relating to the creation of the Liberty County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2543 (Callegari - House Sponsor), A bill to be entitled An Act relating to the enforcement of rules by the Harris-Galveston Subsidence District and the Fort Bend Subsidence District; providing penalties.

Amendment No. 1

On behalf of Representative Callegari, Representative Ritter offered the following amendment to **SB 2543**:

Amend **SB 2543** (House Committee Report) as follows:

- (1) On page 1, lines 8 - 9, strike ", including a political subdivision,";
- (2) On page 2, line 12, strike ", including a political subdivision,".

Amendment No. 1 was adopted.

SB 2550 (Hancock - House Sponsor), A bill to be entitled An Act relating to the creation of the Padre Island Gateway Municipal Management District; providing authority to impose a tax and issue bonds.

SB 2553 (Morrison - House Sponsor), A bill to be entitled An Act relating to the regulatory authority of counties, including granting certain counties authority to regulate the cutting of certain trees; providing a penalty. (Anderson, Aycock, B. Brown, Button, Cook, Darby, Fletcher, Harless, C. Howard, Jones, Kleinschmidt, Laubenberg, Legler, D. Miller, Paxton, Phillips, Riddle, Shelton, Truitt, and Woolley recorded voting no.)

SB 2554 (Weber - House Sponsor), A bill to be entitled An Act relating to a bailiff for the 130th District Court.

SB 2565 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to adjustments of rates of certain telecommunications utilities for changes in certain tax liabilities.

CSSB 2566 (Flynn - House Sponsor), A bill to be entitled An Act relating to jurisdiction of the county courts at law in Hunt County and the composition and operation of the Hunt County Juvenile Board.

CSSB 2569 (Rios Ybarra - House Sponsor), A bill to be entitled An Act relating to the governing body of the Willacy County Navigation District.

SB 2577 (Zerwas - House Sponsor), A bill to be entitled An Act relating to bariatric surgery coverage for state employees. (C. Howard, Kleinschmidt, Laubenberg, Paxton, and Truitt recorded voting no.)

SCR 40 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Calendars.

SCR 42 (Naishtat - House Sponsor), Renaming Building G at the Department of State Health Services Central Complex as the Dr. Robert Bernstein Building.

HR 1784 (by Maldonado, et al.), Promoting greater public awareness of hemophilia and von Willebrand disease.

SB 1204 (Kleinschmidt - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Bastrop County Water Control and Improvement District No. 2.

CSSB 1263 (Rodriguez - House Sponsor), A bill to be entitled An Act relating to certain mass transit entities. (Flynn recorded voting no.)

Amendment No. 1

Representative Rodriguez offered the following amendment to **CSSB 1263**:

Amend **CSSB 1263** (house committee printing) as follows:

(1) On page 3, line 23, before "Section" insert "SECTION 4." and renumber subsequent SECTIONS of the bill accordingly.

(2) In SECTION 9(f) of the bill, strike the underlined language (page 13, line 27 through page 14, line 24).

(3) Strike SECTIONS 10 and 11 of the bill (page 4, line 25 through page 16, line 14) and renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

CSSB 1263 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GATTIS: Eddie, you and I have discussed this bill a lot today, correct?

REPRESENTATIVE RODRIGUEZ: Yes.

GATTIS: As well as discussing this issue with Senator Watson?

RODRIGUEZ: Yes.

GATTIS: The issue that concerns me is that the county that I represent, their participation on the Capital Metro board is being diminished with the language as it states today.

RODRIGUEZ: That's the concern you've expressed to me—yes.

GATTIS: Okay, and the agreement that I've reached with Senator Watson is that what we will do is we will allow Williamson County to pick their own representative and not be in joint with the city of Austin, correct?

RODRIGUEZ: That's correct.

GATTIS: In return for that, we're going to add one more member to the board, making it an eight-member board, and that member will be chosen by the City of Austin, correct?

RODRIGUEZ: That's correct.

GATTIS: Now, my understanding is that because we couldn't get an amendment on this, because of various issues going on on the floor, Senator Watson has agreed that he will not concur with the amendment that you just put on in order to put it to a conference, fix it, bring it back, and we'll just fix it in a conference committee.

RODRIGUEZ: The conference committee is to fix that Williamson County issue.

GATTIS: Fix only that issue?

RODRIGUEZ: Fix only that issue.

GATTIS: That issue will be the only thing that will be addressed in the conference committee, otherwise, the bill goes away.

RODRIGUEZ: That's right.

GATTIS: I have your word on that, and Senator Watson's word on that?

RODRIGUEZ: You have my word on that.

GATTIS: The only issue that's going to be addressed is to fix that Williamson County issue, and the fix that just happened with Harris County, and I think some others have concern, is not going to be changed at all?

RODRIGUEZ: That will not be changed at all.

REMARKS ORDERED PRINTED

Representative Gattis moved to print remarks between Representative Rodriguez and Representative Gattis.

The motion prevailed.

CSSB 1742 (Paxton - House Sponsor), A bill to be entitled An Act relating to the regulation of the discharge of firearms and certain other weapons by certain municipalities; providing a criminal penalty. (Kleinschmidt recorded voting no.)

SB 2135 (Peña - House Sponsor), A bill to be entitled An Act relating to a monument dedicated to members of the armed forces from this state who died in combat.

POSTPONED BUSINESS

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

CSSB 861 (Dutton - House Sponsor), A bill to be entitled An Act relating to the exchange of information among certain governmental entities concerning at-risk youth.

CSSB 861 was read second time earlier today and was postponed until this time.

CSSB 861 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Thank you, chairman. One of my concerns is the degree to which we're doing the information sharing and the degree to which the child's privacy is protected. I am very familiar with the problem you're talking about, and I can appreciate you trying to initiate something to address the problem. Explain to me what kind of safeguards there are in this to protect—

REPRESENTATIVE DUTTON: Well, I'm glad you asked the question. The same confidentiality requirements that exist today, Lon—we don't change them. The same confidentiality requirements that exist in state law, and in federal law, don't get changed at all—touch one side, bottom, top—at all in this bill. So, you have the same safeguards—this bill doesn't change that. What this bill simply does is—exactly what the caption says—it allows them to exchange the information between—let me give you an example, it would be almost tantamount to, if we didn't allow the first-grade teacher to give the second-grade teacher information about a child who has gone to second-grade—

BURNAM: I appreciate that, and you've answered my question.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Dutton and Representative Burnam.

The motion prevailed.

CSSB 861 was withdrawn.

SB 385 (Vaught, Fletcher, Miklos, Christian, Moody, et al. - House Sponsors), A bill to be entitled An Act relating to the interception of wire, oral, or electronic communications.

SB 385 was read second time earlier today, an amendment was offered and disposed of, and **SB 385** was postponed until this time.

SB 385 was withdrawn.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

SB 978 (Elkins and Coleman - House Sponsors), A bill to be entitled An Act relating to the creation and financing of public improvement districts.

Amendment No. 1

Representative Miklos offered the following amendment to **SB 978**:

Amend **SB 978** (house committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 372.003(b), Local Government Code, in proposed Subdivision (13) of that subsection (page 6, line 17), strike "and".

(2) In SECTION 1 of the bill, in amended Section 372.003(b), Local Government Code, after proposed Subdivision (14) of that subsection (page 7, line 3), strike "[~~and~~]" and substitute the following:

; and

(15) acquisition, construction, or improvement of a rainwater harvesting system

Amendment No. 1 was adopted.

POSTPONED BUSINESS

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

SB 1199 (F. Brown - House Sponsor), A bill to be entitled An Act relating to refunds of and credits for certain sales and use taxes paid by certain exempt organizations.

SB 1199 was read second time earlier today, an amendment was offered and disposed of, and **SB 1199** was postponed until this time.

SB 1199, as amended, was passed to third reading.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 1266 (Bolton - House Sponsor), A bill to be entitled An Act relating to erecting an off-premise sign adjacent to and visible from State Highway 71 between the western city limits of the city of Austin and State Highway 16.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 1266**:

Amend **SB 1266** (engrossed version) by striking Section 2 and substituting the following:

SECTION 2. Section 391.252, Transportation Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) Notwithstanding any other law, before the portion of an Act of the legislature that amends Subsection (a) to add one or more segments of public road can become effective, the department shall send a written notice, by certified mail, to each landowner who owns real property, according to the most recent certified county tax appraisal roll, along the added segment of public road. Upon receiving a request from the department, the county clerk of a county in which an added segment of public road is located shall send the department a list containing the names and mailing addresses of each landowner who owns real property, according to the most recent certified tax appraisal roll, along the added segment of public road. The notice mailed to each landowner pursuant to this subsection shall identify the added segment of public road and state that the landowner's future right to lease the landowner's property for the purpose of erecting an off-premise sign will be terminated unless the landowner notifies the department that the landowner plans to exclude the landowner's property from the application of the portion of the Act that amends Subsection (a) to add the segment of public road along which the landowner's property is located. The notice must be sent to landowners by the department in accordance with this subsection within 90 days of the date an Act subject to this subsection is signed by the governor, filed with the secretary of state without the governor's signature, or approved by the legislature notwithstanding the objections of the governor.

(e) The department shall document the date that the notice required by Subsection (d) was mailed to landowners and shall maintain a copy of the notice and a list of the landowners to whom the notice was mailed. The records required to be maintained by this subsection are public information for the purposes of Chapter 552, Government Code.

(f) By notifying the department in writing, by certified mail, a landowner to whom a notice is mailed by the department as provided by Subsection (d) may exclude the landowner's property from the application of the portion of the Act that amends Subsection (a) to add the segment of public road along which the landowner's property is located. In order for the landowner's property to be excluded from the application of that portion of the Act, the landowner's notice must be received by the department within one year of the date the department mailed all required notices to landowners pursuant to Subsection (d). The landowner's exclusion becomes effective on the date the landowner's notice is received by the department.

(g) Notwithstanding any other law, the portion of an Act of the legislature that is subject to Subsection (d) takes effect on the 91st day after the day that all notices required by Subsection (d) have been mailed to landowners.

SECTION 3. EFFECTIVE DATE. (a) Except as otherwise provided by this section, this Act takes effect on September 1, 2009.

(b) Section 1 of this Act takes effect on the 91st day after the day that all notices required by Section 391.252(d), Transportation Code, as added by this Act, have been mailed to landowners.

Amendment No. 1 was adopted.

SB 1266, as amended, was withdrawn.

POSTPONED BUSINESS

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

SB 1492 (Ritter - House Sponsor), A bill to be entitled An Act relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council and to the recovery of certain transmission costs by electric utilities in those areas and to the provision of power during a natural disaster or declared emergency.

SB 1492 was read second time earlier today and was postponed until this time.

Amendment No. 1 (Committee Amendment No. 1)

Representative Solomons offered the following committee amendment to **SB 1492**:

Amend **SB 1492** (engrossed version) as follows:

On page 4, line 26, add Subsection (i):

(i) Notwithstanding any other provision of this Subtitle, in awarding a certificate of convenience and necessity or allowing cost recovery for purchased power by an electric utility subject to this section, the Commission shall ensure in its determination that the provision of section 37.056(4)(d) and (e) are met.

Amendment No. 1 was adopted.

SB 1492, as amended, was passed to third reading. (Aycock, Berman, Darby, Harless, and Sheffield recorded voting no.)

CSSB 1651 (Lewis - House Sponsor), A bill to be entitled An Act relating to state indemnification of certain judges and certain judicial appointees.

CSSB 1651 was read second time earlier today, an amendment was offered and disposed of, and **CSSB 1651** was postponed until this time.

CSSB 1651 was withdrawn.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

CSSB 1759 (Pickett - House Sponsor), A bill to be entitled An Act relating to the extended registration of a commercial fleet of motor vehicles. (Berman recorded voting no.)

Amendment No. 1

Representatives Otto and Anchia offered the following amendment to **CSSB 1759**:

Amend **CSSB 1759** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 386.252, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Money in the fund may be used only to implement and administer programs established under the plan and shall be allocated as follows:

(1) for the diesel emissions reduction incentive program, 87.5 percent of the money in the fund, of which not more than four percent may be used for the clean school bus program, five percent shall be used for the clean fleet program, and not more than 10 percent may be used for on-road diesel purchase or lease incentives;

(2) for the new technology research and development program, 9.5 percent of the money in the fund, of which up to \$250,000 is allocated for administration, up to \$200,000 is allocated for a health effects study, \$500,000 is to be deposited in the state treasury to the credit of the clean air account created under Section 382.0622 to supplement funding for air quality planning activities in affected counties, not less than 20 percent is to be allocated each year to support research related to air quality for the Houston-Galveston-Brazoria and Dallas-Fort Worth nonattainment areas by a nonprofit organization based in Houston of which \$216,000 each year shall be contracted to the Energy Systems Laboratory at the Texas Engineering Experiment Station for the development and annual calculation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the State Implementation Plan, and the balance is to be allocated each year to a nonprofit organization or an institution of higher education based in Houston to be used to implement and administer the new technology research and development program under a

contract with the commission for the purpose of identifying, testing, and evaluating new emissions-reducing technologies with potential for commercialization in this state and to facilitate their certification or verification; and

(3) for administrative costs incurred by the commission and the laboratory, three percent of the money in the fund.

(d) The commission may allocate unexpended money designated for the clean fleet program to other programs described under Subsection (a) after the commission allocates money to recipients under the clean fleet program.

SECTION _____. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 391 to read as follows:

CHAPTER 391. TEXAS CLEAN FLEET PROGRAM

Sec. 391.001. DEFINITIONS. In this chapter:

(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, other than biodiesel fuel, including electricity, compressed natural gas, liquified natural gas, hydrogen, propane, methanol, or a mixture of fuels containing at least 85 percent methanol by volume.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Hybrid vehicle" means a vehicle with at least two different energy converters and two different energy storage systems on board the vehicle for the purpose of propelling the vehicle.

(4) "Incremental cost" has the meaning assigned by Section 386.001.

(5) "Program" means the Texas clean fleet program established under this chapter.

Sec. 391.002. PROGRAM. (a) The commission shall establish and administer the Texas clean fleet program to encourage a person that has a fleet of vehicles to convert diesel-powered vehicles to alternative fuel or hybrid vehicles or replace them with alternative fuel or hybrid vehicles. Under the program, the commission shall provide grants for eligible projects to offset the incremental cost of projects for fleet owners.

(b) An entity that places 25 or more qualifying vehicles in service for use entirely in this state during a calendar year is eligible to participate in the program.

Sec. 391.003. QUALIFYING VEHICLES. (a) A vehicle is a qualifying vehicle that may be considered for a grant under the program if during a calendar year the entity:

(1) purchases the vehicle and the vehicle is a hybrid vehicle or is fueled by an alternative fuel;

(2) converts the vehicle to be a hybrid vehicle or to be fueled by an alternative fuel in a manner other than the manner described by Subdivision (3); or

(3) replaces the vehicle's power source with a power source that is fueled by an alternative fuel or that causes the vehicle to be a hybrid vehicle.

(b) A vehicle is not a qualifying vehicle if the vehicle:

(1) is a neighborhood electric vehicle, as defined by Section 551.301, Transportation Code;

(2) has been used as a qualifying vehicle to qualify for a grant under this chapter for a previous reporting period or by another entity; or

(3) has qualified for a similar grant or tax credit in another jurisdiction.

Sec. 391.004. APPLICATION FOR GRANT. (a) An entity operating in this state that operates a fleet of at least 100 vehicles may apply for and receive a grant under the program.

(b) The commission may adopt guidelines to allow a regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, or a private nonprofit organization to apply for and receive a grant to improve the ability of the program to achieve its goals.

(c) An application for a grant under this chapter must be made on a form provided by the commission and must contain the information required by the commission.

Sec. 391.005. ELIGIBILITY OF PROJECTS FOR GRANTS. (a) The commission by rule shall establish criteria for setting priorities for projects eligible to receive grants under this chapter. The commission shall review and may modify the criteria and priorities as appropriate.

(b) A qualifying vehicle must be used on a regular, daily route and must have at least two years of useful life remaining.

(c) A qualifying vehicle must remain in the state for at least five years. The commission by rule shall create a monitoring program to ensure compliance under this subsection as well as penalties against the recipient of the grant if the vehicle is removed from the state before the fifth anniversary of the date the grant is awarded.

Sec. 391.006. RESTRICTION ON USE OF GRANT. A recipient of a grant under this chapter shall use the grant to pay the incremental costs of the project for which the grant is made, which may include the initial cost of the alternative fuel vehicle and the reasonable and necessary expenses incurred for the labor needed to install emissions-reducing equipment. The recipient may not use the grant to pay the recipient's administrative expenses.

Sec. 391.007. AMOUNT OF GRANT. The amount the commission shall award for each vehicle is:

(1) for a federally certified low-emission vehicle fueled by an alternative fuel, 50 percent of the incremental cost;

(2) for a federally certified ultra-low-emission vehicle or federally certified inherently low-emission vehicle fueled by an alternative fuel, 75 percent of the incremental cost;

(3) for a federally certified super-ultra-low-emission vehicle or federally certified zero-emission vehicle fueled by an alternative fuel, 85 percent of the incremental cost; or

(4) for a hybrid vehicle, 80 percent of the incremental cost.

Sec. 391.008. EXPIRATION. This chapter expires August 31, 2017.

SECTION _____. (a) In this section:

(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, other than biodiesel fuel, including electricity, compressed natural gas, liquified natural gas, hydrogen, propane, methanol, or a mixture of fuels containing at least 85 percent methanol by volume.

(2) "Commission" means the Texas Commission on Environmental Quality.

(b) The commission shall conduct an alternative fueling facilities study to:

(1) assess the correlation between the installation of fueling facilities in nonattainment areas and the deployment of fleet vehicles that use alternative fuels; and

(2) determine the emissions reductions achieved from replacing a diesel-powered engine with an engine utilizing alternative fuels.

(c) From the emissions reductions determined under Subsection (b) of this section, the commission shall determine the amount of emissions reductions which are fairly attributable to the installation of an alternative fuel fueling facility and the combustion of the alternative fuel in the vehicles fueled by the alternative fuel fueling facility.

(d) In connection with the study conducted under this section, the commission shall seek approval for credit in the state implementation plan from the United States Environmental Protection Agency for emissions reductions that can be:

(1) directly attributed to an alternative fuel fueling facility; and

(2) achieved as a consequence of an alternative fuel fueling facility encouraging the use of alternatively fueled vehicles.

(e) The commission shall include in the commission's biennial report to the legislature the findings of the study conducted under this section and the status of the discussions with the United States Environmental Protection Agency regarding credit for emissions reductions in the state implementation plan which can be achieved as a result of the installation of alternative fuel fueling facilities.

(f) This section expires August 31, 2011.

SECTION _____. The Texas Commission on Environmental Quality shall adopt rules under Section 391.005, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

Amendment No. 1 was adopted.

SB 1785 was withdrawn.

SB 2228 (S. Miller - House Sponsor), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to Coryell County.

ADJOURNMENT

Representative Gattis moved that the house adjourn until 8:08 p.m. today.

The motion prevailed.

The house accordingly, at 8:05 p.m., adjourned until 8:08 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 43

HB 1293, HB 1861, HB 1969, HB 2066, HB 2225, HB 2763, HB 3004, HB 3148, HB 3346, HB 3515, HB 3544, HB 4781

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Wednesday, May 27, 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:
 LOCAL AND UNCONTESTED CALENDAR

HB 108 Phillips SPONSOR: Estes
 Relating to persons eligible to be appointed as a receiver for certain mineral interests.

HB 389 Zerwas SPONSOR: Watson
 Relating to requirements for expedited credentialing of certain physicians by managed care plans.

HB 453 Gonzalez Toureilles SPONSOR: Hinojosa
 Relating to the use of auction proceeds from the sale of certain abandoned motor vehicles to compensate certain property owners.

HB 527 Leibowitz SPONSOR: Zaffirini
 Relating to the removal of an appointed emergency services district board member by a county commissioners court.

HB 533 Anchia SPONSOR: Van de Putte
 Relating to civil liability for the trafficking of persons.

HB 548 Pickett SPONSOR: Carona

Relating to the impoundment of certain motor vehicles involved in the commission of the offense of racing on a highway.
(Amended)

HB 583 Dukes SPONSOR: Deuell
Relating to expansion of the electronic eligibility information pilot project operated by the Health and Human Services Commission.

HB 610 Naishtat SPONSOR: Van de Putte
Relating to the establishment of the Legislative Committee on Aging and other initiatives relating to the aging population of this state.

HB 646 Hughes SPONSOR: Eltife
Relating to the participation of this state in the Southern High-Speed Rail Compact.

HB 673 Solomons SPONSOR: Watson
Relating to certain services provided by the office of injured employee counsel under the workers' compensation program of this state.
(Amended)

HB 748 Darby SPONSOR: Duncan
Relating to the provision of services to certain individuals with developmental disabilities by a state school or state center.
(Committee Substitute)

HB 764 Hartnett SPONSOR: Wentworth
Relating to eligibility for assignment as a visiting judge.
(Committee Substitute)

HB 796 Smith, Todd SPONSOR: Hegar
Relating to the disposition of property alleged to have been illegally acquired and to the use of the photographic evidence of that property in a criminal action.

HB 874 Callegari SPONSOR: Lucio
Relating to the abolition of the Texas Incentive and Productivity Commission and the state employee incentive program.

HB 878 Bonnen SPONSOR: Huffman
Relating to the Sweeny Hospital District.

HB 960 Anchia SPONSOR: Carona
Relating to providing municipalities and counties access to criminal history record information for sexually oriented business license applicants.

HB 986 Villarreal SPONSOR: Hinojosa
Relating to the appeal of ad valorem tax determinations.
(Committee Substitute)

HB 1003 Bolton SPONSOR: Whitmire
Relating to notice provided to certain victims or witnesses regarding certain inmates or defendants who are electronically monitored.

HB 1056 Morrison SPONSOR: Hegar
Relating to the course levels offered by the University of Houston-Victoria.

HB 1138 Shelton SPONSOR: Davis, Wendy
Relating to information required on pharmacy benefit cards.

(Amended)

- HB 1145** Brown, Betty SPONSOR: Fraser
Relating to the appointment of election judges.
- HB 1177** Guillen SPONSOR: Zaffirini
Relating to the eligibility of certain peace officers and firefighters for legislative leave.
- HB 1233** Menendez SPONSOR: Van de Putte
Relating to the court-ordered administration of psychoactive medication to certain criminal defendants.
- HB 1256** Allen SPONSOR: Ellis
Relating to requiring the posting of notice of voter complaint information at a polling place.
- HB 1265** Hochberg SPONSOR: Ellis
Relating to the information about certain candidates required to be filed with the secretary of state.
- HB 1448** Allen SPONSOR: Ellis
Relating to the requirements for voter registration.
- HB 1457** Hochberg SPONSOR: Duncan
Relating to procedures concerning verification of certain information submitted in a voter registration application.
- HB 1460** Paxton SPONSOR: Wentworth
Relating to the contents of an application for probate of a written will.
- HB 1474** Geren SPONSOR: Harris
Relating to the operation and regulation of charitable bingo and the use of bingo proceeds.
- HB 1518** Corte SPONSOR: Wentworth
Relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater Conservation District.
- HB 1551** Herrero SPONSOR: Hinojosa
Relating to the appointment of additional official court reporters for the district courts in Nueces County.
- HB 1688** Castro SPONSOR: Wentworth
Relating to the rules governing a motion for new trial in juvenile cases.
- HB 1739** Howard, Donna SPONSOR: Hegar
Relating to a recognition week to celebrate Texas native plants.
- HB 1757** Thompson SPONSOR: Van de Putte
Relating to review of certain license examinations for insurance agents.
- HB 1783** Solomons SPONSOR: Fraser
Relating to the Internet broadcasting of Public Utility Commission of Texas and ERCOT public hearings and meetings.
- HB 1787** Solomons SPONSOR: Wentworth
Relating to the designation or appointment of registered agents for service of process, notice, or demand on certain entities or associations.

(Committee Substitute)

HB 1843 Davis, John SPONSOR: Patrick, Dan
 Relating to the disposition of cash in possession of a deceased pauper.

HB 1850 Lucio III SPONSOR: Lucio
 Relating to changing the name of the South Texas Health Care System to the Rio Grande State Center.

HB 1884 Pena SPONSOR: Hinojosa
 Relating to authorizing the conveyance of certain state real property from the Department of State Health Services to Hidalgo County for the provision of outpatient health care services or another public purpose.

HB 1925 Gutierrez SPONSOR: Wentworth
 Relating to the compensation of certain court administrators.

HB 1960 Maldonado SPONSOR: Lucio
 Relating to the payment for an appearance as a witness for certain peace officers and firefighters.

HB 1995 McCall SPONSOR: Fraser
 Relating to the liability of volunteer audiologists and speech-language pathologists who provide certain speech, language, and hearing evaluations.

HB 2031 England SPONSOR: Seliger
 Relating to the definition of sight order for purposes of prosecuting certain criminal offenses.

HB 2052 Hilderbran SPONSOR: Eltife
 Relating to electric service reliability measures.

HB 2168 Chavez SPONSOR: Watson
 Relating to the powers of a sheriff's department civil service commission in certain counties regarding an appeal of a disciplinary action.

HB 2228 Parker SPONSOR: Nelson
 Relating to the timing of a referendum election to continue a fire control, prevention, and emergency medical services district.

HB 2237 Hamilton SPONSOR: Watson
 Relating to possession by certain alcoholic beverage permit holders of certain alcoholic beverages for cooking purposes.

HB 2242 Leibowitz SPONSOR: Seliger
 Relating to the abolition of the Texas cultural endowment fund.

HB 2276 Hunter SPONSOR: Hinojosa
 Relating to the use of state hotel occupancy tax revenue to clean and maintain beaches in certain municipalities.

HB 2328 Guillen SPONSOR: Carona
 Relating to regulating employment at or by certain facilities serving the elderly or persons with disabilities and to certain acts committed against those individuals.
 (Committee Substitute)

HB 2385 Castro SPONSOR: Van de Putte
 Relating to the punishment for the offense of prohibited sexual conduct.

- HB 2449** Eiland SPONSOR: Lucio
Relating to requirements for county mutual insurance companies.
- HB 2450** Eiland SPONSOR: Lucio
Relating to the administration of programs by the Texas Department of Housing and Community Affairs in response to or in preparation for a natural disaster.
(Committee Substitute)
- HB 2465** Chavez SPONSOR: Davis, Wendy
Relating to taking a deposition of an elderly or disabled victim of or witness to an offense.
- HB 2502** Hartnett SPONSOR: Duncan
Relating to the adoption of a nonsubstantive revision of provisions of the Texas Probate Code relating to decedents' estates and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.
- HB 2515** Smith, Todd SPONSOR: Harris
Relating to certain requirements applicable to certain public contracts.
(Committee Substitute)
- HB 2547** Giddings SPONSOR: Deuell
Relating to the use of a description of employment in determining the safety and appropriateness of a return to employment by an injured employee.
- HB 2585** Hartnett SPONSOR: Uresti
Relating to digital or electronic signatures and witness signatures on advance directives.
- HB 2619** Frost SPONSOR: Duncan
Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.
(Amended)
- HB 2642** Kent SPONSOR: Carona
Relating to a program to designate historic roads and highways in this state.
(Committee Substitute)
- HB 2647** Kent SPONSOR: Deuell
Relating to the quasi-judicial enforcement of certain health and safety ordinances.
(Committee Substitute)
- HB 2728** Howard, Charlie SPONSOR: Hegar
Relating to the transfer of certain state property from the Department of Aging and Disability Services to the Veterans' Land Board.
- HB 2774** Truitt SPONSOR: Wentworth
Relating to the licensing and regulation of certain persons involved in residential mortgage lending; providing a penalty.
(Committee Substitute)
- HB 2779** Truitt SPONSOR: Wentworth
Relating to the regulation of certain mortgage banker employees who are residential mortgage loan originators; providing penalties.
(Committee Substitute)

- HB 2804** Guillen SPONSOR: Zaffirini
Relating to the salary of a Duval County Juvenile Board member.
- HB 2813** Guillen SPONSOR: Zaffirini
Relating to the salary of a Starr County Juvenile Board member.
- HB 2820** Chisum SPONSOR: Wentworth
Relating to contracts by governmental entities for professional services relating to geoscience and landscape architecture.
- HB 2906** Kuempel SPONSOR: Wentworth
Relating to the expansion of the boundaries of the Cibolo Creek Municipal Authority.
- HB 2994** Heflin SPONSOR: Duncan
Relating to the powers and duties of the Reagan Hospital District.
- HB 3005** Coleman SPONSOR: Whitmire
Relating to the mandatory testing of persons suspected of exposing employees of a juvenile probation department to certain diseases.
- HB 3041** Farias SPONSOR: Van de Putte
Relating to a comprehensive schedule of public school reporting requirements.
(Committee Substitute)
- HB 3070** Solomons SPONSOR: Nelson
Relating to the administration and powers of a coordinated county transportation authority.
- HB 3072** Geren SPONSOR: Nelson
Relating to the transfer of municipal property to economic development corporations by certain municipalities.
(Committee Substitute)
- HB 3098** Bolton SPONSOR: Wentworth
Relating to the use by certain municipalities of hotel occupancy tax revenue for the construction of a recreational venue near hotels.
- HB 3113** Kuempel SPONSOR: Lucio
Relating to the eligibility of certain nonprofit wildlife conservation associations to conduct charitable raffles.
(Committee Substitute)
- HB 3140** Gonzalez Toureilles SPONSOR: Hegar
Relating to authorizing the transfer of certain abandoned or forfeited property to groundwater conservation districts.
- HB 3147** Smith, Todd SPONSOR: Seliger
Relating to taking or attempting to take a weapon from a commissioned security officer.
- HB 3216** Naishtat SPONSOR: Zaffirini
Relating to telephone or electronic mail notification to a respondent of a complaint filed with the Texas Ethics Commission.
(Committee Substitute)
- HB 3347** Truitt SPONSOR: Duncan

Relating to plan qualification provisions for and certain health insurance deductions under the Teacher Retirement System of Texas.

(Committee Substitute)

HB 3352

Naishtat

SPONSOR: Ellis

Relating to the collection, dissemination, and correction of certain judicial determinations for a federal firearm background check.

(Committee Substitute)

HB 3450

Legler

SPONSOR: Jackson, Mike

Relating to a temporary faculty license for chiropractic faculty.

HB 3468

Naishtat

SPONSOR: Wentworth

Relating to the selection, duties, and compensation of a presiding criminal judge in Travis County.

HB 3496

Miller, Sid

SPONSOR: Eltife

Relating to the establishment of the Texas Nursery and Floral Advisory Council and the promotion of Texas nursery and floral industries.

HB 3502

Pickett

SPONSOR: Fraser

Relating to acknowledgements required of a purchaser of residential real property in connection with the receipt of a seller's disclosure notice regarding the property.

(Committee Substitute)

HB 3597

Parker

SPONSOR: Nelson

Relating to designating October as Hydrocephalus Awareness Month.

HB 3602

Paxton

SPONSOR: Hegar

Relating to the authority of a county clerk to electronically send certain financial statement forms.

HB 3623

Elkins

SPONSOR: Hegar

Relating to covenants not to compete by physicians.

HB 3625

Elkins

SPONSOR: Van de Putte

Relating to deadlines regarding certain preauthorization requests affecting workers' compensation health care networks.

HB 3637

Hughes

SPONSOR: Wentworth

Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.

(Committee Substitute)

HB 3649

Marquez

SPONSOR: Whitmire

Relating to a policy regarding the receipt of books by mail by an inmate in the Texas Department of Criminal Justice.

HB 3671

Sheffield

SPONSOR: Hegar

Relating to the documents that are required for the transfer of a defendant from a county to the Texas Department of Criminal Justice.

HB 3717

King, Susan

SPONSOR: Nelson

Relating to exemptions from the requirement to hold a license to practice physical therapy.

(Committee Substitute)

HB 3751 Gallego SPONSOR: Shapiro
Relating to the conditions of bond for a defendant charged with committing certain offenses against a child and to the denial of bail pending trial with respect to certain defendants who violate those conditions.
(Committee Substitute)

HB 3762 Flynn SPONSOR: Deuell
Relating to regulation of prepaid funeral benefits.
(Committee Substitute)

HB 3829 Thompson SPONSOR: Harris
Relating to the per diem for members of the Texas Alcoholic Beverage Commission.

HB 3851 Eiland SPONSOR: Huffman
Relating to the authority of the governor or a political subdivision to suspend statutory or local deadlines during a disaster.
(Committee Substitute)

HB 3918 Darby SPONSOR: Ogden
Relating to testing liquefied petroleum gas systems in certain school facilities.

HB 3945 Orr SPONSOR: Watson
Relating to a title insurance company affidavit as a release of lien.

HB 4002 Swinford SPONSOR: Duncan
Relating to the funding of the statewide wildfire protection plan at the Texas Forest Service.

HB 4060 Smith, Todd SPONSOR: Wentworth
Relating to the period during which a judicial candidate or officeholder may accept political contributions.
(Amended)

HB 4136 Rios Ybarra SPONSOR: Van de Putte
Relating to sealing court records containing medical information for children who are victims of certain offenses.

HB 4152 Rose SPONSOR: Van de Putte
Relating to certification of an educator in Texas who is certified in another state or country.
(Committee Substitute)

HB 4290 Smithee SPONSOR: Duncan
Relating to retrospective utilization review and utilization review to determine the experimental or investigational nature of a health care service.
(Committee Substitute)

HB 4343 Smithee SPONSOR: Fraser
Relating to access to certain criminal history record information maintained by the Department of Public Safety.

HB 4353 Gonzales SPONSOR: Lucio
Relating to the licensing of certain nurses who will practice in border counties.

HB 4359 Smithee SPONSOR: Duncan

Relating to the registration with the Texas Department of Insurance of certain contract examiners.

HB 4360 Geren SPONSOR: Nelson
Relating to revenue sources for certain venue projects.

HB 4376 Smith, Wayne SPONSOR: Williams
Relating to the authority of the Baytown Municipal Development District to use sales tax revenue to promote new or expanded business development.

HB 4402 Martinez Fischer SPONSOR: Van de Putte
Relating to a study regarding insurance coverage of prescription drugs provided under a health benefit plan.

HB 4451 McReynolds SPONSOR: Hinojosa
Relating to continuity of care services or mental health commitment proceedings for youth with mental illness or mental retardation who are transferred, discharged, or paroled from the Texas Youth Commission.
(Committee Substitute)

HB 4464 Gallego SPONSOR: Hegar
Relating to crime victim information in a criminal judgment.

HB 4465 Gallego SPONSOR: Hinojosa
Relating to "Welcome to Texas" signs on highways entering Texas and to the placement of Texas flags at international ports-of-entry.

HB 4492 Eiland SPONSOR: Ellis
Relating to annuities registered under the Securities Act of 1933.

HB 4493 Eiland SPONSOR: Huffman
Relating to contracts awarded through competitive bidding by certain port and harbor facilities.

HB 4607 Guillen SPONSOR: Zaffirini
Relating to regulation of certain areas bordering on Falcon Lake and the Rio Grande River.

HB 4642 Lucio III SPONSOR: Lucio
Relating to the Rep. Jim Solis and Colonel H. William "Bill" Card, Jr. Outpatient Clinic.
(Committee Substitute)

HB 4700 Farias SPONSOR: Wentworth
Relating to the operation of the Bexar County Juvenile Board.

HB 4720 Anchia SPONSOR: West
Relating to the creation of the Trinity River West Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.
(Committee Substitute)

HB 4727 Olivo SPONSOR: Huffman
Relating to the powers and duties of the Sienna Plantation Management District; providing authority to impose a fee or issue bonds.
(Committee Substitute)

HB 4748 Gattis SPONSOR: Ogden

Relating to the authority of the Williamson County Municipal Utility District No. 21 to extend the time limit for holding a confirmation and initial directors' election and to divide into two districts.

HB 4789 Brown, Betty SPONSOR: Deuell
Relating to the creation of the Kaufman County Parks Improvement District; providing authority to impose a tax and issue bonds; providing penalties.
(Committee Substitute)

HCR 16 Geren SPONSOR: Nelson
Designating *Paluxysaurus jonesi* as the official Lone Star State Dinosaur, replacing *Brachiosaur Sauropod*, *Pleurocoelus*.

HCR 53 Phillips SPONSOR: Deuell
Designating the American quarter horse as the official State Horse of Texas.

HCR 71 Kolkhorst SPONSOR: Hegar
Designating the Burton Cotton Gin & Museum as the official Cotton Gin Museum of Texas.

HCR 79 Guillen SPONSOR: Zaffirini
Memorializing Congress to refine Department of Homeland Security policy to consider risk levels as well as population size in assessing the financial needs of first responders in border communities along the international boundary created by the Rio Grande.

SB 266 Hinojosa
Relating to the review of information technology systems used by a state agency for compatibility with open standards.

SB 2342 Averitt
Relating to the regulation of certain insurers.

SB 2587 Estes
Relating to the waiver of sovereign immunity from certain suits by certain municipalities.

SCR 73 Averitt
Memorializing the U.S. Congress to maintain the Federal Family Education Loan Program.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 27, 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:
LOCAL AND UNCONTESTED CALENDAR

HB 101 Brown, Fred SPONSOR: Uresti
Relating to the formula funding for public institutions of higher education for certain credit hours that do not count toward a degree.

HB 118 Heflin SPONSOR: Duncan
Relating to the grounds for removal of a member of the board of directors of the Lynn County Hospital District.

HB 136 Villarreal SPONSOR: Van de Putte
Relating to providing notification to parents of eligible children of the availability of prekindergarten programs.
(Committee Substitute)

HB 144 McClendon SPONSOR: Wentworth
Relating to an additional filing fee for civil cases filed in Bexar County.

HB 176 King, Susan SPONSOR: Seliger
Relating to the punishment for the offense of aggravated assault.

HB 221 Menendez SPONSOR: Whitmire
Relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest and to the punishment prescribed for the offense of evading arrest or detention.

HB 233 Rodriguez SPONSOR: Uresti
Relating to the creation of an advisory committee to establish and recommend qualifications for certain health care translators and interpreters.

HB 383 Heflin SPONSOR: Seliger
Relating to county bail bond board meetings in certain counties.
(Committee Substitute)

HB 400 Herrero SPONSOR: Hinojosa
Relating to the dismissal of a charge of unlawfully parking a vehicle in a space designated specifically for persons with disabilities.

HB 434 Lucio III SPONSOR: Hinojosa
Relating to a requirement that program materials for the Energy Services Program for Low-Income Individuals be provided in certain languages.

HB 534 Anchia SPONSOR: Carona
Relating to the liability of certain guarantors under a residential lease.

HB 585 Naishtat SPONSOR: Watson
Relating to records related to an estate of a decedent or incapacitated person.

HB 586 Naishtat SPONSOR: Carona
Relating to the evidence required for the release of a motor vehicle after impoundment of the vehicle for failure to maintain evidence of financial responsibility.

- HB 598** Hughes SPONSOR: Whitmire
Relating to the information displayed on certain licenses.
- HB 671** Darby SPONSOR: Seliger
Relating to the penalty for theft from a nonprofit organization or by Medicare providers.
(Committee Substitute)
- HB 732** Hartnett SPONSOR: Huffman
Relating to the removal of certain information from a physician's medical board profile.
- HB 765** Hartnett SPONSOR: Carona
Relating to supplemental payments made to certain statutory probate court judges.
- HB 780** Turner, Sylvester SPONSOR: Ellis
Relating to eligibility requirements for a beginning police department position in certain municipalities under municipal civil service.
- HB 781** Farabee SPONSOR: Estes
Relating to the Electra Hospital District.
- HB 821** Leibowitz SPONSOR: Watson
Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.
- HB 882** Rodriguez SPONSOR: Eltife
Relating to a residential tenant's rights and remedies after certain determinations or unlawful conduct.
(Committee Substitute)
- HB 965** Pickett SPONSOR: Van de Putte
Relating to the issuance of specialty license plates for disabled veterans.
- HB 978** Burnam SPONSOR: Watson
Relating to the employment rights of certain individuals with disabilities.
- HB 1012** Gonzalez Toureilles SPONSOR: Harris
Relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.
(Committee Substitute)
- HB 1043** Orr SPONSOR: Nelson
Relating to the creation of business opportunities for certain former foster children.
(Committee Substitute)
- HB 1055** Parker SPONSOR: Harris
Relating to the procedure for submitting certain plans and specifications of buildings or facilities for the purpose of eliminating architectural barriers encountered by persons with disabilities.
- HB 1063** Farias SPONSOR: Wentworth
Relating to emergency vehicle access to certain gated communities and multiunit housing projects.
- HB 1083** Elkins SPONSOR: Wentworth

Relating to mediation orders in certain arbitration proceedings.

HB 1146 Anchia SPONSOR: West
Relating to the hours worked during a week by firefighters in certain municipalities.

HB 1193 Hancock SPONSOR: Duncan
Relating to ballot certification of a political party presidential candidate.

HB 1230 Farabee SPONSOR: Harris
Relating to limitations on the compensation of county auditors for certain counties.

HB 1259 Kolkhorst SPONSOR: Duncan
Relating to hiring outside legal counsel to provide legal services to the Teacher Retirement System of Texas.
(Committee Substitute)

HB 1286 Eiland SPONSOR: Huffman
Relating to the issuance of Save Our Beaches specialty license plates.

HB 1295 Aycock SPONSOR: Averitt
Relating to notification of an application related to a certificate of public convenience and necessity for water or sewer service.

HB 1321 Hughes SPONSOR: Hegar
Relating to the discharge of a jury under certain circumstances in a criminal case.

HB 1326 Rios Ybarra SPONSOR: Lucio
Relating to a plan to replenish the food supplies of food banks or food pantries following a disaster.

HB 1360 Anchia SPONSOR: West
Relating to the effect under the public information law of the disclosure of certain information by a prosecutor to defense counsel.

HB 1372 Shelton SPONSOR: Van de Putte
Relating to the definition of victim in relation to certain crime victims' rights.

HB 1461 Paxton SPONSOR: Wentworth
Relating to the contents of an application for probate of a will as a muniment of title.

HB 1470 Thibaut SPONSOR: Van de Putte
Relating to notification regarding entitlement of school district employees to leave time in circumstances involving assault.

HB 1473 Geren SPONSOR: Nelson
Relating to the application of certain requirements affecting certain subdivision golf courses.

HB 1544 Miklos SPONSOR: Carona
Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.
(Committee Substitute)

HB 1596 Zerwas SPONSOR: Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 204; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1597 Zerwas SPONSOR: Hegar
Relating to the creation of the Fort Bend County Municipal Utility District No. 202; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1598 Zerwas SPONSOR: Hegar
Relating to the creation of the Fort Bend County Municipal Utility District No. 203; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1599 Zerwas SPONSOR: Hegar
Relating to the creation of the Waller County Municipal Utility District No. 15; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1600 Zerwas SPONSOR: Hegar
Relating to the creation of the Fort Bend County Municipal Utility District No. 201; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1601 Zerwas SPONSOR: Hegar
Relating to the creation of the Waller County Municipal Utility District No. 13; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1633 Walle SPONSOR: Ellis
Relating to the prosecution and punishment of the offense of graffiti and to certain conditions imposed on defendants convicted of that offense or on juveniles adjudicated as having engaged in conduct in violation of that offense.
(Committee Substitute)

HB 1659 King, Phil SPONSOR: Patrick, Dan
Relating to creating an exception to the offense of unlawful installation of a tracking device.
(Amended)

HB 1664 King, Phil SPONSOR: Estes
Relating to an exemption for groundwater used for certain purposes from production fees assessed by the Upper Trinity Groundwater Conservation District.

HB 1686 Hardcastle SPONSOR: Estes
Relating to the Muenster Hospital District.

HB 1691 Zerwas SPONSOR: Hegar
Relating to the creation of the Waller County Municipal Utility District No. 14; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1730 Pitts SPONSOR: Averitt

Relating to authorizing the issuance of bonds for the reimbursement of the cost of public improvements located in public improvement districts in certain counties.

HB 1750 Bonnen SPONSOR: Huffman
Relating to the creation of criminal law magistrates for Brazoria County.

HB 1841 Kleinschmidt SPONSOR: Hegar
Relating to the creation of the XS Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(Committee Substitute)

HB 1972 Hamilton SPONSOR: Williams
Relating to contracts and purchases by certain navigation districts.

HB 1973 Hamilton SPONSOR: Patrick, Dan
Relating to the licensing and regulation of pool-related electrical maintenance.

HB 2002 McCall SPONSOR: Ellis
Relating to a right of a close relative to seek expunction of arrest records and files on behalf of a deceased person.

HB 2022 Weber SPONSOR: Hegar
Relating to the powers and duties of the Sedona Lakes Municipal Utility District No. 1 of Brazoria County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 2035 Keffer SPONSOR: Averitt
Relating to the creation of the Hood County Granbury Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 2082 Isett SPONSOR: Duncan
Relating to consideration of contract amount and bidder's principal place of business in awarding certain municipal contracts.

HB 2102 Dutton SPONSOR: Whitmire
Relating to the powers and duties of the Harris County Municipal Utility District No. 403; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 2128 Giddings SPONSOR: West
Relating to the enforcement of regulations regarding the sale of plastic bulk merchandise containers.

HB 2139 McClendon SPONSOR: Hinojosa
Relating to the establishment, operation, and funding of victim-offender mediation programs.
(Committee Substitute)

HB 2142 McClendon SPONSOR: Carona
Relating to the promotion of toll projects by the Texas Department of Transportation.

HB 2181 Berman SPONSOR: Duncan
Relating to the computation of a person's age under the Election Code.

HB 2208 Gonzales SPONSOR: Hinojosa

Relating to the calculation of current market value of certain water rights by the Rio Grande Regional Water Authority.

HB 2212 Craddick SPONSOR: Duncan
Relating to the division of certain emergency services districts.
(Committee Substitute)

HB 2232 Phillips SPONSOR: Deuell
Relating to the creation of a county court at law in Fannin County.

HB 2236 Moody SPONSOR: Hinojosa
Relating to the right of certain crime victims to be considered with respect to a defendant's motion for continuance.

HB 2346 Thibaut SPONSOR: Ellis
Relating to the removal of illegally parked vehicles from residential parking permit areas in certain municipalities.
(Amended)

HB 2360 Farias SPONSOR: West
Relating to the provision of information regarding employee eligibility for the federal earned income tax credit.
(Committee Substitute)

HB 2425 Morrison SPONSOR: Averitt
Relating to engineering recruitment programs at public or private institutions of higher education and to certain degree programs at public junior colleges.
(Committee Substitute)

HB 2435 Phillips SPONSOR: Hinojosa
Relating to the location of an arbitration trial.

HB 2438 McCall SPONSOR: Carona
Relating to requirements regarding motor vehicle retail installment transactions.
(Committee Substitute)

HB 2456 Eiland SPONSOR: Watson
Relating to insurance agent qualifications to sell certain products or product lines.

HB 2609 Miller, Doug SPONSOR: Wentworth
Relating to the prosecution and punishment of the offense of criminal trespass.
(Committee Substitute)

HB 2644 Kent SPONSOR: Deuell
Relating to the designation of the Bankhead Highway as a historic highway.
(Amended)

HB 2649 Smith, Wayne SPONSOR: Deuell
Relating to the regulation and practice of engineering and lighting design.
(Committee Substitute)

HB 2664 Ritter SPONSOR: Hegar
Relating to creating a defense to prosecution for the offense of unlawful carrying of a handgun by a license holder on the premises of certain businesses.

HB 2682 Alvarado SPONSOR: Wentworth
Relating to the authority of municipalities to alter speed limits.

(Committee Substitute)

HB 2690 Hancock SPONSOR: Jackson, Mike
Relating to eligible policyholders for group life insurance.

HB 2692 Rodriguez SPONSOR: Watson
Relating to certain municipal requirements regarding sales of residential properties in certain areas.

HB 2748 Chisum SPONSOR: Duncan
Relating to the abolition of the Texas Environmental Education Partnership Fund.

HB 2751 Truitt SPONSOR: Duncan
Relating to participation and credit in, benefits from, and the administration of the Texas Emergency Services Retirement System.

(Committee Substitute)

HB 2799 Driver SPONSOR: Hegar
Relating to the responsibilities of a person who qualifies for a peace officer license but has not yet been appointed as a peace officer.

HB 2806 Maldonado SPONSOR: Van de Putte
Relating to the reinstatement of a firefighter or police officer to a previously held position based on seniority on the return of another firefighter or police officer from a military leave of absence.

HB 2814 Oliveira SPONSOR: Williams
Relating to the procedure for claiming an exemption from ad valorem taxation for a motor vehicle used for the production of income and for personal activities.

HB 2845 Riddle SPONSOR: Nichols
Relating to the certification of and disciplinary actions against emergency medical services personnel.

(Committee Substitute)

HB 2846 Riddle SPONSOR: Huffman
Relating to the admissibility of certain hearsay statements made by a child abuse victim.

HB 2847 Riddle SPONSOR: Patrick, Dan
Relating to using county election precincts for any election held on the November uniform election date.

HB 2854 Hughes SPONSOR: Deuell
Relating to license plates created by the Texas Department of Transportation for professional firefighters.

(Amended)

HB 2888 Martinez, "Mando" SPONSOR: West
Relating to financial assistance administered by the Texas Department of Housing and Community Affairs.

(Committee Substitute)

HB 2908 Paxton SPONSOR: Wentworth

Relating to the regulation of property tax lenders and the confidentiality of certain information obtained or compiled by the consumer credit commissioner on examination of property tax lenders and certain other license holders or registrants.

(Committee Substitute)

HB 2916 McReynolds SPONSOR: Whitmire
Relating to allowing certain claimants to file an application under the Crime Victims' Compensation Act.

HB 2932 Vaught SPONSOR: Carona
Relating to including in the law enforcement information system information indicating that criminal defendants have committed certain additional offenses.

(Committee Substitute)

HB 3001 Homer SPONSOR: Eltife
Relating to the consideration of longevity and cost of living in setting the salaries for certain municipal employees.

HB 3003 Homer SPONSOR: Eltife
Relating to the creation of a bail bond board by the commissioners court of certain counties.

HB 3069 Bohac SPONSOR: Huffman
Relating to streamlining voter reregistration across county lines.

HB 3073 Geren SPONSOR: Fraser
Relating to charges at closing of certain real property transactions.
(Committee Substitute)

HB 3075 Deshotel SPONSOR: Hinojosa
Relating to the designation of convenience signers on certain accounts established at financial institutions.

HB 3080 Hartnett SPONSOR: Watson
Relating to guardianships and other matters relating to incapacitated persons.

HB 3112 Hartnett SPONSOR: Nelson
Relating to the referral of an elderly or disabled person to the Department of Aging and Disability Services and the determination by that agency of the need for a guardianship for that person.

HB 3114 Flores SPONSOR: Watson
Relating to continuing professional education requirements for land surveyors.
(Committee Substitute)

HB 3128 Turner, Sylvester SPONSOR: Ellis
Relating to service of process on condominium unit owners and condominium unit owners' associations in certain municipalities.

HB 3136 Gallego SPONSOR: Uresti
Relating to the purposes for which certain counties may use local hotel occupancy tax revenue.

HB 3206 Edwards SPONSOR: Ellis
Relating to the implementation of the exemption from ad valorem taxation for pollution control property.

- HB 3221** Hancock SPONSOR: Van de Putte
Relating to certain required notifications regarding insurance claims and premiums.
(Committee Substitute)
- HB 3224** Madden SPONSOR: Whitmire
Relating to the prosecution and punishment of the offense of arson.
(Committee Substitute)
- HB 3316** McClendon SPONSOR: Hinojosa
Relating to venue for certain offenses committed at Texas Youth Commission facilities.
- HB 3385** Coleman SPONSOR: Hegar
Relating to the activation of the statewide alert system for abducted children.
- HB 3433** Menendez SPONSOR: Watson
Relating to the extended registration of a commercial fleet of motor vehicles.
(Committee Substitute)
- HB 3464** Keffer SPONSOR: Averitt
Relating to the enforcement of certain development regulations in a justice court.
- HB 3593** McReynolds SPONSOR: Van de Putte
Relating to the issuance of license plates to disabled veterans.
- HB 3594** McReynolds SPONSOR: Watson
Relating to the preservation of evidence that contains biological material.
(Committee Substitute)
- HB 3599** Brown, Fred SPONSOR: Ellis
Relating to the operation of certain three-wheeled vehicles in this state.
- HB 3601** Paxton SPONSOR: Hegar
Relating to the authority of a county clerk to post official and legal notices by electronic display.
- HB 3611** Otto SPONSOR: Williams
Relating to the consolidation of appraisal review boards.
- HB 3635** Geren SPONSOR: Wentworth
Relating to administration of a trust with cotrustees.
(Committee Substitute)
- HB 3638** Hughes SPONSOR: Davis, Wendy
Relating to the use of safety belts by the operator of or a passenger in a motor vehicle used exclusively to transport solid waste.
- HB 3666** Kolkhorst SPONSOR: Wentworth
Relating to the application for and issuance of a marriage license.
- HB 3767** Paxton SPONSOR: Wentworth
Relating to homestead property transferred to a trustee of certain trusts.
- HB 3768** Paxton SPONSOR: Wentworth
Relating to title insurance coverage of property transferred into an inter vivos trust.
(Committee Substitute)

- HB 3785** Callegari SPONSOR: Ellis
Relating to the powers and duties of a navigation district or port authority.
(Amended)
- HB 3802** Frost SPONSOR: Eltife
Relating to certain powers of the Red River Redevelopment Authority.
- HB 3844** Smith, Wayne SPONSOR: Williams
Relating to the permissible sources of funding for memorial markers to designate the Veterans Memorial Highway.
- HB 3857** Herrero SPONSOR: Hinojosa
Relating to foreclosure of liens on real property and certain personal property owned by members or dependents of the military; providing a criminal penalty.
- HB 3859** Herrero SPONSOR: Deuell
Relating to a staffing analysis of the Texas Integrated Eligibility Redesign System (TIERS) and benefits eligibility determination processes.
(Committee Substitute)
- HB 3866** Naishtat SPONSOR: Watson
Relating to fire safety inspections.
(Committee Substitute)
- HB 3922** Pena SPONSOR: Zaffirini
Relating to notification sent by the Texas Ethics Commission to certain persons regarding deadlines to file reports.
- HB 4007** Hardcastle SPONSOR: Duncan
Relating to the Hardeman County Hospital District.
- HB 4064** Gonzalez Toureilles SPONSOR: Hinojosa
Relating to the issuance of specialty license plates for cancer of unknown primary origin awareness.
- HB 4068** Gonzales SPONSOR: Hinojosa
Relating to the conduct of judicial proceedings and transaction of other essential judicial functions in the event of a disaster.
- HB 4103** Weber SPONSOR: Hegar
Relating to management committees of certain nonprofit corporations.
- HB 4257** Hilderbran SPONSOR: Uresti
Relating to the Sutton County Hospital District.
- HB 4281** King, Susan SPONSOR: Nelson
Relating to continuing education requirements for physical therapists.
- HB 4311** Gallego SPONSOR: Uresti
Relating to the naming of certain Texas Department of Transportation property in Val Verde County.
(Amended)
- HB 4435** Allen SPONSOR: Huffman
Relating to the requirement for participation by certain principals in the school leadership pilot program for principals.
(Committee Substitute)
- HB 4456** Driver SPONSOR: Deuell

Relating to the definition of a switchblade knife for purposes of the offense of prohibited weapons.

(Committee Substitute)

HB 4461 Smithee SPONSOR: Carona
Relating to confidentiality of certain information maintained by the Texas Department of Insurance.

(Committee Substitute)

HB 4471 Kolkhorst SPONSOR: Nelson
Relating to the professional nursing shortage reduction program.

(Committee Substitute)

HB 4519 Homer SPONSOR: Deuell
Relating to standards for independent review organizations.

HB 4545 Raymond SPONSOR: Van de Putte
Relating to the time for filing a petition for judicial review in certain workers' compensation cases.

(Committee Substitute)

HB 4560 Naishtat SPONSOR: Deuell
Relating to certain diseases or illnesses suffered by certain emergency first responders.

HB 4594 Eiland SPONSOR: Williams
Relating to permits for the movement of oversize and overweight vehicles in a certain county.

HB 4611 Oliveira SPONSOR: Williams
Relating to the treatment of proceeds from sales of certain loans and securities for purposes of apportionment under the franchise tax.

HB 4685 Homer SPONSOR: Eltife
Relating to the County Court of Titus County.

HB 4698 King, Phil SPONSOR: Estes
Relating to the creation of the Lake Weatherford Municipal Utility Districts Nos. 1 and 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4710 Aycock SPONSOR: Fraser
Relating to the creation of the Clearwater Ranch Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4712 Laubenberg SPONSOR: Estes
Relating to the powers and duties of the Collin County Municipal Utility District No. 1.

HB 4713 Miller, Doug SPONSOR: Wentworth
Relating to certain exemptions from ad valorem taxes imposed by the Cow Creek Groundwater Conservation District.

HB 4715 Creighton SPONSOR: Williams

Relating to the terms of temporary directors and to deadlines for elections to confirm the creation of East Montgomery County Municipal Utility Districts Nos. 8, 9, 10, 11, 12, 13, and 14, Montgomery County Municipal Utility Districts Nos. 100 and 101, and Liberty County Municipal Utility District No. 5.

(Committee Substitute)

HB 4719 Aycok SPONSOR: Fraser
Relating to the creation of the Burnet County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4722 Cohen SPONSOR: Ellis
Relating to the creation of the Harris County Improvement District No. 11; providing authority to impose a tax and issue bonds.
(Committee Substitute)

HB 4723 Taylor SPONSOR: Hegar
Relating to the powers and duties of the Bayview Municipal Utility District of Galveston County; providing authority to impose a tax and issue bonds.

HB 4737 Phillips SPONSOR: Estes
Relating to the creation of the Lake Texoma Municipal Utility District No. 1; providing authority to impose a tax or assessment and issue bonds; granting a limited power of eminent domain.

HB 4741 Gutierrez SPONSOR: Uresti
Relating to the creation of three additional county courts at law in Bexar County.

HB 4750 Geren SPONSOR: Nelson
Relating to the appointment of magistrates in the White Settlement municipal courts.

HB 4752 Parker SPONSOR: Estes
Relating to the creation of the Prosper Management District No. 1; providing authority to impose a tax and issue bonds.

HB 4754 Kuempel SPONSOR: Wentworth
Relating to the creation of the Guadalupe County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4755 Kuempel SPONSOR: Wentworth
Relating to the creation of the Guadalupe County Development and Management District; providing authority to impose an assessment, impose a tax, and issue bonds.
(Committee Substitute)

HB 4759 Quintanilla SPONSOR: Uresti
Relating to the creation of the Tornillo Management District; providing authority to impose a tax and issue bonds.
(Amended)

HB 4767 Homer SPONSOR: Ellis
Relating to the designation of days, weeks, and months for recognition by concurrent resolution of the legislature.

(Committee Substitute)

HB 4771 Allen SPONSOR: Ellis
Relating to the powers and duties of Harris County Improvement District No. 5; providing authority to impose a tax and issue bonds.

HB 4772 Kleinschmidt SPONSOR: Hegar
Relating to the creation of the Bastrop County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4777 Edwards SPONSOR: Ellis
Relating to the creation of the Harris County Improvement District No. 12; providing authority to impose an assessment, impose a tax, and issue bonds.

HB 4778 Gattis SPONSOR: Ogden
Relating to the creation of the Northwest Williamson County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(Committee Substitute)

HB 4790 Phillips SPONSOR: Estes
Relating to the creation of the Brown's Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4793 Gonzales SPONSOR: Hinojosa
Relating to the creation of two additional county courts at law in Hidalgo County.

HB 4798 Taylor SPONSOR: Jackson, Mike
Relating to the creation of the League City Improvement District; providing authority to impose an assessment, impose a sales and use tax, and issue bonds.

HB 4799 Gattis SPONSOR: Ogden
Relating to the creation of the Seven Oaks Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(Committee Substitute)

HB 4803 Maldonado SPONSOR: Ogden
Relating to the creation of the South Fork Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4811 Miller, Doug SPONSOR: Wentworth
Relating to the creation of the Comal County Water Control and Improvement District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4815 Gattis SPONSOR: Ogden
Relating to certain procedures regarding dissolution of the Ranch at Cypress Creek Municipal Utility District No. 1.

HB 4817 Gattis SPONSOR: Ogden

Relating to the creation of the Goodwater Municipal Utility District No. 1; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

(Committee Substitute)

HB 4825 Rose SPONSOR: Wentworth
Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.

(Committee Substitute)

HB 4827 Coleman SPONSOR: Ellis
Relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds.

(Committee Substitute)

HB 4828 Coleman SPONSOR: Ellis
Relating to the creation of Harris County Improvement District No. 21; providing authority to impose a tax and issue bonds.

(Committee Substitute)

HCR 5 Pena SPONSOR: Hinojosa
Posthumously conferring the Texas Legislative Medal of Honor on Pedro Cano of Hidalgo County for his heroic actions in World War II.

HCR 81 Dutton SPONSOR: Uresti
Directing the State Preservation Board to initiate an effort to obtain missing photographs of early African American political leaders who are honored in a composite in the Capitol South Lobby and to ensure that the composite is included on Capitol tours.

HCR 119 Swinford SPONSOR: Seliger
Designating the Panhandle Region of Texas as an official Natural Renewable Resource Area.

HCR 120 Guillen SPONSOR: Uresti
Memorializing the United States Congress to make eradication of the fever tick in South Texas a priority and provide appropriate funding and resources.

HCR 182 Miller, Sid SPONSOR: Hinojosa
Designating March 29, 2010, as Vietnam Veterans Day in the State of Texas.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 27, 2009 - 6

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:

SCR 54

Estes

Memorializing Congress to cease and desist attempting to enact federal legislation impinging on the individual right of every American to keep and bear arms and urging Congress to oppose passage of the Blair Holt's Firearm Licensing and Record of Sale Act of 2009.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 1016

(31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 472

Senate Conferees: Estes - Chair/Averitt/Carona/Huffman/Van de Putte

SB 488

Senate Conferees: Ellis - Chair/Carona/Davis, Wendy/Patrick, Dan/Watson

SB 686

(viva-voce vote)

Senate Conferees: Davis, Wendy - Chair/Carona/Nichols/Shapiro/Watson

SB 1001

Senate Conferees: Deuell - Chair/Averitt/Hegar/Hinojosa/Williams

SB 1182

Senate Conferees: Wentworth - Chair/Carona/Duncan/Eltife/Whitmire

SB 1557

Senate Conferees: Duncan - Chair/Carona/Hinojosa/Seliger/Whitmire

Respectfully,

Patsy Spaw

Secretary of the Senate