

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SIXTY-FOURTH DAY — THURSDAY, APRIL 28, 2011

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 591).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

The invocation was offered by Dr. Michael Passmore, senior minister, First Christian Church, Lubbock, as follows:

Gracious God, we are grateful that we live in this land where the cotton grows, the wind blows, and the oil flows. We acknowledge that this land and the cattle on the thousands of hills are yours and that we are yours. We know that your ways are higher than our ways and that we are to love you with heart, soul, mind, and strength. We pray that the work we accomplish today reflect that love by using our minds as well as our hearts. May the people we represent be strengthened by our attention to the legislative work we are called to perform. Make us aware of your abiding presence. And Lord, please bring us some rain. These things we pray in the spirit of the way, the truth, and the light. Amen.

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

(V. Taylor in the chair)

### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **HB 1272**, **HB 1729**, and **HB 2710** 30 minutes after final adjournment today in JHR 140.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, 30 minutes after final adjournment today, JHR 140, for a public hearing, to consider **HB 1272**, **HB 1729**, and **HB 2710**.

### **HCR 140 - ADOPTED**

**(by S. Davis)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HCR 140**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 140**, Commemorating the 70th anniversary of MD Anderson Cancer Center.

**HCR 140** was read and was adopted.

On motion of Representatives Branch and Lucio, the names of all the members of the house were added to **HCR 140** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative S. Davis who introduced representatives of the MD Anderson Cancer Center.

### **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. 18).

### **MESSAGE FROM THE SENATE**

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

### **HR 1506 - ADOPTED**

**(by Hardcastle)**

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 1506**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1506**, Recognizing the Texas A&M University Agricultural and Natural Resources Policy Internship Program and Public Policy Internship Program and the interns for the 82nd legislative session.

**HR 1506** was adopted.

On motion of Representative C. Anderson, the names of all the members of the house were added to **HR 1506** as signers thereof.

**HR 1065 - PREVIOUSLY ADOPTED**

**(by Gutierrez)**

The chair laid out the following previously adopted resolution:

**HR 1065**, In memory of Rafael Hernandez of San Antonio.

On motion of Representative Anchia, the names of all the members of the house were added to **HR 1065** as signers thereof.

**HR 1516 - ADOPTED**

**(by C. Anderson)**

Representative C. Anderson moved to suspend all necessary rules to take up and consider at this time **HR 1516**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1516**, Congratulating Eloise Holder of Waco on her 90th birthday.

**HR 1516** was adopted.

**HR 1070 - ADOPTED**

**(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 1070**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1070**, Recognizing September 2011 as Brain Aneurysm Awareness Month in Texas.

**HR 1070** was read and was adopted.

On motion of Representative Kolkhorst, the names of all the members of the house were added to **HR 1070** as signers thereof.

**INTRODUCTION OF GUEST**

The chair recognized Representative Truitt who introduced Dana Beard.

(McClendon in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 113** (by Frullo and Perry), Congratulating Kay Cross on her receipt of the Jane O. Burns Award from the YWCA of Lubbock.

**HR 1180** was withdrawn.

**HR 1185** (by Marquez), Congratulating the Mithoff Burton Partners advertising firm in El Paso on its 80th anniversary.

**HR 1316** (by Huberty), Congratulating the Kingwood High School girls' swimming and diving team for winning the UIL 5A state championship.

**HR 1317** (by Huberty), Congratulating Jordan Jones of Kingwood High School on winning two swimming titles at the 2011 UIL 5A State Meet.

**HR 1320** (by Castro), Recognizing Marco Andres Juarez of San Antonio as an honorary page in the Texas House of Representatives on April 13, 2011.

**HR 1321** (by Hilderbran), Commemorating the 100th anniversary of Sanchez Barber Shop and Hair Design Studio in Kerrville.

**HR 1322** (by Flynn), Congratulating Chris and Imogene Bell of Grand Saline on their 50th wedding anniversary.

**HR 1323** was withdrawn.

**HR 1325** (by Harper-Brown), Honoring Kimberly Ventura on her receipt of a 2011 Best of Texas Outstanding Marketing Student Award from the Texas Career & Technology Council.

**HR 1328** (by Morrison), Honoring Beverly Fletcher of Tivoli on her 80th birthday.

**HR 1329** (by Margo), Congratulating Elizabeth Reeves on her selection as Miss Texas Intercontinental 2011.

**HR 1330** (by Margo), Congratulating Betty L. Shuvalov on her retirement from the Texas House of Representatives.

**HR 1331** (by C. Anderson), Commending the Daughters of the Republic of Texas for their stewardship of the Alamo and calling on all Texans to commemorate the achievement of Texas independence and the creation of the Republic of Texas.

**HR 1332** (by Johnson), Commending Lettie Searles for serving as a Democratic Party precinct chair in Dallas County.

**HR 1333** (by Johnson), Commending Shannon Bailey for serving as a Democratic Party precinct chair in Dallas County.

**HR 1334** (by Johnson), Commending Randall Parker for serving as a Democratic Party precinct chair in Dallas County.

**HR 1335** (by Johnson), Commending Gloria Nightingale for serving as a Democratic Party precinct chair in Dallas County.

**HR 1336** (by Johnson), Commending Pat Stephens for serving as a Democratic Party precinct chair in Dallas County.

**HR 1337** (by Johnson), Commending Camile White for serving as a Democratic Party precinct chair in Dallas County.

**HR 1338** (by Johnson), Commending Michele Flood Luce for serving as a Democratic Party precinct chair in Dallas County.

**HR 1339** (by Johnson), Commending Betty Carter Hooey for serving as a Democratic Party precinct chair in Dallas County.

**HR 1340** (by Johnson), Commending Gloria Hogg for serving as a Democratic Party precinct chair in Dallas County.

**HR 1341** (by Johnson), Commending Brandi Hill for serving as a Democratic Party precinct chair in Dallas County.

**HR 1344** (by Workman), Commemorating the 30th anniversary of the Austin Waldorf School.

**HR 1347** was withdrawn.

**HR 1348** was withdrawn.

**HR 1351** (by Schwertner), Congratulating Alexander James Tatro on achieving the rank of Eagle Scout.

**HR 1352** (by Schwertner), Congratulating Jonathan Reed White on achieving the rank of Eagle Scout.

**HR 1353** (by Schwertner), Congratulating John Henry "Jack" Schmalstieg IV on achieving the rank of Eagle Scout.

**HR 1354** (by Schwertner), Congratulating Leander City Council member Michell Renee Cantwell on her graduation from The University of Texas.

**HR 1355** (by Schwertner), Congratulating Lewis Shannon Pierce on achieving the rank of Eagle Scout.

**HR 1357** (by Craddick), Congratulating the Reverend Milton Jochetz and Wanda Jochetz of Stanton on their 65th wedding anniversary.

**HR 1358** (by Craddick), Congratulating Dennis and Becky Edwards of Midland on their 40th wedding anniversary.

**HR 1360** (by Murphy), Honoring the Harmony School of Innovation in Houston for its achievements.

**HR 1362** (by Giddings), Congratulating Paul Quinn College on its receipt of the 2011 HBCU of the Year Award.

**HR 1364** (by Truitt), Congratulating Donald J. Hamilton on his receipt of the Bronze Star Medal awarded for his actions in the Vietnam War in 1966.

**HR 1368** (by Lucio), Congratulating Herbert A. Miller, Jr., of Austin on his receipt of a 2011 Texas Exes Teaching Award.

**HR 1369** (by D. Howard), Congratulating Alex Crisara and Jahan Rabii of Anderson High School on winning Best in Fair at the 2011 Austin Energy Regional Science Festival.

**HR 1370** (by D. Howard), Honoring the students of Grandview Hills Elementary School in Austin for their participation in the Pennies for Peace initiative.

**HR 1371** (by D. Howard), Commending the students of Steiner Ranch Elementary School in Austin for their efforts in behalf of the 2011 Students Helping Students, Pay It Forward project.

**HR 1372** (by Pitts), Commending the SkillsNET Foundation for its efforts to improve employability in Texas.

**HR 1374** (by Flynn), Commemorating the dedication of a Texas Historical Marker at Van Common School.

**HR 1375** (by Flynn), Commemorating the dedication of a Texas Historical Marker at Van High School.

**HR 1376** (by Flynn), Commemorating the dedication of a Texas Historical Marker at Swindall School in Van.

**HR 1378** (by Perry), Congratulating Laroy and Connie Hawkins of Lubbock on their 60th wedding anniversary.

**HR 1379** (by Perry), Congratulating Julio and Refugia Camacho of Lubbock on their 50th wedding anniversary.

**HR 1382** (by C. Anderson), Congratulating Ray Biles, head coach of the Lorena High School football team, on winning the 100th game of his career.

**HR 1383** (by C. Anderson), Honoring Father Joseph F. Geleney, Jr., of the Church of St. Mary of the Assumption in Waco on the 10th anniversary of his ordination.

**HR 1384** (by C. Anderson), Congratulating Lorena High School baseball coach Greg Blanchard on winning his 500th game.

**HR 1385** (by C. Anderson), Honoring the Junior League of Waco on the 75th anniversary of its founding.

**HR 1386** (by Raymond), Honoring The University of Texas Community Outreach for its achievements in promoting community-based prevention and control of diabetes and obesity.

**HR 1387** (by Schwertner), Congratulating Greg Bergeron of Georgetown on the occasion of his retirement as Williamson County Unified Road System administrator.

**HR 1388** (by C. Anderson), Congratulating the Lorena Independent School District on its receipt of a 2011 Gold Leadership Circle Award.

**HR 1392** (by C. Anderson), Congratulating the Crawford High School Lady Pirates on winning the 2011 Waco ISD Softball Tournament.

**HR 1393** (by C. Anderson), Honoring Spring Valley Elementary School for winning a 2010 Food for Families Award.

**HR 1394** (by C. Anderson), Commemorating the 2011 Women in Construction Week and commending Waco Chapter No. 14 of the National Association of Women in Construction.

**HR 1395** (by C. Anderson), Congratulating Bryse Ed on earning a Student Leadership Award from The University of Texas Cockrell School of Engineering.

**HR 1397** (by C. Anderson), Congratulating U.S. Army Reserve Specialist Sherica L. Redrick of Waco on qualifying for the 2011 Armed Forces Boxing Championship.

**HR 1398** (by C. Anderson), Honoring Midway High School for winning a 2010 Food for Families Award.

**HR 1400** (by C. Anderson), Honoring Velma Wiethorn of McGregor on her 85th birthday.

**HR 1408** (by C. Anderson), Congratulating Shelby Jurek of Hewitt on being named to the honor roll at Oklahoma State University.

**HR 1413** (by C. Anderson), Congratulating Willie and Mary Youngblood on their 50th wedding anniversary.

**HR 1415** (by C. Anderson), Congratulating the Crawford High School basketball team on its successful 2010-2011 season.

**HR 1416** (by C. Anderson), Congratulating the boys' golf team of Midway High School in Waco on winning third place at the 2011 Marvin Dameron Invitational.

**HR 1417** (by C. Anderson), Congratulating the all-district academic and athletic honorees from the West High School Lady Trojans basketball team.

**HR 1418** was withdrawn.

**HR 1421** (by Sheffield), Congratulating James and Sandy Champ of Little River on their 50th wedding anniversary.

**HR 1422** (by Sheffield), Congratulating Carrol and Blanch Ward of McGregor on their 60th wedding anniversary.

**HR 1423** (by Sheffield), Congratulating David and Betty Hester of Temple on their 50th wedding anniversary.

**HR 1426** (by Hughes), Congratulating the Wild Hog Hunt Committee of the Gilmer Area Chamber of Commerce on receiving that organization's Top Hand Award.

**HR 1427** (by Hughes), Congratulating Henry Troell on his selection as the 2010 Outstanding Citizen by the Gilmer Area Chamber of Commerce.

**HR 1428** (by Hughes), Congratulating Martha Davis on being named the 2010 Educator of the Year by the Gilmer Area Chamber of Commerce.

**HR 1429** (by Hughes), Congratulating Alston Johnson on attaining the rank of Eagle Scout.

**HR 1430** (by Hughes), Congratulating April Fry on representing the Winstboro Independent School District during the Halftime Spectacular at the 2011 AT&T Cotton Bowl Classic.

**HR 1431** (by Hughes), Congratulating Gary and Lyle Jean Foster of Mineola on their 50th wedding anniversary.

**HR 1432** (by Hughes), Congratulating Shirley Chadwick on her receipt of the Distinguished Lifetime Achievement Award from the Mineola Chamber of Commerce.

**HR 1433** (by Hughes), Congratulating the volunteers of the First United Methodist Church Clothes Closet in Gilmer on receiving the Unsung Hero Award from the Gilmer Area Chamber of Commerce.

**HR 1434** (by Cain), Congratulating Hazel Walker Trammell of Mount Pleasant on the occasion of her 100th birthday.

**HR 1438** (by Lucio), Honoring Princell Hair on his achievements as a media executive and welcoming him to Texas.

**HR 1911** (by Johnson and Dutton), Commemorating the 100th anniversary of the founding of Kappa Alpha Psi Fraternity.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HCR 139** (by Beck), In memory of former Texas secretary of state Myra McDaniel.

**HR 1304** (by C. Anderson), In memory of John Herrington of Moody.

**HR 1311** (by W. Smith), In memory of Dorothy "Dot" Berry of Baytown.

**HR 1312** (by W. Smith), In memory of Baytown community leader Doug Huddle, Jr.

**HR 1313** (by W. Smith), In memory of George H. Ferguson, Jr., of Baytown.

**HR 1314** (by Lozano), In memory of Aurora A. Garza of Kingsville.

**HR 1319** (by Johnson), In memory of Sam Milton Bussey, Jr., of Dallas.

**HR 1327** (by Alonzo), Paying tribute to the life of Selena Quintanilla Perez on April 16, 2012, the 41st anniversary of her birth.

**HR 1349** (by Murphy), In memory of Paul Oliver Naut of Katy.

**HR 1365** (by Truitt), In memory of the Reverend Dr. Kenneth John Diehm of Grapevine.

**HR 1380** (by Bonnen), In memory of Leland B. Kee of Angleton.

**HR 1381** (by Bonnen), In memory of Coach L. Z. Bryan of Lake Jackson.

**HR 1389** (by C. Anderson), In memory of Orvis W. Marrs of Waco.

**HR 1390** (by C. Anderson), In memory of Alinda Marie Fickel of Hewitt.



**HR 1391** (by C. Anderson), In memory of James Gillaspie of Tokio.

**HR 1396** (by C. Anderson), In memory of Juanita M. Jay of Waco.

**HR 1399** (by C. Anderson), In memory of Bernice L. Brooks of Waco.

**HR 1401** (by C. Anderson), In memory of John David Burton of Moody.

**HR 1402** (by C. Anderson), In memory of Patricio T. Escalona, Sr., of Waco.

**HR 1403** (by C. Anderson), In memory of Bruce Washington Dyer, Jr., of Waco.

**HR 1405** (by C. Anderson), In memory of Nathan Andrew Romo of Lorena.

**HR 1406** (by C. Anderson), In memory of Christine Kocian Vanek of West.

**HR 1407** (by C. Anderson), In memory of Doris Lee Breeding Jones of Waco.

**HR 1409** (by C. Anderson), In memory of Scott Rentz of China Spring.

**HR 1410** (by C. Anderson), In memory of Pilar Villegas of Waco.

**HR 1411** (by C. Anderson), In memory of Mary Winzer Hall of Waco.

**HR 1412** (by C. Anderson), In memory of Alvin Dulock of Waco.

**HR 1414** (by C. Anderson), In memory of William E. Nelson, Jr., of Waco.

**HR 1420** (by Sheffield), In memory of the Honorable Hiram Childress of Temple.

**HR 1436** (by Hilderbran), In memory of Emory Chapman Thompson of Austin.

**HR 1437** (by Hilderbran), In memory of Jack Autry Bills of Kerrville.

The resolutions were unanimously adopted by a rising vote.

**MAJOR STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**CSSB 655 ON SECOND READING  
(Keffer - House Sponsor)**

**CSSB 655**, A bill to be entitled An Act relating to the continuation, functions, and name of the Railroad Commission of Texas.

(Speaker in the chair)

**Amendment No. 1**

Representative Keffer offered the following amendment to **CSSB 655**:  
Floor Packet Page No. 1

Amend **CSSB 655** (house committee printing) in SECTION 7 of the bill, in added Section 81.010046, Natural Resources Code, as follows:

(1) Between "office of commissioner" and "at" (page 4, line 20), insert "or chairman of the commission".

(2) Strike "of commissioner." (page 4, line 23) and substitute "then held by the person.".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Keffer offered the following amendment to **CSSB 655**:

Floor Packet Page No. 2

Amend **CSSB 655** (house committee printing) in SECTION 12 of the bill, in added Section 81.065(d), Natural Resources Code (page 8, line 8), by striking "described by Section 81.058 or filed under Section" and substituting "under Section 81.059 or".

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Cook offered the following amendment to **CSSB 655**:

Floor Packet Page No. 3

Amend **CSSB 655** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 81.001(2), Natural Resources Code (page 1, line 13), strike "any member" and substitute "the commissioner [~~any member~~]".

(2) In SECTION 3 of the bill, in added Section 81.003(b)(2), Natural Resources Code (page 1, line 23), strike "means a member" and substitute "means the commissioner".

(3) Strike SECTIONS 5 and 6 of the bill (page 2, line 8, through page 3, line 11) and substitute the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. Section 81.01002, Natural Resources Code, is amended to read as follows:

Sec. 81.01002. ELECTION AND TERM OF COMMISSIONER [~~CHAIRMAN~~]. (a) The commission is governed by [~~commissioners shall elect~~] one commissioner [~~as the chairman~~].

(b) The commissioner is elected for a term of four years.

SECTION \_\_\_\_\_. Section 81.01003, Natural Resources Code, is amended to read as follows:

Sec. 81.01003. QUALIFICATIONS FOR OFFICE. The [~~A~~] commissioner must be:

- (1) a qualified voter under the constitution and laws; and
- (2) at least 25 years of age.

SECTION \_\_\_\_\_. Section 81.01004, Natural Resources Code, is amended to read as follows:

Sec. 81.01004. PERSONAL FINANCIAL DISCLOSURE, STANDARDS OF CONDUCT, AND CONFLICT OF INTEREST. The ~~[A]~~ commissioner is subject to the provisions of Chapter 572, Government Code, that apply to elected officers, including the requirements governing personal financial statements, standards of conduct, and conflicts of interest.

(4) In SECTION 7 of the bill, in added Section 81.010045(b), Natural Resources Code (page 3, line 18), strike "A" and substitute "The".

(5) In SECTION 7 of the bill, in added Section 81.010045(c), Natural Resources Code (page 3, line 22), strike "A" and substitute "The".

(6) In SECTION 7 of the bill, in added Section 81.010045(c)(1), Natural Resources Code (page 3, line 26), strike "any" and substitute "the".

(7) In SECTION 7 of the bill, in added Section 81.010045(d), Natural Resources Code (page 4, line 2), strike "a commissioner" and substitute "the commissioner".

(8) In SECTION 7 of the bill, in added Section 81.010045(d)(1)(A), Natural Resources Code (page 4, line 8), strike "any" and substitute "the".

(9) In SECTION 7 of the bill, in added Section 81.010046, Natural Resources Code (page 4, lines 16 and 17), strike "a member of the commission" and substitute "the commissioner".

(10) Strike SECTION 8 of the bill (page 4, line 24, through page 5, line 13) and substitute the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. Section 81.01005, Natural Resources Code, is amended to read as follows:

Sec. 81.01005. NAME AND SEAL. (a) The commission is ~~[commissioners are]~~ known ~~[collectively]~~ as the "Texas Oil and Gas [Railroad] Commission ~~[of Texas]~~."

(b) The seal of the commission contains a star of five points with the words "Texas Oil and Gas [Railroad] Commission ~~[of Texas]~~" engraved on it.

SECTION \_\_\_\_\_. Section 81.01006, Natural Resources Code, is amended to read as follows:

Sec. 81.01006. PROCEDURAL RULES. The commissioner ~~[commissioners]~~ may adopt all rules necessary for the commission's government and proceedings.

SECTION \_\_\_\_\_. Section 81.01007, Natural Resources Code, is amended to read as follows:

Sec. 81.01007. SUPPLIES. The commissioner ~~[commissioners]~~ shall be furnished necessary furniture, stationery, supplies, and expenses, to be paid for on the order of the governor.

SECTION \_\_\_\_\_. Section 81.01008, Natural Resources Code, is amended to read as follows:

Sec. 81.01008. PUBLIC HEARINGS ~~[SESSIONS]~~. The commission may hold public hearings ~~[sessions]~~ at any place in this state when considered necessary.

SECTION \_\_\_\_\_. Section 81.01013(d), Natural Resources Code, is amended to read as follows:

(d) The commission shall provide to the commissioner [~~commissioners~~] and to agency employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

SECTION \_\_\_\_\_. Section 81.01016, Natural Resources Code, is amended to read as follows:

Sec. 81.01016. SEPARATION OF RESPONSIBILITIES. The commission shall develop and implement policies that clearly separate the policy-making responsibilities of the commissioner [~~commissioners~~] and the management responsibilities of the staff of the commission.

SECTION \_\_\_\_\_. Section 81.017, Natural Resources Code, is amended to read as follows:

Sec. 81.017. ADDITIONAL EMPLOYEES. The commission may employ personnel necessary to perform its duties [~~gaugers, inspectors, investigators, supervisors, and clerical employees. These employees shall include a chief engineer, chief petroleum engineer, and an administrative chief, and their salaries shall be paid in the amounts provided in the General Appropriations Act~~].

SECTION \_\_\_\_\_. Section 81.018(b), Natural Resources Code, is amended to read as follows:

(b) Warrants for expenses shall be issued only on duly verified statements of the persons entitled to the funds and on approval of the commissioner [~~chairman of the commission~~].

SECTION \_\_\_\_\_. The heading to Section 81.064, Natural Resources Code, is amended to read as follows:

Sec. 81.064. ~~POWERS OF [COMMISSIONER OR]~~ DESIGNATED EMPLOYEE IN CASES BEFORE COMMISSION.

SECTION \_\_\_\_\_. Sections 81.064(a) and (b), Natural Resources Code, are amended to read as follows:

(a) In a case before the commission, [~~a commissioner, or~~] an authorized commission employee, designated by the commissioner [~~commission~~] for that purpose, in the same manner as if the commissioner [~~entire commission~~] were present, may:

- (1) hold a hearing;
- (2) conduct an investigation;
- (3) make a record of a hearing or investigation for the use and benefit of the commission;
- (4) administer an oath;
- (5) certify to an official act; and
- (6) compel the attendance of a witness and the production of papers, books, accounts, and other pertinent documents and testimony.

(b) The record of a hearing or investigation made under this section that is certified to by the [~~commissioner or~~] employee has the same effect as if made before the commissioner [~~commission~~]. The commissioner [~~commission~~] shall determine a case in which the record is made under this section in the same manner as if the record had been made before the commissioner [~~commission~~].

(11) In SECTION 38 of the bill (page 28, line 17, through page 29, line 5), strike amended Section 52.092(c), Election Code, and substitute the following:

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

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;
- (4) comptroller of public accounts;
- (5) commissioner of the General Land Office;
- (6) commissioner of agriculture;
- (7) commissioner of the Texas Oil and Gas Commission;
- (8) chief justice, supreme court;
- (9) justice, supreme court;
- (10) presiding judge, court of criminal appeals;
- (11) judge, court of criminal appeals.

(12) Between SECTIONS 39 and 40 of the bill (page 29, between lines 14 and 15), insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Sections 102.006(a) and (d), Utilities Code, are amended to read as follows:

(a) The railroad commission by rule shall provide for administrative hearings in contested cases to be conducted by the commissioner [~~one or more members~~] of the railroad commission, by railroad commission hearings examiners, or by the utility division of the State Office of Administrative Hearings. The rules must provide for a railroad commission hearings examiner or the utility division of the State Office of Administrative Hearings to conduct each hearing in a contested case that is not conducted by the commissioner [~~one or more members~~] of the railroad commission. A hearing must be conducted in accordance with the rules and procedures adopted by the railroad commission.

(d) For purposes of judicial review, the final decision of a railroad commission hearings examiner or an administrative law judge of the State Office of Administrative Hearings in a matter delegated under Subsection (b) has the same effect as a final decision of the railroad commission unless [~~a member of~~] the commission requests formal review of the decision.

(13) Strike SECTION 44 of the bill (page 31, line 19, through page 33, line 5) and substitute the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. (a) As soon as possible after the effective date of this Act, the governor shall appoint the initial commissioner of the Texas Oil and Gas Commission to serve a term that expires January 1, 2013.

(b) The office of commissioner of the Texas Oil and Gas Commission exists for purposes of the primary and general election in 2012.

(c) The initial elected commissioner of the Texas Oil and Gas Commission shall be elected at the general election for state and county officers in 2012 to serve a two-year term.

(d) The initial elected commissioner of the Texas Oil and Gas Commission shall take office January 1, 2013.

SECTION \_\_\_\_\_. (a) On the date the initial commissioner of the Texas Oil and Gas Commission takes office:

- (1) the Texas Oil and Gas Commission is created;
- (2) the Railroad Commission of Texas is abolished and the terms of the members of the Railroad Commission of Texas serving on that date expire;
- (3) the powers, duties, functions, programs, and activities of the Railroad Commission of Texas are transferred to the Texas Oil and Gas Commission;
- (4) an employee of the Railroad Commission of Texas becomes an employee of the Texas Oil and Gas Commission;
- (5) all obligations and contracts of the Railroad Commission of Texas are transferred to the Texas Oil and Gas Commission;
- (6) all property and records in the custody of the Railroad Commission of Texas and all funds appropriated by the legislature to the Railroad Commission of Texas shall be transferred to the Texas Oil and Gas Commission;
- (7) all complaints, investigations, or contested cases that are pending before the Railroad Commission of Texas, or the governing body of the Railroad Commission of Texas, are transferred without change in status to the Texas Oil and Gas Commission;
- (8) a rule or form adopted by the Railroad Commission of Texas is a rule or form of the Texas Oil and Gas Commission and remains in effect until altered by that commission;
- (9) a reference in law to the Railroad Commission of Texas means the Texas Oil and Gas Commission;
- (10) a reference in law to a railroad commissioner or a member of the Railroad Commission of Texas means the commissioner of the Texas Oil and Gas Commission; and
- (11) a license, permit, or certification in effect that was issued by the Railroad Commission of Texas is continued in effect as a license, permit, or certification of the Texas Oil and Gas Commission.

(b) The abolition of the Railroad Commission of Texas and the transfer of its powers, duties, functions, programs, activities, obligations, rights, contracts, records, property, funds, and employees as provided by this Act do not affect or impair an act done, any obligation, right, order, permit, certificate, rule, criterion, standard, or requirement existing, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.

SECTION \_\_\_\_\_. The Railroad Commission of Texas shall adopt a timetable for phasing in the use of the name of the Texas Oil and Gas Commission so as to minimize the fiscal impact of the change of name of the entity responsible for performing the functions of the Railroad Commission of Texas. Until January 1, 2012, to allow for phasing in the use of the name of the Texas Oil and Gas Commission and in accordance with the timetable established as required by this section, the Texas Oil and Gas Commission may perform any act authorized by law for the Railroad Commission of Texas as the Railroad Commission of Texas

or as the Texas Oil and Gas Commission and any act of the Texas Oil and Gas Commission acting as the Railroad Commission of Texas is an act of the Texas Oil and Gas Commission.

(14) Renumber the SECTIONS of the bill accordingly.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today because of important business:

Chisum on motion of Brown.

Harper-Brown on motion of Crownover.

(S. Miller in the chair)

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

Representative White requested permission for the Committee on County Affairs to meet while the house is in session, at 2 p.m. today, in 3W.15, to consider pending items.

Permission to meet was granted.

Representative Truitt requested permission for the Committee on Pensions, Investments, and Financial Services to meet while the house is in session, at 1:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

Representative Creighton requested permission for the Select Committee on State Sovereignty to meet while the house is in session, at 4 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

Representative W. Smith requested permission for the Committee on Environmental Regulation to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Pensions, Investments, and Financial Services, 1:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

County Affairs, 2 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Environmental Regulation, 2:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

Select Committee on State Sovereignty, 4 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Pensions, Investments, and Financial Services:

Anchia on motion of Guillen.

C. Anderson on motion of Guillen.

Creighton on motion of Guillen.

Legler on motion of Guillen.

Nash on motion of Guillen.

Orr on motion of Guillen.

Truitt on motion of Guillen.

### CSSB 655 - (consideration continued)

Amendment No. 3 failed of adoption by (Record 592): 17 Yeas, 120 Nays, 1 Present, not voting.

Yeas — Bonnen; Burnam; Cook; Dukes; Eiland; Farias; Farrar; Hughes; Laubenberg; Lavender; Mallory Caraway; Martinez Fischer; McClendon; Rodriguez; Strama; Villarreal; Walle.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Coleman; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Menendez; Miles; Miller, D.; Miller, S.(C); Morrison; Muñoz; Murphy; Naishtat; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Chisum; Harper-Brown.

Absent, Excused, Committee Meeting — Anchia; Anderson, C.; Creighton; Legler; Nash; Orr; Truitt.

Absent — Castro; Gallego; Vo.



**STATEMENTS OF VOTE**

When Record No. 592 was taken, I was excused to attend a committee meeting. I would have voted no.

C. Anderson

When Record No. 592 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 592 was taken, my vote failed to register. I would have voted yes.

Gallego

I was shown voting yes on Record No. 592. I intended to vote no.

Laubenberg

When Record No. 592 was taken, I was excused to attend a committee meeting. I would have voted yes.

Nash

When Record No. 592 was taken, I was excused to attend a committee meeting. I would have voted no.

Truitt

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Pensions, Investments, and Financial Services:

Hernandez Luna on motion of Guillen.

Veasey on motion of Guillen.

**CSSB 655 - (consideration continued)****Amendment No. 4**

Representative Gallego offered the following amendment to **CSSB 655**:  
Floor Packet Page No. 11

Amend **CSSB 655** by inserting the following on page 4, line 15 after the period:

(e) A commissioner may not knowingly accept a political contribution given or offered with the intention that it be used in connection with a campaign for the office of commissioner from a person or entity who has had business before the commission during a 90-day period before the contribution is offered or accepted.

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Burnam offered the following amendment to **CSSB 655**:

Floor Packet Page No. 12

Amend **CSSB 655** (house committee printing) in SECTION 10 of the bill, in amended Section 81.0531(d), Natural Resources Code, by striking Subdivisions (5) and (6) of the subsection (page 6, lines 19-22) and substituting the following:

- (5) the demonstrated good faith of the person charged; ~~and~~
- (6) the economic benefit gained through the violation; and
- (7) any other factor the commission considers relevant.

Amendment No. 5 was adopted.

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

Representative Farrar offered the following amendment to **CSSB 655**:

Floor Packet Page No. 18

Amend **CSSB 655** (house committee printing) as follows:

(1) On page 14, line 25, strike "the Texas Oil & Gas Association" and substitute with the Lone Star Chapter of the Sierra Club.

(2) On page 15, line 4, strike "the Texas Alliance of Energy Producers" and substitute with the Environmental Defense Fund.

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

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

Substitute the following for Amendment No. 6 by Farrar (floor packet page 18):

Amend **CSSB 655** (house committee printing) as follows:

(1) Strike lines 25-27 and renumber subsequent subsections accordingly.

(2) On page 15, insert the following between lines 4 and 5:

(7) the executive officer, or a person designated by the executive officer, of each of two statewide environmental conservation organizations selected by the governor.

Amendment No. 7 was adopted.

Representative Crossover moved to table Amendment No. 6, as amended.

The motion to table prevailed by (Record 593): 104 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Crossover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.(C); Morrison; Muñoz; Murphy; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla;

Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Raymond; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Chisum; Harper-Brown.

Absent, Excused, Committee Meeting — Anchia; Anderson, C.; Creighton; Hernandez Luna; Legler; Nash; Orr; Truitt; Veasey.

### STATEMENTS OF VOTE

When Record No. 593 was taken, I was excused to attend a committee meeting. I would have voted yes.

Nash

When Record No. 593 was taken, I was excused to attend a committee meeting. I would have voted yes.

Truitt

### Amendment No. 8

Representative Turner offered the following amendment to **CSSB 655**:  
Floor Packet Page No. 20

Add the following new Section 43 to **CSSB 655** as follows, and renumber subsequent sections accordingly.

Section 43. Sec. 104.055 and 104.056 of the Gas Utility Regulatory Act are amended as follows:

1. Section 104.055(c) is hereby repealed.

2. Section 104.056 is amended with the addition of subsection (c) as follows:

(c) In determining just and reasonable rates, the Commission shall avoid the inclusion of hypothetical or non-existent tax expense in the utility's cost of service, as follows:

(1) Federal income tax expense shall be calculated based upon the utility's actual tax liability, including any deductions, credits, and other tax benefits that reduce the taxes owed by the utility, to the extent permitted by the federal tax code.

(2) If the utility's federal income taxes are filed as part of a consolidated or joint return, a reasonable and fair share of any tax savings from the arrangement shall be recognized in the utility's cost of service.

**Amendment No. 9**

Representative Turner offered the following amendment to Amendment No. 8:

Amend Floor Amendment No. 8 by Turner to **CSSB 655** (page 20, prefiled amendments packet) by striking the text of the amendment and substituting:

Amend **CSSB 655** by adding the following section, numbered appropriately, and by renumbering any subsequent sections accordingly:

SECTION \_\_\_\_\_. (a) The Texas Oil and Gas Commission shall conduct a study of the treatment of tax expenses for the purposes of computing gas utility rates under Subchapter B, Chapter 104, Utilities Code, so the commission can develop methods to avoid the inclusion of hypothetical or non-actual tax expenses in a gas utility's allowable costs of service.

(b) The Texas Oil and Gas Commission in conducting the study shall examine the extent to which federal tax law allows for the commission and other regulatory authorities to consider, in computing gas utility rates under Subchapter B, Chapter 104, Utilities Code, the utility's actual federal income tax liability for a federal tax year, including any deductions, credits, or other benefits that may reduce the federal income taxes owed by the utility.

(c) The Texas Oil and Gas Commission in conducting the study shall undertake to develop methods to allow a reasonable fair share of any savings a gas utility accrues from filing for federal income tax purposes a consolidated or joint return to be considered by the commission or another regulatory authority in computing gas utility rates under Subchapter B, Chapter 104, Utilities Code.

(d) The Texas Oil and Gas Commission shall report the results of the study conducted under this section to the governor, the lieutenant governor, the Public Utility Commission of Texas, and the speaker of the house of representatives not later than December 1, 2012. The report must include any methods developed as a result of the study and recommendations for any legislative authorization necessary or helpful to implement the methods.

(e) This section expires September 1, 2013.

Amendment No. 9 was adopted. (Weber recorded voting no.)

Amendment No. 8, as amended, was adopted.

**Amendment No. 10**

Representative Burnam offered the following amendment to **CSSB 655**:  
Floor Packet Page No. 28

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 91, Natural Resources Code, is amended by adding Section 91.020 to read as follows:

Sec. 91.020. PROHIBITION ON PERMIT FOR CERTAIN WELLS TO BE LOCATED NEAR PUBLIC SCHOOL. The commission may not issue a drilling permit for an oil or gas well that is proposed to be located less than 1,200 feet from the property line of a public school, unless:

- (1) if electricity is reasonably available at the well location, the well:
  - (A) is drilled with an electric drilling rig; and
  - (B) uses electric motors for any necessary onsite compression;
- (2) if the well is hydraulically fractured, the engine used for the hydraulic fracturing operation meets federal Tier 3 or 4 emissions standards;
- (3) if the well is completed, the well is completed using reduced emissions completion techniques and methods;

- (4) the well is located on a well pad that:
  - (A) exclusively uses low-bleed or no-bleed pneumatic devices; and
  - (B) has total emissions, including emissions from all equipment on the well pad that:

(i) are authorized under a permit from the Texas Commission on Environmental Quality that includes certified emissions limitations that are 90 percent lower than uncontrolled levels for:

- (a) benzene;
- (b) carbon disulfide;
- (c) hydrogen sulfide;
- (d) nitrogen oxides;
- (e) sulfur dioxide; and
- (f) formaldehyde; or

(ii) result in air contaminant maximum predicted concentrations at the property line of the tract on which the well pad is located that are equal to or less than 10 percent of the appropriate effects screening level, or 100 percent of the significant impact level for state and federal ambient air quality standards, based on an impacts evaluation for each pollutant described by Subparagraph (i) of this paragraph, conducted under 30 T.A.C. Section 106.352, as that section existed on February 18, 2011; and

- (5) the well is located at a site at which the operator employs a noise abatement plan, the implementation of which ensures that noise at the closest point of the school property line resulting from routine and nonroutine operations at the site does not exceed the ambient noise level at that point.

SECTION \_\_\_\_\_. Section 91.020, Natural Resources Code, as added by this Act, applies only to a drilling permit the application for which is filed with the Railroad Commission of Texas or the Texas Oil and Gas Commission on or after the effective date of this Act. A drilling permit the application for which is filed with the Railroad Commission of Texas before the effective date of this Act is subject to the law in effect on the date the application is filed, and that law is continued in effect for that purpose.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on County Affairs:

Coleman on motion of Raymond.

L. Gonzales on motion of Raymond.

Gooden on motion of Raymond.

Hamilton on motion of Raymond.

Jackson on motion of Raymond.

Marquez on motion of Raymond.

Paxton on motion of Raymond.

W. Smith on motion of Raymond.

White on motion of Raymond.

**CSSB 655 - (consideration continued)**

Representative Hardcastle moved to table Amendment No. 10.

The motion to table prevailed by (Record 594): 86 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Guillen; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.(C); Morrison; Murphy; Otto; Parker; Patrick; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Chisum; Harper-Brown.

Absent, Excused, Committee Meeting — Anchia; Anderson, C.; Coleman; Creighton; Gonzales, L.; Gooden; Hamilton; Hernandez Luna; Jackson; Legler; Marquez; Nash; Orr; Paxton; Smith, W.; Truitt; Veasey; White.

Absent — Darby; Pickett; Torres.

**STATEMENTS OF VOTE**

When Record No. 594 was taken, I was excused to attend a committee meeting. I would have voted yes.

Gooden

When Record No. 594 was taken, I was excused to attend a committee meeting. I would have voted yes.

Nash

When Record No. 594 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

When Record No. 594 was taken, I was excused to attend a committee meeting. I would have voted no.

Truitt

**Amendment No. 11**

Representative P. King offered the following amendment to **CSSB 655**:  
Floor Packet Page No. 30

Amend **CSSB 655** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter D, Chapter 91, Natural Resources Code, is amended by adding Section 91.118 to read as follows:

Sec. 91.118. PERMITS REQUIRED FOR LAND APPLICATION OF CERTAIN WASTE. (a) The commission by rule shall regulate through the issuance of permits the use of land application for the treatment and disposal of oil field fluids or oil and gas wastes.

(b) Rules adopted under this section:

(1) must consider the amount of land available to the applicant for the land application of fluids or wastes and any applicable federal or state law if the rules limit the number of permits that may be issued to an applicant;

(2) may not prohibit the issuance of a permit to an applicant for the land application of fluids or wastes on a tract based on its proximity to another tract for which a permit authorizing the land application of fluids or wastes has been issued if the surface ownership of the tracts is different; and

(3) must permit the land application of fluids or wastes at the same location annually if:

(A) the fluids or wastes are generated by only one operator and are derived from:

(i) the same lease, if the fluids or wastes are derived from one or more oil wells; or

(ii) the same general area or field, if the fluids or wastes are derived from one or more gas wells; and

(B) the water base drilling fluid and cuttings are:

(i) from not more than five wells, if the volume of the water base drilling fluid and cuttings does not exceed 30,000 barrels; or

(ii) from one well, if the volume of the water base drilling fluid and cuttings exceeds 30,000 barrels.

(b) Not later than December 1, 2011, the Railroad Commission of Texas shall adopt rules as required by Section 91.118, Natural Resources Code, as added by this section.

(c) This section takes effect September 1, 2011.

(C. Anderson, Hernandez Luna, and Orr now present)

Amendment No. 11 was adopted. (Creighton recorded voting no.)

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

Representative Guillen requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 3:15 p.m. today, in 3W.9, to consider **HCR 127** and pending business.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Culture, Recreation, and Tourism, 3:15 p.m. today, 3W.9, for a formal meeting, to consider **HCR 127** and pending business.

### **CSSB 655 - (consideration continued)**

#### **Amendment No. 12**

Representative Farrar offered the following amendment to **CSSB 655**:

Floor Packet Page No. 32

Amend **CSSB 655** by adding the following appropriately numbered section and renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 91, Natural Resources Code, is amended by adding Section 91.1421 to read as follows:

Sec. 91.1421. ANNUAL REPORT OF GROUNDWATER USE.

(a) In this section, "groundwater" has the meaning assigned by Section 36.001, Water Code.

(b) The Commission shall adopt rules to collect information from the oil and gas industry on the annual use of groundwater used in the exploration and development of oil and gas resources on a county-by-county basis;

(c) In adopting its rules, the Commission may require actual use reporting or may allow for estimates or ranges of use to ease reporting;.

(c) The Commission shall share this information with the Texas Water Development Board for use in the statewide water planning process.

(Anchia, Nash, and Truitt now present)

Representative Ritter moved to table Amendment No. 12.



The motion to table prevailed by (Record 595): 96 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Guillen; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.(C); Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Raymond; Reynolds; Rodriguez; Thompson; Turner; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Chisum; Harper-Brown.

Absent, Excused, Committee Meeting — Coleman; Creighton; Gonzales, L.; Gooden; Hamilton; Jackson; Legler; Marquez; Paxton; Smith, W.; Veasey; White.

Absent — King, S.; Torres.

### STATEMENTS OF VOTE

When Record No. 595 was taken, I was excused to attend a committee meeting. I would have voted yes.

Gooden

When Record No. 595 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 595 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

### Amendment No. 13

Representative Martinez Fischer offered the following amendment to **CSSB 655**:

Floor Packet Page No. 36

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle B, Title 3, Natural Resources Code, is amended by adding Chapter 93 to read as follows:

CHAPTER 93. REGULATION OF HYDRAULIC FRACTURING  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 93.001. DEFINITIONS. In this chapter, unless the context otherwise requires:

(1) "Additive" means any substance or combination of substances found in a hydraulic fracturing fluid, including a proppant, that is added to a base fluid in the context of a hydraulic fracturing treatment.

(2) "Base fluid" means the base fluid type, such as water or nitrogen foam, used in a particular hydraulic fracturing treatment.

(3) "Chemical Abstracts Service" or "CAS" means the chemical registry that is the authoritative collection of disclosed chemical substance information.

(4) "Chemical constituent" means a discrete chemical with its own specific name or identity, such as a CAS number, that is contained in an additive.

(5) "Commission" means the Texas Oil and Gas Commission.

(6) "Hydraulic fracturing fluid" means the fluid used to perform a particular hydraulic fracturing treatment and includes the applicable base fluid and all additives.

(7) "Hydraulic fracturing treatment" means the stimulation of a well by the forceful application of hydraulic fracturing fluid into the relevant geological formation for the purpose of creating fractures in the formation in order to facilitate production of hydrocarbons.

(8) "Operator" means the person authorized to conduct operations on a well.

(9) "Proppant" means sand or another natural or man-made inert material that is used in a hydraulic fracturing treatment to prevent artificially created or enhanced fractures from closing once the treatment is completed.

(10) "Trade secret" means any confidential formula, pattern, process, device, information, or compilation of information that is used in a person's business and that gives the person an opportunity to obtain an advantage over competitors that do not know or use it.

(11) "Well" means a hydrocarbon production well.

(12) "Well completion report" means the report an operator is required to file with the commission following the completion or recompletion of a well, if applicable.

Sec. 93.002. RULES. The commission shall adopt any rules necessary to carry out its powers and duties under this chapter.

Sec. 93.003. REPORT. Not later than January 1 of each year, the commission shall submit to the legislature a report concerning the effects of hydraulic fracturing treatments on environmental quality, including water quality. The report must address:

(1) the effects of hydraulic fracturing treatments on the quality of the water in aquifers;

(2) the total amount and types of chemicals used in hydraulic fracturing treatments;

(3) the geographic location of the wells on which hydraulic fracturing treatments are performed;

(4) the rates of asthma, including childhood asthma, in areas in which wells on which hydraulic fracturing treatments are performed and wastewater disposal sites associated with those wells are located;

(5) the routes used to transport to an injection site wastewater associated with wells on which hydraulic fracturing treatments are performed and the amount of any wastewater spilled along those routes; and

(6) the presence of any radioactivity or radioactive elements in wastewater associated with wells on which hydraulic fracturing treatments are performed.

[Sections 93.004-93.050 reserved for expansion]

#### SUBCHAPTER B. DISCLOSURE OF COMPOSITION OF HYDRAULIC FRACTURING FLUIDS

Sec. 93.051. INFORMATION SUBMITTED CONSIDERED PUBLIC INFORMATION; POSTING ON INTERNET WEBSITE. Notwithstanding any other law, unless the information is entitled to be withheld as a trade secret under Section 93.052(b) or (c)(4) or 93.053(c), information submitted to the commission under Section 93.052 or 93.053 is public information, and the commission shall post the information on a publicly accessible Internet website.

Sec. 93.052. SERVICE COMPANY DISCLOSURES. (a) A person performing hydraulic fracturing treatments in this state shall disclose to the commission and maintain an updated master list of:

(1) all base fluids to be used by the person during any hydraulic fracturing treatment in this state;

(2) all additives to be used by the person during any hydraulic fracturing treatment in this state; and

(3) all chemical constituents to be used by the person in any hydraulic fracturing treatment in this state and their associated CAS numbers.

(b) Notwithstanding Subsection (a)(3), if the specific identity of any chemical constituent to be used in any hydraulic fracturing treatment in this state is entitled to be withheld as a trade secret pursuant to the criteria provided by 42 U.S.C. Section 11042(a)(2) and Section 93.055 of this chapter, the commission shall protect and hold confidential the identity of the chemical constituent and its associated CAS number. To qualify for trade secret protection, the person performing the hydraulic fracturing treatment must submit to the commission on an approved form a formal claim of entitlement to that protection in the manner required by Section 93.055.

(c) A person performing hydraulic fracturing treatments in this state shall provide to the operator of each well for which the person performs a hydraulic fracturing treatment:

(1) the maximum pump pressure measured at the surface and the type and volume of base fluid used in each stage of the hydraulic fracturing treatment;

(2) a list of all additives used in the hydraulic fracturing fluid, specified by general type, such as acid, biocide, breaker, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, and surfactant;

(3) for each additive type listed under Subdivision (2), the specific name of the additive used and the actual rate or concentration of each additive, expressed as pounds per thousand gallons or gallons per thousand gallons and expressed as a percentage by volume of the total hydraulic fracturing fluid used;

(4) a list of all the chemical constituents used in the hydraulic fracturing fluid and their associated CAS numbers, except to the extent that the specific identity of any chemical constituent is entitled to be withheld as a trade secret as provided by Subsection (b); and

(5) for each chemical constituent identified under Subdivision (4), the actual rate or concentration of each chemical, expressed as pounds per thousand gallons or gallons per thousand gallons and expressed as a percentage by volume of the total hydraulic fracturing fluid used.

(d) Subsections (b) and (c)(4) do not authorize a person to withhold information that federal or state law, including this section, requires to be provided to any health care professional who needs the information for diagnostic or treatment purposes. A person performing a hydraulic fracturing treatment shall provide directly to a health care professional, immediately on request, all information required by the health care professional, including the percent by volume of the chemical constituents of the hydraulic fracturing fluid and their associated CAS numbers. In a case that is not a medical emergency, the health care professional must provide the person performing the hydraulic fracturing treatment a written statement of need for the information before the person is entitled to receive the information. In a medical emergency, the health care professional must provide the person performing the hydraulic fracturing treatment a written statement of need for the information as soon as circumstances permit.

(e) A health care professional to whom information is disclosed under Subsection (d) shall hold the information confidential, except that the health care professional may, for diagnostic or treatment purposes, disclose information provided under that subsection to another health care professional, a laboratory, or a third-party testing firm. A health care professional, laboratory, or third-party testing firm to which information is disclosed by another health care professional under this subsection shall hold the information confidential.

Sec. 93.053. OPERATOR DISCLOSURES. (a) Following the completion of a hydraulic fracturing treatment on a well, the operator shall include in the well completion report, on a form approved by the commission:

(1) the maximum pump pressure measured at the surface and the type and volume of base fluid used in each stage of the hydraulic fracturing treatment;

(2) a list of all additives used in the hydraulic fracturing treatment, specified by general type, such as acid, biocide, breaker, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, and surfactant;

(3) for each additive type listed under Subdivision (2), the specific name of the additive used and the actual rate or concentration of each additive, expressed as pounds per thousand gallons or gallons per thousand gallons and expressed as a percentage by volume of the total hydraulic fracturing fluid used;

(4) the information provided under Sections 93.052(c)(4) and (5) to the operator by the person who performed the hydraulic fracturing treatment; and

(5) if the operator caused any additives to be used during the hydraulic fracturing treatment that are not required to be disclosed under Section 93.052(c) to the operator by the person who performed the hydraulic fracturing treatment:

(A) a list of the additives used; and

(B) for each additive listed, the chemical constituents of the additive and their associated CAS numbers and the actual rate or concentration of each additive or chemical, expressed in the manner provided by Section 93.052(c).

(b) The operator may supply field service company tickets, excluding pricing information, and reports regarding the hydraulic fracturing treatment, as used in the normal course of business, to satisfy some or all of the requirements of Subsection (a).

(c) Notwithstanding Subsection (a)(5), if the specific identity of a chemical constituent contained in an additive is entitled to be withheld as a trade secret pursuant to the criteria provided by 42 U.S.C. Section 11042(a)(2) and Section 93.055 of this chapter, the commission shall protect and hold confidential the identity of the chemical constituent and its associated CAS number. To qualify for trade secret protection, the operator must submit to the commission on an approved form a formal claim of entitlement to that protection in the manner required by Section 93.055.

(d) Subsection (c) does not authorize an operator to withhold information that federal or state law, including this section, requires to be provided to any health care professional who needs the information for diagnostic or treatment purposes. An operator shall provide directly to a health care professional, immediately on request, all information required by the health care professional, including the percent by volume of the chemical constituents of the hydraulic fracturing fluid and their associated CAS numbers. In a case that is not a medical emergency, the health care professional must provide the operator a written statement of need for the information before the person is entitled to receive the information. In a medical emergency, the health care professional must provide the operator a written statement of need for the information as soon as circumstances permit.

(e) A health care professional to whom information is disclosed under Subsection (d) shall hold the information confidential, except that the health care professional may, for diagnostic or treatment purposes, disclose information provided under that subsection to another health care professional, a laboratory, or a third-party testing firm. A health care professional, laboratory, or third-party testing firm to which information is disclosed by another health care professional under this subsection shall hold the information confidential.

Sec. 93.054. USE OF SERVICES OF NONCOMPLYING SERVICE COMPANY PROHIBITED. An operator may not use the services of another person in performing a hydraulic fracturing treatment in this state unless the other person is in compliance with the requirements of Section 93.052.

Sec. 93.055. TRADE SECRET PROTECTION. (a) A claim of entitlement to trade secret protection made under Section 93.052(b) or (c)(4) or 93.053(c) must include substantiating facts in the form of the information required by 40 C.F.R. Section 350.7(a). If requested by the trade secret claimant, the commission shall treat any such substantiating facts as confidential and may not disclose them to any third party or the public for any purpose. Until a final determination that the information is not entitled to trade secret protection is made under this section, the commission shall treat the information implicated by the claim of trade secret entitlement as a confidential trade secret, and the information is not subject to disclosure under Chapter 552, Government Code.

(b) The commission shall determine a claim of entitlement to trade secret protection made under Section 93.052(b) or (c)(4) or 93.053(c) to be sufficient if the information set forth in the claim supports all the conclusions set forth in 40 C.F.R. Section 350.13(a) and the supporting information is true. In making a determination as to a claim, the commission may require the trade secret claimant to submit additional supplemental information if the information is necessary for the commission to make its determination under this section. If requested by the trade secret claimant, the commission shall treat any supplemental information provided as confidential and may not disclose the information to any third party or the public for any purpose.

(c) If the commission determines a claim of entitlement to trade secret protection to be insufficient, the commission shall notify the trade secret claimant in writing of the determination by certified mail. Not later than the 15th day after the date the trade secret claimant receives notice of the determination, the claimant may request another review of the claim. The trade secret claimant must show good cause for the additional review. What constitutes good cause for purposes of this subsection is solely within the reasonable discretion of the commission and may include the availability of new supporting information or a good faith error or omission on the part of the trade secret claimant in the original claim. Not later than the 30th day after the date the commission receives the request, the commission shall provide written notice to the trade secret claimant of the commission's acceptance or rejection of the request. If a trade secret claimant makes a request for review under this subsection, the commission shall treat the information implicated by the claim of trade secret entitlement as a confidential trade secret until the commission makes a determination with regard

to the review request. If the commission rejects the review request, the commission shall continue to treat the information as a confidential trade secret until the earlier of the 30th day after the date the trade secret claimant receives notice that the commission has rejected the review request or the date the claimant withdraws the disclosure under Subsection (e).

(d) Not later than the 30th day after the date the trade secret claimant receives notice from the commission that the commission has rejected the claim of entitlement to trade secret protection, the claimant may appeal the determination by filing a petition in a district court of Travis County. If a trade secret claimant files an appeal under this subsection, the commission shall treat the information implicated by the claim of trade secret entitlement as a confidential trade secret until the appeal is resolved. If the resolution of the appeal affirms the commission's determination of the insufficiency of the claim, the commission shall continue to treat the information as a confidential trade secret until the earlier of the 30th day after the date the trade secret claimant receives notice that the appeal has been resolved or the date the claimant withdraws the disclosure under Subsection (e).

(e) Not later than the 30th day after the date the trade secret claimant receives notification under Subsection (c) that the commission has rejected the claim of entitlement to trade secret protection or the date a final judgment affirming the commission's determination of the insufficiency of the claim is entered under Subsection (d), as applicable, and only to the extent that the relevant chemical constituent has not been used by or for the trade secret claimant in any hydraulic fracturing treatment in this state, the trade secret claimant may formally withdraw the disclosure of a chemical constituent by notifying the commission of its intent to withdraw the disclosure. If the trade secret claimant withdraws the disclosure of a chemical constituent, the commission shall protect and hold confidential the identity of the chemical constituent and any corresponding CAS number, and the information is not subject to disclosure under Chapter 552, Government Code. After the withdrawal, the chemical constituent may not be used by or for the trade secret claimant in any hydraulic fracturing treatment in this state unless the trade secret claimant satisfies the requirements of this chapter relating to the disclosure of information regarding the chemical constituent.

(f) Notwithstanding any other provision of this section, the commission may:

(1) disclose information otherwise subject to trade secret protection under this section to a third-party testing firm in connection with the investigation of a claim of contamination of surface water or groundwater if the firm agrees in writing to keep the information confidential; and

(2) use the results of a test conducted by a third-party testing firm in connection with an investigation described by Subdivision (1) in any manner the commission considers necessary to protect public health and the environment.

[Sections 93.056-93.100 reserved for expansion]

SUBCHAPTER C. USE OF TRACER SUBSTANCES IN HYDRAULIC  
FRACTURING TREATMENTS

Sec. 93.101. HYDRAULIC FRACTURING FLUID TRACER. (a) The commission shall adopt rules requiring a person who performs a hydraulic fracturing treatment on a well to include a tracer substance in the base stimulation fluid used to perform the treatment.

(b) Rules adopted under this section may specify the type of tracer substance a person is required to use in performing a hydraulic fracturing treatment, such as an isotope tracer or a color tracer, provided that:

(1) the tracer substance is traceable to a specific person after the tracer substance is used in a hydraulic fracturing treatment; and

(2) the commission has determined that the use of the tracer substance in a hydraulic fracturing treatment will not endanger the public health.

[Sections 93.102-93.150 reserved for expansion]

SUBCHAPTER D. PROTECTION OF GROUNDWATER AND SURFACE  
WATER

Sec. 93.151. RULES. The commission shall adopt rules concerning hydraulic fracturing treatments that ensure the protection of groundwater and surface water.

SECTION \_\_\_\_\_. Chapter 93, Natural Resources Code, as added by this Act, applies only to a hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued on or after the effective date of this Act. A hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. The Texas Oil and Gas Commission shall adopt rules under Chapter 93, Natural Resources Code, as added by this Act, not later than February 1, 2012.

Amendment No. 13 was withdrawn.

**Amendment No. 14**

Representative Burnam offered the following amendment to **CSSB 655**:  
Floor Packet Page No. 51

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 121.202, Utilities Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (a) and by Section 121.2025, this subchapter does not reduce, limit, or impair:

(1) a power vested by law in:

(A) a county in relation to a county road; or

(B) a municipality; or



(2) the ability of a municipality to establish conditions for mapping or taking an inventory of pipelines and related appurtenances, including pumps, compressors, separators, dehydration units, and tank batteries, located in an area in the municipality's extraterritorial jurisdiction.

(c) A municipality may †

~~[-(A)-]~~ adopt an ordinance that establishes conditions for mapping, inventorying, locating, or relocating pipelines and related appurtenances, including pumps, compressors, separators, dehydration units, and tank batteries, located within ~~[over, under, along, or across a public street or alley or private residential area in]~~ the boundaries of the municipality~~[-or~~

~~[-(B)- establish conditions for mapping or taking an inventory in an area in a municipality's extraterritorial jurisdiction].~~

SECTION \_\_\_\_\_. Section 181.006, Utilities Code, is amended to read as follows:

Sec. 181.006. CONSENT REQUIRED IN MUNICIPALITY. A gas corporation may exercise authority under Sections 181.004 and ~~[Section]~~ 181.005 in relation to a municipal street or alley with the consent of and subject to the direction of the governing body of the municipality.

#### **Amendment No. 14 - Point of Order**

Representative C. Howard raised a point of order against further consideration of Amendment No. 14 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

(Creighton now present)

The point of order was withdrawn.

Amendment No. 14 was withdrawn.

#### **CSSB 655 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 655** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are inaccurate.

The chair sustained the point of order.

**CSSB 655** was returned to the Committee on Energy Resources.

(Legler now present)

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

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 19).

#### **MAJOR STATE CALENDAR HOUSE BILLS THIRD READING**

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

**HB 150 ON THIRD READING**  
**(by Solomons)**

**HB 150**, A bill to be entitled An Act relating to the composition of the districts for the election of members of the Texas House of Representatives.

(Speaker in the chair)

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, at 3:30 p.m. today, in 1W.14, to consider **SB 655**.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Energy Resources, 3:30 p.m. today, 1W.14, for a formal meeting, to consider **SB 655** and pending business.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Jackson moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 352**, **HB 823**, **HB 910**, **HB 1777**, **HB 2096**, **HB 2415**, **HB 2492**, **HB 2531**, **HB 2876**, **HB 3123**, **HB 3454**, **HB 3562**, **HB 3856**, **HB 3858**, and **SB 43** upon final adjournment today in E2.036.

The motion prevailed.

**COMMITTEES GRANTED PERMISSION TO MEET**

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, at 3:40 p.m. today, in 1W.14, to consider **HB 1547**, **SB 271**, **SB 656**, **SB 833**, **SB 942**, **SB 1082**, **SB 1140**, **SB 1147**, **SB 1492**, and other pending business.

Permission to meet was granted.

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

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Natural Resources, 3:40 p.m. today, 1W.14, for a formal meeting, to consider **HB 1547**, **SB 271**, **SB 656**, **SB 833**, **SB 942**, **SB 1082**, **SB 1140**, **SB 1147**, **SB 1492**, and pending business.

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

Judiciary and Civil Jurisprudence, 2 p.m. or upon adjournment today, E2.036, for a public hearing, to consider **HB 352, HB 823, HB 910, HB 1777, HB 2096, HB 2415, HB 2492, HB 2531, HB 2876, HB 3123, HB 3454, HB 3562, HB 3856, HB 3858, and SB 43.**

### COMMITTEES GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 5 p.m. today, in 3W.9, to consider **SB 328** and pending business.

Permission to meet was granted.

Representative Hilderbran requested permission for the Committee on Ways and Means to meet while the house is in session, at 3:30 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, 3:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Business and Industry, 5 p.m. today, 3W.9, for a formal meeting, to consider **SB 328** and pending business.

(Harper-Brown and W. Smith now present)

### **HB 150 - (consideration continued)**

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

Representative Creighton offered the following amendment to **HB 150**:  
Plan No. H268

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

Amendment No. 1 was adopted.

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

Representative Raymond offered the following amendment to **HB 150**:  
Plan No. H279

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

Amendment No. 2 was adopted.

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

Representative Raymond offered the following amendment to **HB 150**:

Plan No. H277

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

Amendment No. 3 was adopted. (The vote was reconsidered later today, and Amendment No. 3 was withdrawn.)

**Amendment No. 4**

Representatives Thompson, W. Smith, Dutton, and Huberty offered the following amendment to **HB 150**:

Plan No. H281

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

Amendment No. 4 was adopted.

(Marquez, Paxton, Veasey, and White now present)

**Amendment No. 5**

Representative Allen offered the following amendment to **HB 150**:

Plan No. H282

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

Amendment No. 5 was adopted.

**HB 150 - REMARKS**

REPRESENTATIVE CAIN: Mr. Speaker, members, I rise in opposition to **HB 150**. I approached redistricting with a heartfelt desire to create a fair and legal map that protects incumbents, that preserves core districts and communities of interest. The chairman and the committee no doubt did a lot of hard work to draw this map. I first saw my map when the full map was published. I was paired with my good friend and conservative colleague, Dan Flynn. My first reaction was at least there will be a conservative in my district; but when I looked harder at the map, I grew very concerned about Texas.

It's a monumental event for legislators to be able to draw districts. With that honor comes a high level of discomfort. As legislators responsible for these decisions, we have to tell some of our roommates, and our committee mates, and our desk mates, and our friends, "You may not be coming back to this house." That process is hard. This map made that harder and unnecessarily painful. There were too many unnecessary pairings, and of those who weren't paired, there were over a dozen districts, democrats and republicans alike, that were so eviscerated that incumbents were running in virtually a new district. There were too many unnecessary open seats. There were concerns over fractured core districts and breaking up communities of interest. The map was riddled with problems.

So, I and several other members went to work on another map to correct some of those problems. We encouraged members to participate. We have tried to accommodate every request. We published the Nixon map and then as the final Cain map. I'd like to believe that the presence of our map was a catalyst for some of the good amendments that were accepted yesterday. The Solomons map got better in Houston, West Texas, and in other areas. East Texas representatives tried to compromise and fix East Texas, and you heard last night why we could not get that done. East Texas representatives had virtually no input into the districts that were drawn in East Texas. It's no wonder six of the 10 republicans that voted against this bill were from Northeast Texas. So East Texas is left with almost every core district being deconstructed. My district alone was divided into four districts. Another district, relatively compact, was stretched over hundreds of miles. Communities of interest were fractured. This map simply does not represent the views of the voters of Northeast Texas, and members, in my humble opinion, this map does not in the end represent the interest of all Texans.

So I ask you, if you voted last night against **HB 150**, I ask you to vote against it again. And if you voted for it because of timidity, intimidation, or any other wrong reason, I ask you to reconsider your vote and vote against it. And if you voted for it because you had a reasonably good district, I ask you to reconsider your vote. I ask you to remember why you came to the house in the first place—to do the right thing, to do the honorable thing by the people of Texas. I ask you to think about what is in the best interest of Texans who we represent. We can do better for Texans, there can be a better map, much better. Please vote no with me on **HB 150**.

### REMARKS ORDERED PRINTED

Representative Christian moved to print remarks by Representative Cain.

The motion prevailed.

### Amendment No. 3 - Vote Reconsidered

Representative Raymond moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was withdrawn.

(Chisum, Coleman, L. Gonzales, Gooden, Hamilton, and Jackson now present)

**HB 150**, as amended, was passed by (Record 596): 92 Yeas, 54 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eiland; Eissler; Elkins; Fletcher; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt;

Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Berman; Burnam; Cain; Castro; Christian; Coleman; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Farias; Farrar; Flynn; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Harper-Brown; Hernandez Luna; Hochberg; Hughes; Johnson; King, T.; Lavender; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Paxton; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Zedler.

Present, not voting — Mr. Speaker(C); Howard, D.; Strama.

Absent — Beck.

### STATEMENTS OF VOTE

When Record No. 596 was taken, I was temporarily out of the house chamber. I would have voted yes.

Beck

I was shown voting yes on Record No. 596. I intended to vote no.

Lozano

### REASON FOR VOTE

After dozens of calls from HD-43 and Jim Wells County urging me to vote for my new district in **HB 150**, I was compelled to vote for **HB 150** in order to fulfill the desires of those who would reside in the newly created HD-43. Since I grew up in and have a business with nearly 20 employees in Jim Wells County, I am indebted to the people of Jim Wells and have a sincere desire to serve them in the legislature. Jim Wells County gave me a K-12 education and my upbringing.

I do, however, believe that outside of my newly created district, there are other house district lines drawn which violate the U.S. Constitution and the Texas Constitution, including many provisions of the Voting Rights Act, and that **HB 150** is, therefore, in violation of the law as it permits to minority rights and representation. The map as a whole contains districts that are subject to an objection during the preclearance process by the U.S. Department of Justice or a three judge panel of the U.S. District Court for the District of Columbia. Therefore, in no way should my vote be considered a waiver of these very serious concerns and objections.

Lozano

### POSTPONED BUSINESS

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

**SB 693 ON SECOND READING**  
**(Price - House Sponsor)**

**SB 693**, A bill to be entitled An Act relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

**SB 693** was considered in lieu of **CSHB 1825**.

**SB 693** was read second time and was passed to third reading.

**CSHB 1825 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Price moved to lay **CSHB 1825** on the table subject to call.

The motion prevailed.

**CSHB 1890 ON SECOND READING**  
**(by Fletcher)**

**CSHB 1890**, A bill to be entitled An Act relating to voidability of contracts procured through barratry and civil liability arising from conduct constituting barratry.

**CSHB 1890** was read second time on April 21 and was postponed until 8 a.m. today.

Representative Fletcher moved to postpone consideration of **CSHB 1890** until 8 a.m. Wednesday, May 4.

The motion prevailed.

**HB 397 ON SECOND READING**  
**(by V. Gonzales, Martinez, Lucio, Margo, and Gallego)**

**HB 397**, A bill to be entitled An Act relating to the creation of the Bureau for Economic Development of the Border Region.

**HB 397** was read second time on April 26 and was postponed until 8 a.m. today.

**HB 397** failed to pass to engrossment by (Record 597): 57 Yeas, 86 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **HB 397** was passed to engrossment by Record No. 598.)

Yeas — Alonzo; Alvarado; Anchia; Castro; Chisum; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hernandez Luna; Hochberg; Howard, D.; Johnson; Keffer; King, S.; King, T.; Larson; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Solomons; Strama; Taylor, V.; Thompson; Torres; Veasey; Villarreal; Vo; Walle; Workman.

Nays — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.;

Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; McClendon; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Truitt; Turner; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Burnam; Deshotel; Gooden; Gutierrez; Lyne; Peña.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 597. I intended to vote yes.

Brown

I was shown voting no on Record No. 597. I intended to vote yes.

Carter

I was shown voting yes on Record No. 597. I intended to vote no.

Chisum

When Record No. 597 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 597 was taken, my vote failed to register. I would have voted yes.

Gooden

I was shown voting no on Record No. 597. I intended to vote yes.

Kuempel

When Record No. 597 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

### HB 2495 ON THIRD READING

(by Hernandez Luna)

**HB 2495**, A bill to be entitled An Act relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

**HB 2495** was read third time on April 27 and was postponed until 8 a.m. today.

Representative Hernandez Luna moved to postpone consideration of **HB 2495** until 4:30 p.m. today.

The motion prevailed.



**HB 2494 ON SECOND READING**  
**(by Legler, et al.)**

**HB 2494**, A bill to be entitled An Act relating to the recovery of fraudulently obtained unemployment benefits.

**HB 2494** was read second time on April 26 and was postponed until 9:59 a.m. today.

**HB 2494 - POINT OF ORDER**

Representative Alonzo raised a point of order against further consideration of **HB 2494** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

Representative Legler moved to postpone consideration of **HB 2494** until 7:59 a.m. Monday, May 2.

The motion prevailed.

**CSHB 469 ON SECOND READING**  
**(by Callegari, Zerwas, S. Miller, W. Smith, Fletcher, et al.)**

**CSHB 469**, A bill to be entitled An Act relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

**CSHB 469** was read second time on April 18 and was postponed until 10 a.m. today.

Representative S. Miller moved to postpone consideration of **CSHB 469** until 10 a.m. Wednesday, May 4.

The motion prevailed.

**HB 234 ON SECOND READING**  
**(by Otto)**

**HB 234**, A bill to be entitled An Act relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

**HB 234** was read second time on April 7, postponed until April 14, postponed until April 21, and was again postponed until 10 a.m. today.

Representative Otto moved to postpone consideration of **HB 234** until 10 a.m. Thursday, May 5.

The motion prevailed.

**HB 1435 ON SECOND READING**  
**(by Elkins)**

**HB 1435**, A bill to be entitled An Act relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

**HB 1435** was read second time on April 21 and was postponed until 10 a.m. today.

Representative Elkins moved to postpone consideration of **HB 1435** until 10 a.m. Tuesday, May 3.

The motion prevailed.

**CSHB 1390 ON SECOND READING**  
**(by Deshotel and Bohac)**

**CSHB 1390**, A bill to be entitled An Act relating to retainage under certain construction contracts.

**CSHB 1390** was read second time on April 26 and was postponed until 10 a.m. today.

Representative Deshotel moved to postpone consideration of **CSHB 1390** until 10 a.m. tomorrow.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 4:40 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 4:40 p.m. today, 1W.14, for a formal meeting, to set a calendar.

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

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

**CSSB 653 ON SECOND READING**  
**(Madden, Bonnen, McClendon, and Cook - House Sponsors)**

**CSSB 653**, A bill to be entitled An Act relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman that serves the department.

**CSSB 653** was considered in lieu of **HB 1915**.

**MESSAGE FROM THE SENATE**

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

**CSSB 653 - (consideration continued)****Amendment No. 1**

Representative Madden offered the following amendment to **CSSB 653**:

Amend **CSSB 653** in new Chapter 202.001 as follows:

- (1) In (a) strike "11" and replace with "13";
- (2) In (a)(2) strike "two members who are county judges or commissioners" and insert "three members who are members of a county commissioners court";
- (3) In (a)(9) strike "two" and insert "three";
- (4) Insert new subsection (e) to read as follows:
  - (2)(e) The governor shall make appointments to the board for members designated by subsections (a)(1) thru (a)(6) so that no two of those members hold office in the same county or judicial district.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was amended by Amendment No. 16 and was adopted, as amended.)

**Amendment No. 2**

Representative Madden offered the following amendment to **CSSB 653**:

Amend **CSSB 653** on page 20, lines 16 through 18, by striking the existing subsection (h) and inserting the following:

(h) The presiding officer or a member of the board may administer an oath to a witness in attendance before the department or before an authorized representative of the department.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Madden offered the following amendment to **CSSB 653**:

Amend **CSSB 653** on page 20, lines 16 through 18, by striking the existing subsection (h) and inserting the following:

(h) The presiding officer or a member of the board may administer an oath to a witness in attendance before the department or before an authorized representative of the department.

Amendment No. 3 was withdrawn.

**Amendment No. 4**

Representative Madden offered the following amendment to **CSSB 653**:

Amend **CSSB 653** in SECTION 1.007 of the bill, by striking amended Section 244.001 (page 108, line 26 through page 109, line 21) and substituting the following:

Sec. 244.001 [~~61.071~~]. INITIAL EXAMINATION. (a) The department [~~commission~~] shall examine and make a study of each child committed to it within three business days [~~as soon as possible~~] after commitment. The study shall be made according to rules established by the board [~~commission~~] and shall include:

- (1) long-term and specialized treatment planning for the child; [~~and~~]
- (2) consideration of the child's:
  - (A) medical history;[~~;~~]
  - (B) substance abuse;[~~;~~~~and~~]
  - (C) treatment history;[~~;~~~~including the child's~~]
  - (D) psychiatric history; [~~and substance abuse history~~]
  - (E) sex offender history; and
  - (F) violent offense history; and

(3) as soon as possible develop a written treatment plan for the child which outlines the specialized treatments needs identified by the study described by this subsection, makes recommendations for meeting the child's specialized treatment needs, and makes an individually tailored statement of treatment goals, objectives and timelines.

(b) For a child for whom a minimum length of stay is established under Section 243.002 [~~61.062~~] of one year or longer, the initial examination must include a comprehensive psychiatric evaluation unless the department had received the results of a comprehensive evaluation of the child conducted not more than 90 days before the date of the initial examination.

(c) The department [~~commission~~] shall administer comprehensive psychological assessments to a child as part of the child's initial examination, including assessments designed to identify whether a child is in need of a psychiatric evaluation. If the results of a child's psychological assessments indicate that the child is in need of a psychiatric evaluation, the department [~~commission~~] shall as soon as practicable conduct a psychiatric evaluation of the child.

(d) The board shall establish rules for the periodic review and re-evaluation of the written treatment plan as described by Subsection (a)(3) of this Section.

Amendment No. 4 was adopted.

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

Representative Phillips offered the following amendment to **CSSB 653**:

Amend **CSSB 653** as follows:

Page 8, line 24, strike "20,000" and insert "80,000."

Page 9, line 1, strike "20,000" and insert "80,000."

Page 22, line 13, strike "20,000" and insert "80,000."

Page 22, line 17, strike "20,000" and insert "80,000."

Amendment No. 5 was adopted.

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

Representative Turner offered the following amendment to **CSSB 653**:

Amend **CSSB 653** on page 12, line 16, after the word "authority." by inserting "The Chief Juvenile Probation Officer may not vote or render any decisions regarding matters of abuse and neglect presented to the board regarding the Chief Juvenile Probation Officers' department."

Amendment No. 6 was adopted.

**Amendment No. 7**

Representative Turner offered the following amendment to **CSSB 653**:

Amend **CSSB 653** on page 25, strike lines 5 - 10.

Amendment No. 7 was withdrawn.

**Amendment No. 8**

Representative Turner offered the following amendment to **CSSB 653**:

Amend **CSSB 653** on page 26, lines 16 after "year." Insert the following, "The department shall share the complaints received on the toll-free number with the OIG and the office of the ombudsman."

Amendment No. 8 was adopted.

**Amendment No. 9**

Representative Turner offered the following amendment to **CSSB 653**:

Amend **CSSB 653** on page 41, lines 18, strike "requirements for the report" and insert the following, "board shall require the ombudsman to present the following information including the type of complaint received, the resolution of the complaint and any indication of systemic issues or problems at a particular facility."

On page 41, line 18, strike the following: ", including the types of information in the report."

Amendment No. 9 was withdrawn.

**Amendment No. 10**

Representative Parker offered the following amendment to **CSSB 653**:

Amend **CSSB 653** (house committee printing), on page 39, in section 221.009, by adding the following appropriately numbered section:

( ) Make a best effort to provide a quantifiable indication of the effect of the programs and services on the outcomes for youths, public safety, and victims providing these benchmarks be updated regularly, made publicly available online and considered by the department in determining funding levels for programs and services.

**Amendment No. 11**

Representative Parker offered the following amendment to Amendment No. 10:

Amend Floor Amendment No. 10 by Parker to **CSSB 653** by striking all below the floor amendment heading and substituting the following:

Amend **CSSB 653** (house committee printing) in SECTION 1.004 of the bill as follows:

(1) In proposed Section 221.009, Human Resources Code (page 39, line 20), between "(b)" and "~~In addition~~", insert the following:

The board shall make its best effort to develop regularly updated performance measures of the effectiveness of programs and services on outcomes for youths, public safety, and victims, make those measures publicly available online, and use those measures in determining funding levels for programs and services

(2) In proposed Section 221.009, Human Resources Code (page 39, line 25), strike "~~youth.~~" and substitute "youth."

(3) In proposed Section 221.009, Human Resources Code (page 39, line 26), strike "~~(e)~~" and substitute "(c)".

Amendment No. 11 was adopted.

Amendment No. 10, as amended, was adopted.

### **Amendment No. 12**

Representative McClendon offered the following amendment to **CSSB 653**:

Amend **CSSB 653** (house committee printing) on page 30, by striking lines 11-19 and substituting the following:

(c) ~~(e)~~ Any statement made by a child and any mental health data obtained from the child during the administration of the mental health screening instrument or a risk and needs assessment instrument under this section is not admissible against the child at any other hearing. The person administering the mental health screening instrument or a risk and needs assessment instrument shall inform the child that any statement made by the child and any mental health data obtained from the child during the administration of the instrument is not admissible against the child at any other hearing.

Amendment No. 12 was withdrawn.

### **Amendment No. 13**

Representative Allen offered the following amendment to **CSSB 653**:

Amend **CSSB 653** (house committee printing) as follows:

(1) On page 32, line 4, between the period and "The" insert "(a)".

(2) On page 32, between lines 10 and 11, insert the following:

(b) The department shall encourage compliance with educational service standards and rights prescribed by state or federal law by:

(1) facilitating interagency coordination and collaboration among juvenile probation departments, school districts, and the Texas Education Agency; and

(2) developing and supporting a plan to ensure continuity of educational services to juvenile offenders, including special educational services for juveniles with disabilities.

### **Amendment No. 14**

Representative Madden offered the following amendment to Amendment No. 13:

Amend Floor Amendment No. 13 by Allen to **CSSB 653**, on page 1, after line 16, by adding the following:

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

Sec. 203.0065. PREVENTION AND INTERVENTION SERVICES. (a) In this section, "prevention and intervention services" means programs and services intended to prevent or intervene in at-risk behaviors that lead to delinquency, truancy, dropping out of school, or referral to the juvenile justice system.

(b) The department shall provide prevention and intervention services for:

(1) at-risk youth who are 6 years of age or older and younger than 18 years of age and who are:

(A) subject to compulsory school attendance under the Texas Education Code; or

(B) under the jurisdiction of the juvenile court; and

(2) the family of an at-risk youth described by Subdivision (1).

(c) The prevention and intervention services provided under Subsection (b) must:

(1) consolidate prevention and intervention services within the department to avoid fragmentation and duplication of programs and services; and

(2) increase accountability for the delivery and administration of the programs and services.

(d) The department shall, to the extent funds are available:

(1) plan, develop, and administer a comprehensive and unified statewide delivery system of the prevention and intervention services to at-risk youth and their families;

(2) improve the efficiency and responsiveness of prevention and intervention services by facilitating greater coordination and flexibility in the use of funds by state and local service providers;

(3) ensure program effectiveness by funding evidence or research-based programs;

(4) provide accountability for the provision of services in order to demonstrate the impact or public benefit of a program by adopting outcomes measures;

(5) assist local communities in the coordination and development of prevention and intervention services in order to maximize access to federal, state, and local resources; and

(6) provide funding for prevention and intervention services through a competitive process to entities, including private service providers, local juvenile boards, municipal and justice courts, schools, and non-profit organizations.

(e) The department may seek, through a competitive process, an independent services provider with demonstrated experience in administration of similar statewide projects in Texas, to effectively and efficiently provide prevention and intervention services and implement the duties under Subsection (d).

(f) The department shall periodically evaluate the continued effectiveness of prevention and intervention services provided under this section.

Amendment No. 14 was adopted.

Amendment No. 13, as amended, was adopted.

**Amendment No. 15**

Representative Veasey offered the following amendment to **CSSB 653**:

Amend **CSSB 653** in SUBTITLE D, SECTION 1.010 of the bill by adding the following appropriately numbered Section to read as follows:

Sec. . . . . REPORT TO INDEPENDENT OMBUDSMAN. (a) A local juvenile probation department shall submit a report on a monthly basis to the independent ombudsman of the department describing the complaints received by the local juvenile probation department relating to youth served by the local juvenile probation department.

(b) The board by rule shall establish the procedures for submitting the report to the independent ombudsman and the requirements for the report, including the types of information in the report.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Business and Industry:

Giddings on motion of Raymond.

S. Miller on motion of Raymond.

Workman on motion of Raymond.

The following members were granted leaves of absence for the remainder of today to attend a meeting of the Committee on Business and Industry:

Bohac on motion of Raymond.

Deshotel on motion of Raymond.

Garza on motion of Raymond.

Orr on motion of Raymond.

Quintanilla on motion of Raymond.

Solomons on motion of Raymond.

**CSSB 653 - (consideration continued)**

Amendment No. 15 was adopted.

**Amendment No. 1 - Vote Reconsidered**

Representative Madden moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

**Amendment No. 16**

Representative Madden offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by Madden to **CSSB 653**, by striking all below the floor amendment heading and substituting the following:

Amend **CSSB 653** (house committee printing) as follows:



- (1) On page 8, line 12, strike "11" and substitute "13".
- (2) On page 8, strike lines 16-17, and substitute "(2) three members who are members of a county commissioners court;".
- (3) On page 9, line 7, strike "two" and substitute "three".
- (4) On page 9, line 9, strike "three or four" and substitute "four or five".
- (5) On page 9, between lines 16 and 17, insert the following:
  - (e) A member appointed under Subsections (a)(1)-(6) may not hold office in the same county or judicial district as another member appointed under those subsections.
- (6) On page 190, line 27, strike "three" and substitute "five".

Amendment No. 16 was adopted.

Amendment No. 1, as amended, was adopted.

**CSSB 653**, as amended, was passed to third reading. (Turner recorded voting no.)

### **HB 397 - VOTE RECONSIDERED**

Representative Geren moved to reconsider the vote by which **HB 397** failed to pass to engrossment.

The motion to reconsider prevailed.

### **HB 397 ON SECOND READING**

**(by V. Gonzales, Martinez, Lucio, Margo, Gallego, et al.)**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 397**, A bill to be entitled An Act relating to the creation of the Bureau for Economic Development of the Border Region.

**HB 397** was read second time earlier today and failed to pass to engrossment.

### **HB 3860 - PERMISSION TO INTRODUCE**

Representative Oliveira requested permission to introduce and have placed on first reading **HB 3860**.

Permission to introduce was granted.

### **HB 397 - (consideration continued)**

**HB 397** was passed to engrossment by (Record 598): 117 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter;

Jackson; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Otto; Parker; Patrick; Peña; Perry; Pickett; Pitts; Price; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Smith, W.; Smithee; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Zerwas.

Nays — Anderson, C.; Callegari; Christian; Crownover; Flynn; Harless; Harper-Brown; Hughes; King, P.; Kleinschmidt; Morrison; Paxton; Riddle; Shelton; Simpson; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Bohac; Deshotel; Garza; Giddings; Miller, S.; Orr; Quintanilla; Solomons; Workman.

Absent — Isaac; Oliveira; Phillips; Smith, T.; Taylor, L.; Zedler.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 598. I intended to vote no.

Berman

I was shown voting yes on Record No. 598. I intended to vote no.

Creighton

I was shown voting yes on Record No. 598. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 598. I intended to vote no.

Fullo

When Record No. 598 was taken, I was in the house but away from my desk. I would have voted no.

Isaac

I was shown voting yes on Record No. 598. I intended to vote no.

Laubenberg

When Record No. 598 was taken, I was in the house but away from my desk. I would have voted yes.

Oliveira

I was shown voting yes on Record No. 598. I intended to vote no.

Sheffield

When Record No. 598 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

**POSTPONED BUSINESS**

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

**HB 2495 ON THIRD READING**

**(by Hernandez Luna)**

**HB 2495**, A bill to be entitled An Act relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

**HB 2495** was read third time on April 27, postponed until 8 a.m. today, and was again postponed until this time.

(Giddings, S. Miller, and Workman now present)

**HB 2495** was passed by (Record 599): 139 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Cain; Simpson; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Bohac; Deshotel; Garza; Orr; Quintanilla; Solomons.

Absent — Isaac.

**STATEMENT OF VOTE**

When Record No. 599 was taken, I was in the house but away from my desk. I would have voted no.

Isaac

**HB 1915 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Madden moved to lay **HB 1915** on the table subject to call.

The motion prevailed.

**HR 1584 - ADOPTED  
(by Harper-Brown)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1584**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1584**, Commemorating the 30th anniversary of the Studios at Las Colinas in Irving.

**HR 1584** was adopted.

**COMMITTEES GRANTED PERMISSION TO MEET**

Representative Pitts requested permission for the Committee on Appropriations to meet while the house is in session, during bill referral today, in E1.030, to consider the previously posted agenda.

Permission to meet was granted.

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in E2.028, to consider the previously posted agenda.

Permission to meet was granted.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **HB 3387** during bill referral today in E2.028.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, during bill referral today, in E2.016, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Health, during bill referral today, E2.028, for a public hearing, to consider **HB 3387** and the previously posted agenda.

Urban Affairs, during bill referral today, E2.016, for a public hearing, to consider pending business.

### PROVIDING FOR ADJOURNMENT

Representative Lewis moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Sergeant John Paul Castro of Andrews.

The motion prevailed.

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

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

(Creighton in the chair)

### ADJOURNMENT

In accordance with a previous motion, the house, at 6:09 p.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### List No. 1

**HR 1521** (By V. Gonzales), Congratulating Gloria Galvan of McAllen on her selection as the 2010-2011 Faculty Representative of the Year by the Texas Classroom Teachers Association.

To Rules and Resolutions.

**HR 1522** (By V. Gonzales), Congratulating Jose Ramirez Castilleja of McAllen on his 73rd birthday.

To Rules and Resolutions.

**HR 1523** (By V. Gonzales), Honoring Dr. Carl Seale on the occasion of the Valley Symphony Orchestra and Chorale Red Bow Concerto Gala on April 30, 2011.

To Rules and Resolutions.

**HR 1524** (By V. Gonzales), Congratulating Patty Fallek on being named a Shining Star of Hidalgo County by the Zonta Club for her contributions to the community.

To Rules and Resolutions.

**HR 1525** (By V. Gonzales), Congratulating Edna Posada on being named a Shining Star of Hidalgo County by the Zonta Club for her professional contributions to the community.

To Rules and Resolutions.

**HR 1526** (By V. Gonzales), Congratulating Jose Ramirez Castilleja of McAllen on his 73rd birthday.

To Rules and Resolutions.

**HR 1527** (By V. Gonzales), Congratulating Mariella Gorena on being named a Shining Star of Hidalgo County by the Zonta Club for her contributions to youth and education.

To Rules and Resolutions.

**HR 1528** (By V. Gonzales), Recognizing Dylan Killelea for his accomplishments in the sport of motocross.

To Rules and Resolutions.

**HR 1529** (By V. Gonzales), Congratulating ERO Architects of McAllen, along with chief executive officer Eli Ochoa and chief designer Manuel Hinojosa, on the receipt of awards during 2010 and 2011.

To Rules and Resolutions.

**HR 1530** (By Aliseda), Commemorating the 125th anniversary of the United States Post Office in Poteet.

To Rules and Resolutions.

**HR 1531** (By C. Anderson), In memory of Thomas Emmett Davenport.

To Rules and Resolutions.

**HR 1532** (By C. Anderson), In memory of Anthony Dane Schaefer of Waco.

To Rules and Resolutions.

**HR 1533** (By C. Anderson), In memory of Carie Jean Dodson Buck of Waco.

To Rules and Resolutions.

**HR 1534** (By C. Anderson), In memory of Jessie Faye Johnson of Waco.

To Rules and Resolutions.

**HR 1535** (By C. Anderson), In memory of Donna Ann Shelton.

To Rules and Resolutions.

**HR 1536** (By C. Anderson), In memory of Mark Scot Lansdown of West.

To Rules and Resolutions.

**HR 1537** (By C. Anderson), In memory of Frances Louise Reinke of Waco.

To Rules and Resolutions.

**HR 1538** (By C. Anderson), In memory of John Edwin Horn of Lorena.

To Rules and Resolutions.

**HR 1539** (By C. Anderson), In memory of Willie Lee Whitlow of Beverly Hills, Texas.

To Rules and Resolutions.

**HR 1540** (By C. Anderson), Congratulating U.S. Army Private Larry Mathis, Jr., on graduating from the advanced individual training course for his specialty in field artillery automated tactical data systems.

To Rules and Resolutions.

**HR 1541** (By C. Anderson), Congratulating Meghan Mullens on her election as president of the Greater Waco Aggie Club.

To Rules and Resolutions.

**HR 1542** (By C. Anderson), Congratulating U.S. Army Private William L. Kerley of Waco on graduating from the advanced individual training course for his specialty in automated tactical data systems for field artillery.

To Rules and Resolutions.

**HR 1543** (By C. Anderson), Congratulating Army National Guard Specialist Stefan M. Bernard on graduating from the Infantryman One Station Unit Training at Fort Benning.

To Rules and Resolutions.

**HR 1544** (By C. Anderson), Congratulating Hunter Fritscher of Crawford High School for his achievements at the Texas High School Powerlifting Association regional and state championship powerlifting meets.

To Rules and Resolutions.

**HR 1545** (By C. Anderson), Congratulating Midway High School students Taylor Mattson, Emily Neubert, and Suzanne Stricker on winning the local Voice of Democracy contest sponsored by the Veterans of Foreign Wars.

To Rules and Resolutions.

**HR 1546** (By C. Anderson), In memory of Miriam Simmons of Waco.

To Rules and Resolutions.

**HR 1547** (By C. Anderson), Congratulating Kenneth and Geneva Bolen of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1548** (By C. Anderson), In memory of Alice Marie Hamilton of Waco.

To Rules and Resolutions.

**HR 1549** (By C. Anderson), Congratulating Jennifer Alyssa Naylor and Matthew Aaron Biles on their engagement.

To Rules and Resolutions.

**HR 1550** (By C. Anderson), In memory of Dorothy Hightower of Waco.

To Rules and Resolutions.

**HR 1551** (By C. Anderson), Congratulating Brandon and Lyndsey Terry of Lorena on their marriage.

To Rules and Resolutions.

**HR 1552** (By C. Anderson), Congratulating Melissa Jade Bennett and Stephen Kyle Jones on their impending nuptials.

To Rules and Resolutions.

**HR 1553** (By C. Anderson), In memory of Delton Ferrell Steed of Waco.

To Rules and Resolutions.

**HR 1554** (By C. Anderson), Congratulating Randall Dossey, Carolyn Meyer, and Judy Padgett on their receipt of the Extra Mile Award from Midway Independent School District in McLennan County.

To Rules and Resolutions.

**HR 1555** (By C. Anderson), In memory of Patricia E. Barkley of Robinson.

To Rules and Resolutions.

**HR 1556** (By C. Anderson), Honoring Letha Avery of Waco on her 100th birthday.

To Rules and Resolutions.

**HR 1557** (By C. Anderson), In memory of Maureen Pruitt of Woodway.

To Rules and Resolutions.

**HR 1558** (By Branch), Honoring 101-year-old Texas Christian University alumna Margie Nance Frost of Dallas.

To Rules and Resolutions.

**HR 1559** (By Creighton), Congratulating John and Suebeth Burge of Conroe on their 53rd wedding anniversary and honoring them for their contributions to the community.

To Rules and Resolutions.

**HR 1560** (By Creighton), Commending members of Citizens Residents Oppose Wells for their efforts to protect the groundwater supply in Montgomery County.

To Rules and Resolutions.

**HR 1561** (By Darby), In memory of Dr. Theron Karman Weatherby of San Angelo.

To Rules and Resolutions.

**HR 1562** (By Kleinschmidt), Honoring Monsignor Harry Mazurkiewicz of La Grange on the 60th anniversary of his ordination.

To Rules and Resolutions.

**HR 1563** (By Phillips), Honoring Texas Department of Transportation executive director Amadeo Saenz, Jr., for his service.

To Rules and Resolutions.

**HR 1564** (By Phillips), Honoring Steven E. Simmons, deputy executive director of the Texas Department of Transportation, for his service.

To Rules and Resolutions.

**HR 1565** (By Guillen), Congratulating Pat Campos on her retirement from the Webb County Juvenile Department.

To Rules and Resolutions.



**HR 1566** (By Kolkhorst), Commemorating the 121st annual Brenham Maifest and honoring the celebration's junior and senior royalty.

To Rules and Resolutions.

**HR 1567** (By Lozano), Congratulating Special Ranger Thomas R. "Hap" Roberts on his retirement from the Texas and Southwestern Cattle Raisers Association.

To Rules and Resolutions.

**HR 1568** (By Lozano), Honoring Alex G. Leal on his retirement from a long and accomplished career as a high school football coach in the Rio Grande Valley.

To Rules and Resolutions.

**HR 1569** (By Lozano), Honoring Cindy Gonzales for her service as a member of the Kenedy County Commissioners Court.

To Rules and Resolutions.

**HR 1570** (By Margo), In memory of Dorr M. Miller of El Paso.

To Rules and Resolutions.

**HR 1571** (By Muñoz), Commemorating 2011 as the Year of the Farmworker Child.

To Rules and Resolutions.

**HR 1572** (By Hilderbran), Congratulating Clarabelle Snodgrass of Kerrville on earning the 2010 Governor's Award for Historic Preservation from the Texas Historical Commission.

To Rules and Resolutions.

**HR 1573** (By Flynn), Recognizing the city of Edgewood as a wedding destination.

To Rules and Resolutions.

**HR 1574** (By S. King), Congratulating Eddie and Joan Blackwell of Abilene on their golden wedding anniversary.

To Rules and Resolutions.

**HR 1575** (By Schwertner), Congratulating Crawford L. Shield of Georgetown on attaining the rank of Eagle Scout.

To Rules and Resolutions.

**HR 1576** (By Schwertner), Congratulating Michael Thomas Volling, Jr., of Georgetown on attaining the rank of Eagle Scout.

To Rules and Resolutions.

**HR 1577** (By Schwertner), Congratulating Jack and Kay Huffman on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1581** (By Hughes), Congratulating Dr. Mark Neeley of the First Baptist Church of Mineola on his receipt of the Lou Mallory Historical Preservation Award.

To Rules and Resolutions.

**HR 1582** (By Sheets), Honoring the Lake Highlands Military Moms for its work in behalf of area men and women serving in the U.S. military and for its support of Lake Highlands military families.

To Rules and Resolutions.

**SB 7** to Public Health.

**SB 8** to Public Health.

**SB 15** to State Affairs.

**SB 17** to Pensions, Investments, and Financial Services.

**SB 29** to Pensions, Investments, and Financial Services.

**SB 36** to Higher Education.

**SB 38** to Higher Education.

**SB 44** to Public Health.

**SB 49** to Public Education.

**SB 71** to Human Services.

**SB 73** to Appropriations.

**SB 76** to Human Services.

**SB 82** to Criminal Jurisprudence.

**SB 86** to Homeland Security and Public Safety.

**SB 95** to Insurance.

**SB 117** to State Affairs.

**SB 122** to Criminal Jurisprudence.

**SB 149** to Higher Education.

**SB 153** to Criminal Jurisprudence.

**SB 158** to Criminal Jurisprudence.

**SB 159** to Criminal Jurisprudence.

**SB 167** to Criminal Jurisprudence.

**SB 182** to Transportation.

**SB 202** to Ways and Means.

**SB 208** to Public Education.

**SB 216** to Elections.

**SB 219** to Human Services.

**SB 220** to Human Services.

**SB 222** to Human Services.

**SB 223** to Human Services.

**SB 227** to Public Health.

- SB 229 to Public Health.
- SB 246 to Transportation.
- SB 258 to Culture, Recreation, and Tourism.
- SB 260 to Human Services.
- SB 264 to Human Services.
- SB 265 to Human Services.
- SB 266 to Licensing and Administrative Procedures.
- SB 267 to Ways and Means.
- SB 310 to County Affairs.
- SB 315 to Corrections.
- SB 326 to Ways and Means.
- SB 348 to Criminal Jurisprudence.
- SB 364 to Homeland Security and Public Safety.
- SB 377 to Criminal Jurisprudence.
- SB 402 to Land and Resource Management.
- SB 426 to Human Services.
- SB 430 to Natural Resources.
- SB 431 to Defense and Veterans' Affairs.
- SB 434 to Human Services.
- SB 436 to Human Services.
- SB 438 to Licensing and Administrative Procedures.
- SB 461 to Defense and Veterans' Affairs.
- SB 470 to County Affairs.
- SB 472 to Business and Industry.
- SB 473 to Judiciary and Civil Jurisprudence.
- SB 478 to Agriculture and Livestock.
- SB 480 to Criminal Jurisprudence.
- SB 481 to Judiciary and Civil Jurisprudence.
- SB 482 to Judiciary and Civil Jurisprudence.
- SB 496 to Criminal Jurisprudence.
- SB 519 to Criminal Jurisprudence.
- SB 536 to Public Education.
- SB 540 to Ways and Means.
- SB 548 to Transportation.

- SB 573** to Natural Resources.
- SB 579** to Pensions, Investments, and Financial Services.
- SB 596** to Public Education.
- SB 616** to Agriculture and Livestock.
- SB 620** to Public Health.
- SB 622** to Public Health.
- SB 626** to Licensing and Administrative Procedures.
- SB 635** to Natural Resources.
- SB 636** to Natural Resources.
- SB 661** to State Affairs.
- SB 694** to Environmental Regulation.
- SB 701** to Technology.
- SB 717** to Public Health.
- SB 718** to Public Education.
- SB 728** to Natural Resources.
- SB 735** to Insurance.
- SB 759** to Urban Affairs.
- SB 760** to State Affairs.
- SB 781** to State Affairs.
- SB 791** to Judiciary and Civil Jurisprudence.
- SB 792** to Elections.
- SB 796** to Public Health.
- SB 797** to Public Health.
- SB 798** to Public Health.
- SB 799** to Licensing and Administrative Procedures.
- SB 801** to County Affairs.
- SB 838** to Criminal Jurisprudence.
- SB 843** to Criminal Jurisprudence.
- SB 851** to Higher Education.
- SB 855** to State Affairs.
- SB 859** to Insurance.
- SB 871** to Insurance.
- SB 875** to Natural Resources.
- SB 877** to Criminal Jurisprudence.

**SB 882** to Criminal Jurisprudence.  
**SB 898** to State Affairs.  
**SB 899** to State Affairs.  
**SB 901** to Public Health.  
**SB 907** to Natural Resources.  
**SB 915** to Ways and Means.  
**SB 924** to Energy Resources.  
**SB 963** to Transportation.  
**SB 1024** to Criminal Jurisprudence.  
**SB 1551** to Criminal Jurisprudence.  
**SB 1662** to Higher Education.  
**SB 1693** to State Affairs.  
**SB 1716** to Judiciary and Civil Jurisprudence.  
**SB 1717** to Judiciary and Civil Jurisprudence.  
**SJR 26** to State Affairs.  
**SJR 28** to Natural Resources.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 18**

**HB 74, HCR 32, HCR 109, HCR 137**

**Senate List No. 19**

**SB 416, SB 488, SB 605, SB 630, SB 692, SB 729, SB 777, SB 873, SB 874, SB 914, SB 1230, SCR 43, SCR 44, SCR 48**

**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  
Thursday, April 28, 2011

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 314** Hardcastle SPONSOR: Estes  
Relating to the designation of a portion of U.S. Highway 81 as the Corporal David Slaton Memorial Highway.

**HB 367** Orr SPONSOR: Davis  
Relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

**HB 1409** Flynn SPONSOR: Deuell  
Relating to the designation of a segment of State Highway 243 in Van Zandt County as the Veterans Memorial Parkway.

**HB 1510** Hamilton SPONSOR: Carona  
Relating to the regulation of manufactured housing.  
(Committee Substitute)

**SB 145** Hinojosa  
Relating to student loan repayment assistance for nurses employed as faculty members at certain institutions of higher education.

**SB 373** Duncan  
Relating to the office of county treasurer.

**SB 604** Rodriguez  
Relating to the execution of lawful process by county jailers.

**SB 631** Hinojosa  
Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.

**SB 632** Hinojosa  
Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.

**SB 767** Ellis  
Relating to the regulation of certain residential mortgage foreclosure consulting services; providing a criminal penalty.

**SB 878** Whitmire  
Relating to a defendant's release on a personal bond or bail bond.

**SB 879** Whitmire  
Relating to a local community supervision and corrections department monitoring certain conditions of bond and the administrative fees associated with certain department services.

**SB 880** Whitmire  
Relating to the operation of pretrial intervention and certain other programs by a community supervision and corrections department.

**SB 933** Ellis

Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.

**SB 953** Whitmire

Relating to the conditions for granting an occupational license to certain persons, the monitoring of those persons by a local community supervision and corrections department, and the fees associated with department services.

**SB 1159** Wentworth

Relating to an exception to the residency requirements for filing a suit for dissolution of a marriage in this state for certain spouses of military personnel.

**SB 1219** Carona

Relating to the Internet website operated by the Public Utility Commission of Texas to provide information regarding a customer's power to choose retail electric providers.

**SB 1240** West

Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.

**SB 1257** Hegar

Relating to the annexation by certain conservation and reclamation districts of noncontiguous land in another county.

**SB 1290** Hegar

Relating to the creation of the Calhoun County Groundwater Conservation District; providing authority to issue bonds.

**SB 1307** Wentworth

Relating to an exemption from the payment of a toll for unmarked military vehicles conducting or training for emergency operations.

**SB 1325** Watson

Relating to the administration of the Texas Save and Match Program to assist qualifying beneficiaries under the state's prepaid tuition unit program and college savings plans and to the treatment of a beneficiary's assets under a prepaid tuition program or a college savings plan in determining eligibility for student financial assistance and other assistance programs.

**SB 1385** Lucio

Relating to the authority of the chief appraiser of an appraisal district or the collector for a taxing unit to waive penalties for failing to file certain documents.

**SB 1431** Carona

Relating to the functions of insurance holding company systems.

**SB 1478** Hegar

Relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.

**SB 1596** Wentworth

Relating to changes in participation in public utility agencies.

**SB 1619** Duncan

Relating to participation of public high school students in college credit programs.

**SB 1620** Duncan

Relating to substitution of certain career and technology courses for certain mathematics and science courses otherwise required under the recommended high school program.

**SB 1687** Ellis

Relating to information on turnover among licensed jailers at jails under the jurisdiction of the Commission on Jail Standards.

**SB 1706** Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.

**SB 1707** Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.

**SB 1708** Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.

**SB 1709** Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.

**SB 1710** Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.

**SB 1711** Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.

**SB 1726** Zaffirini

Relating to the development of measurable learning outcomes for undergraduate courses at public institutions of higher education.

**SB 1730** Zaffirini

Relating to requiring the Texas Higher Education Coordinating Board to create a tool to allow prospective students to compare general academic teaching institutions by certain criteria.

**SB 1755** Van de Putte

Relating to the issuance of certain specialty license plates.

**SB 1812** Nichols

Relating to criminal history record information of certain applicants for a certificate of registration issued by the Texas Real Estate Commission.

**SCR 37** Hinojosa

Designating August 7 as Purple Heart Day for a 10-year period beginning in 2011.



Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 28, 2011 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 365** Ogden  
Relating to distributed generation of electric power.

**SB 529** Huffman  
Relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.

**SB 568** Williams  
Relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.

**SB 736** Hinojosa  
Relating to membership and duties of local school health advisory councils.

**SB 738** Shapiro  
Relating to a parental role in determining sanctions applied to a public school campus under certain circumstances.

**SB 1294** Hegar  
Relating to the imposition of administrative penalties by the Railroad Commission of Texas.

**SB 1302** Deuell  
Relating to the offense of paying or receiving certain forms of compensation for assisting voters who vote early by mail; providing criminal penalties.

**SB 1319** Lucio  
Relating to certain loans secured by a lien on residential real property and to other transactions involving residential real property; providing civil penalties.

**SB 1320** Lucio  
Relating to the execution of deeds conveying residential real estate in connection with certain transactions involving residential real estate.

- SB 1668** Duncan  
Relating to purchase of service credit in the Teacher Retirement System of Texas.
- SB 1669** Duncan  
Relating to the resumption of service by retirees under the Teacher Retirement System of Texas.
- SB 1734** Van de Putte  
Relating to tuition and fee exemptions at public institutions of higher education for certain Texas military veterans.
- SB 1796** Van de Putte  
Relating to the creation of the Texas Coordinating Council for Veterans Services.
- SB 1799** West  
Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.
- SCR 46** Ellis  
Commemorating the 70th anniversary of MD Anderson Cancer Center.
- SJR 4** Hinojosa  
Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.
- SJR 5** Ogden  
Proposing a constitutional amendment relating to increasing the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.
- SJR 50** West  
Proposing a constitutional amendment providing for the issuance of general obligation bonds of the state to finance educational loans to students.
- Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 27**

Agriculture and Livestock - **HB 1969**

Appropriations - **HB 3790**

Corrections - **HB 592, HB 599, HB 1477, HCR 42**

Criminal Jurisprudence - **HB 305, HB 934, HB 1065, HB 2019, HB 2374, HB 2856, HB 2993, HB 3001, HB 3695**

Culture, Recreation, and Tourism - **HB 1788**

Defense and Veterans' Affairs - **HB 83, HB 1178, HB 2042, HB 2043, HB 2417, SB 101**

Elections - **HB 995, HB 1135, HB 3078**

Energy Resources - **HB 3110**

Government Efficiency and Reform - **HB 628, HB 3684**

Homeland Security and Public Safety - **HB 48, HB 80, HB 132, HB 595, HB 3099, SB 545**

Human Services - **HB 3670, SB 501**

Insurance - **HB 272, HB 3570**

Judiciary and Civil Jurisprudence - **HB 122, HB 911, HB 963, HB 1693, HB 1931, HB 2046, HB 2094, HB 2174, HB 2310, HB 2711, HB 3796, HB 3802, HB 3839, SB 279, SB 680, SB 1241, SB 1242, SB 1490**

Licensing and Administrative Procedures - **HB 882, HB 1799, HB 2423, HB 2643, HB 2727, HB 3282, HB 3290**

Pensions, Investments, and Financial Services - **HB 159, HB 3100**

Public Education - **HB 400, HB 818, HB 826, HB 1224, HB 2233, HB 2678, HB 2704, HB 3135, HB 3708**

Public Health - **HB 1476, HB 1983, HB 2038, HB 2591**

State Affairs - **HB 256, HB 3610, SB 980**

State Sovereignty, Select - **HB 3706**

Transportation - **HB 1131, HB 2204, HB 2357, HB 2443, HB 2686, HB 3390, SB 19, SB 650, SB 1420**

Urban Affairs - **HB 2006, HB 2516, HB 2584, HB 2608, HB 2660, HB 3246, HB 3486, HB 3547, HB 3753, HB 3857, SB 396, SB 509**

Ways and Means - **HB 654, HB 970, HB 2100, HB 2197, HB 2205, HB 2208, HB 2280, HB 2387, HB 3307**

#### ENGROSSED

**April 27 - HB 38, HB 78, HB 127, HB 143, HB 232, HB 273, HB 290, HB 343, HB 398, HB 417, HB 598, HB 625, HB 627, HB 707, HB 718, HB 736, HB 782, HB 788, HB 812, HB 844, HB 858, HB 887, HB 890, HB 901, HB 927, HB 969, HB 976, HB 990, HB 1029, HB 1048, HB 1057, HB 1061, HB 1094, HB 1103, HB 1112, HB 1120, HB 1123, HB 1127, HB 1144, HB 1146, HB 1168, HB 1235, HB 1261, HB 1267, HB 1274, HB 1283, HB 1371, HB 1385, HB 1403, HB 1449, HB 1450, HB 1451, HB 1488, HB 1503, HB 1514, HB 1523, HB 1529, HB 1545, HB 1559, HB 1566, HB 1593, HB 1627, HB 1631, HB 1648, HB 1651, HB 1665, HB 1666, HB 1683, HB 1694, HB 1711, HB 1721, HB 1737, HB 1750, HB 1759, HB 1760, HB 1767, HB 1771, HB 1812, HB 1823, HB 1841,**

**HB 1853, HB 1866, HB 1896, HB 1898, HB 1899, HB 1906, HB 1933,  
HB 1936, HB 1940, HB 2002, HB 2004, HB 2033, HB 2047, HB 2067,  
HB 2080, HB 2091, HB 2108, HB 2118, HB 2122, HB 2132, HB 2133,  
HB 2135, HB 2141, HB 2144, HB 2162, HB 2223, HB 2226, HB 2229,  
HB 2238, HB 2245, HB 2277, HB 2286, HB 2289, HB 2327, HB 2330,  
HB 2342, HB 2344, HB 2346, HB 2371, HB 2385, HB 2403, HB 2466,  
HB 2472, HB 2476, HB 2482, HB 2518, HB 2575, HB 2579, HB 2615,  
HB 2623, HB 2725, HB 2769, HB 2771, HB 2792, HB 2793, HB 2809,  
HB 2859, HB 2869, HB 2900, HB 2907, HB 2920, HB 2928, HB 2935,  
HB 2936, HB 2937, HB 2948, HB 2964, HB 2966, HB 3003, HB 3049,  
HB 3051, HB 3208, HB 3255, HB 3272, HB 3287, HB 3421, HB 3459,  
HB 3465, HB 3470, HB 3487, HB 3531, HB 3788, HB 3803, HB 3804,  
HB 3806, HB 3809, HB 3816, HB 3817, HB 3823, HCR 90**

**ENROLLED**

**April 27 - HB 74, HCR 32, HCR 109, HCR 137**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**April 27 - HB 84, HB 315, HB 3836, HB 3840, HB 3842, HB 3843,  
HB 3845, HB 3846, HB 3847, HB 3848, HB 3849, HB 3852, HB 3854,  
HB 3855**