

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIFTH DAY — THURSDAY, MAY 12, 2011

The house met at 9:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 982).

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; 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.

Absent, Excused — Marquez.

The invocation was offered by Mark Pugh, preaching minister, Kings Crossing Church of Christ, Corpus Christi, as follows:

Gracious God, creator of the universe, King of kings and Lord of lords, we humble ourselves in your mighty presence this morning as we seek your will and plead for your guidance. The blessings you have given us are plentiful. The opportunities before us are numerous, as are the challenges we face. We pray that you will give us strength and fortitude commensurate with the tasks before us this day.

I pray today for the men and women who represent our great state here in Austin. Whether from big cities or small towns, from whatever point of the political spectrum, may we put aside the differences that we have at times allowed to divide us, and may we all work together for the overall good of our citizenry. We are blessed here in Texas in that much of the nation looks to us for

leadership. May we never shirk back. May we be a state that moves boldly into the future. We are blessed with our abundant natural resources and an amazing technological base. We see this in space exploration, in agriculture, in medical science, in our natural resources, and in computer science. We also see the need to care for our people. Most of us are richly blessed, far beyond what we deserve. At the same time, the most vulnerable among us, our children and our senior citizens, are sometimes neglected. Give us a passion for caring about the less fortunate.

Father God, we pray for some immediate concerns. Much of our state is enduring extreme drought conditions. We pray for rain. We also pray for peace in war-torn areas of our world so our brave men and women can come home and be reunited with their families. In the meantime, we pray that you will keep them from harm's way. Finally, Father, please bless all of our efforts this day. May they be to your glory. In the name of our Savior. Amen.

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Marquez on motion of Raymond.

CAPITOL PHYSICIAN

The speaker recognized Representative Shelton who presented Dr. Richard Young of Fort Worth as the "Doctor for the Day."

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

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. 27).

HCR 154 - ADOPTED (by Craddick)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 154**.

The motion prevailed.

The following resolution was laid before the house:

HCR 154, Congratulating Stephen Hartmann of Midland on his retirement as executive director of University Lands for The University of Texas System.

HCR 154 was read and was adopted.

On motion of Representative Lewis, the names of all the members of the house were added to **HCR 154** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Craddick who introduced Stephen Hartmann and his wife, Georgia.

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).

(Murphy in the chair)

HR 1852 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1852**.

The motion prevailed.

The following resolution was laid before the house:

HR 1852, Congratulating artist Diana Sprinkle of Austin on her 34th birthday.

HR 1852 was adopted.

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 1561 - ADOPTED (by Darby)

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 1561**.

The motion prevailed.

The following resolution was laid before the house:

HR 1561, In memory of Dr. Theron Karman Weatherby of San Angelo.

HR 1561 was unanimously adopted by a rising vote.

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 1561** as signers thereof.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

SCR 45 (Aliseda - House Sponsor), Recognizing Otto P. Scharth on the occasion of his 88th birthday.

SCR 46 (Aliseda - House Sponsor), Commemorating the 70th anniversary of The University of Texas MD Anderson Cancer Center.

SCR 52 (Aliseda - House Sponsor), Recognizing Donn and Arlene Adelman for their efforts on behalf of Crime Stoppers.

HCR 135 (by Legler), Honoring Bill Bailey, retiring constable for Precinct 8 of Harris County.

HCR 142 (by J. Davis), Congratulating Clear Lake High School junior Cameron Blizzard on overcoming cancer.

HCR 143 (by S. Davis), Honoring Debra L. Friedkin for her support of the ongoing anthropological research at the Debra L. Friedkin site by Texas A&M University's Center for the Study of the First Americans.

HR 18 (by Alonzo), Honoring the life and music of Stevie Ray Vaughan.

HR 465 (by Price), Recognizing May 5, 2011, as National Day of Prayer in Texas.

HR 466 (by Price, Torres, and Kuempel), Recognizing May 3, 2011, as National Teacher Day in Texas.

HR 957 (by Strama), Recognizing May 2011 as Fibromyalgia Awareness Month.

HR 1156 (by Harless, et al.), Congratulating Dr. David Anthony on his retirement as superintendent of Cypress-Fairbanks Independent School District.

HR 1418 (by Frullo), Congratulating Laroy and Connie Hawkins of Lubbock on their 60th wedding anniversary.

HR 1440 (by Workman), Congratulating John P. Reinhart of Cub Scout Pack No. 34 in Austin on receiving the Arrow of Light Award.

HR 1441 (by Anchia), Congratulating Amy Lillian Ward-Meier and Edward Franklin Meier on the birth of their son, Nolan Edward Meier.

HR 1445 (by Harper-Brown), Congratulating Edgar and Elizabeth Brown of Dallas on their 70th wedding anniversary.

HR 1447 (by Schwertner), Congratulating the Artie Henry Middle School band on earning the 2010 Sudler Cup.

HR 1448 (by Craddick), Congratulating nominees for the 2011 Excellence in Teaching and Unsung Hero Awards, sponsored by the Midland Chamber of Commerce Education Committee.

HR 1449 (by Craddick), Congratulating Roy and Marylyn Byrd of Lamesa on their 50th wedding anniversary.

HR 1452 (by Menendez), Honoring Stewart Title in San Antonio on the 100th anniversary of its founding.

HR 1453 (by Bonnen), Commending Army Specialist Brad Thomas of Jones Creek on his military service and congratulating him on becoming the first baseball player from Brazosport High School to have his jersey retired.

HR 1454 (by Perry), Congratulating Delbert and Carolyn McDougal of Lubbock on their 50th wedding anniversary.

HR 1456 (by Hardcastle), Commemorating the 128th Doans May Day Picnic on May 7, 2011.

HR 1460 (by Branch), Commemorating the 100th anniversary of the Sons of Hermann Hall in Dallas.

HR 1463 (by Pitts), Congratulating the Waxahachie High School girls' golf team on winning the district championship.

HR 1465 (by Hamilton), Recognizing National Plumbers Day on April 25, 2011.

HR 1507 (by Marquez), Recognizing El Paso Tejano rap group Lower Valley Tres for its song "I Love My City."

HR 1585 (by Harper-Brown), Honoring Suzie Oelschlegel, head coach of the girls' basketball team at MacArthur High School in Irving.

HR 1586 (by Truitt), Congratulating Bernice Hatcher of Grapevine on her 100th birthday.

HR 1588 (by Schwertner), Congratulating the girls' cross country team from C. H. Yoe High School in Cameron on its second-place finish in Class 2A at the 2010 UIL state meet.

HR 1589 (by Johnson), Commending Carl Johnson for serving as a Democratic Party precinct chair in Dallas County.

HR 1590 (by Johnson), Commending Sandra Ray for serving as a Democratic Party precinct chair in Dallas County.

HR 1591 (by Johnson), Commending Morris Luster for serving as a Democratic Party precinct chair in Dallas County.

HR 1592 (by Johnson), Commending Neil Emmons for serving as a Democratic Party precinct chair in Dallas County.

HR 1593 (by Johnson), Commending Marilyn S. Mayse for serving as a Democratic Party precinct chair in Dallas County.

HR 1594 (by Johnson), Commending Deborah C. Culberson for serving as a Democratic Party precinct chair in Dallas County.

HR 1595 (by Johnson), Commending Patrick McCrainey for serving as a Democratic Party precinct chair in Dallas County.

HR 1596 (by Johnson), Commending Casie Pierce for serving as a Democratic Party precinct chair in Dallas County.

HR 1597 (by Johnson), Commending Tommy Briggs for serving as a Democratic Party precinct chair in Dallas County.

HR 1598 (by Johnson), Commending Damion White for serving as a Democratic Party precinct chair in Dallas County.

HR 1599 (by D. Howard), Honoring Dr. James E. Boggs of Austin on his 90th birthday.

HR 1601 (by Flynn), Congratulating Hubert and Phyllis Lytle of Greenville on their 50th wedding anniversary.

HR 1602 (by Hilderbran), Recognizing J. Michael Duncan for his service as Knight Commander of Kappa Alpha Order.

HR 1603 (by Hilderbran), Commemorating the opening of Trent's Retreat.

HR 1606 (by Morrison), Honoring Bette-jo Simpson Buhler of Victoria on her 90th birthday.

HR 1607 (by Anchia), Commemorating the 75th anniversary of the construction of the Texas Centennial Exposition's "Home for the Future" in Dallas.

HR 1613 (by Menendez), Congratulating the San Antonio Water System on winning a Texas Environmental Excellence Award.

HR 1618 (by Murphy), Honoring Steve Dorman of Houston for serving as Republican Party precinct chair of Precinct 130 in Harris County.

HR 1619 (by Murphy), Honoring Bob Blackmer of Houston for serving as Republican Party precinct chair of Precinct 338 in Harris County.

HR 1620 (by Murphy), Honoring Larry Pound of Houston for serving as Republican Party precinct chair of Precinct 356 in Harris County.

HR 1621 (by Murphy), Honoring Warren Stevens of Houston for serving as Republican Party precinct chair of Precinct 429 in Harris County.

HR 1622 (by Murphy), Honoring Roman Klein of Houston for serving as Republican Party precinct chair of Precinct 437 in Harris County.

HR 1623 (by Murphy), Honoring Craig Hagedorn of Houston for serving as Republican Party precinct chair of Precinct 438 in Harris County.

HR 1624 (by Murphy), Honoring Mary Maxwell of Houston for serving as Republican Party precinct chair of Precinct 483 in Harris County.

HR 1625 (by Murphy), Honoring Stephen Sherman of Houston for serving as Republican Party precinct chair of Precinct 487 in Harris County.

HR 1626 (by Murphy), Honoring Stuart Mayer of Houston for serving as Republican Party precinct chair of Precinct 492 in Harris County.

HR 1627 (by Murphy), Honoring Martha Brownfield of Houston for serving as Republican Party precinct chair of Precinct 493 in Harris County.

HR 1628 (by Murphy), Honoring Ralph Fite of Houston for serving as Republican Party precinct chair of Precinct 499 in Harris County.

HR 1629 (by Murphy), Honoring Shelley Hillman of Houston for serving as Republican Party precinct chair of Precinct 504 in Harris County.

HR 1630 (by Murphy), Honoring Samuel Abraham Mai of Houston for serving as Republican Party precinct chair of Precinct 508 in Harris County.

HR 1631 (by Murphy), Honoring Helen Bledsoe of Houston for serving as Republican Party precinct chair of Precinct 626 in Harris County.

HR 1632 (by Murphy), Honoring Jim McSpadden of Houston for serving as Republican Party precinct chair of Precinct 727 in Harris County.

HR 1633 (by Murphy), Honoring Jill Fury of Houston for serving as Republican Party precinct chair of Precinct 765 in Harris County.

HR 1634 (by Torres), Honoring Angel Escobar on his retirement as city manager of Corpus Christi.

HR 1636 (by Burkett), Congratulating Mary Marlow Woodard on her receipt of the Distinguished Library Service Award from the Texas Association of School Librarians and on being named chair-elect of the association.

HR 1637 (by Kolkhorst), Congratulating the Brenham Christian Academy football team on winning the 2010 TAPPS Six-man Division II state championship.

HR 1638 (by Margo), Congratulating Ida M. Steadman on her retirement as principal cellist of the El Paso Symphony Orchestra.

HR 1639 (by Margo), Congratulating the El Paso Symphony Orchestra on its 80th anniversary season.

HR 1640 (by D. Miller), Welcoming Larry D. Williams, vice president and director of State Auto Insurance Companies, to Texas.

HR 1642 (by Veasey), Congratulating James N. Austin, Jr., of Fort Worth on the occasion of his 60th birthday.

HR 1643 (by Deshotel), Honoring the Texas Small Farmers and Ranchers Community Based Organization.

HR 1644 (by Callegari), Congratulating Emory Camille Callegari on her graduation from St. Michael's Catholic Academy.

HR 1645 (by Callegari), Honoring the Galveston Company of the Houston Medical Response Group of the Texas State Guard on its activation as the Galveston Medical Response Group.

HR 1648 (by Cain), Congratulating Nigel Christopher of Mount Pleasant on his selection as the 2011 Titus County Republican of the Year.

HR 1650 (by Cain), Congratulating Tony Mize of Mount Pleasant on receiving the Chairman's Award for Special Service from the Titus County Republican Party.

HR 1651 (by C. Anderson), Honoring senior pastor Barry Camp and his wife, Martha, for 20 years of outstanding service to Highland Baptist Church in Waco.

HR 1652 (by Flynn), Congratulating Charles and Rachel Recer of Emory on their 50th wedding anniversary.

HR 1653 (by Flynn), Congratulating James Louis and Mary Jean Pickney of Wills Point on their 67th wedding anniversary.

HR 1658 (by S. Davis), Honoring Dr. Larry R. Kaiser for his service as president of The University of Texas Health Science Center at Houston.

HR 1664 (by Harper-Brown), Congratulating the City of Irving for its notable 2011 record of achievements.

HR 1666 (by Harper-Brown), Congratulating Amanda Lambert of Irving on receiving a 2011 Yes I Can! Award from the Council for Exceptional Children.

HR 1667 (by Harper-Brown), Congratulating Irving Cares on receiving a four-star rating from Charity Navigator.

HR 1668 (by Branch), Recognizing Jonathan Neerman for his service as chair of the Dallas County Republican Party.

HR 1676 (by V. Gonzales), Congratulating the students from Memorial High School in McAllen who were named to the 2010-2011 Texas High School Coaches Association 5A Academic All-State Football Team.

HR 1677 (by V. Gonzales), Commemorating the 2011 Hispanic Heritage Fiesta in Mercedes.

HR 1678 (by V. Gonzales), Congratulating South Texas College president Dr. Shirley A. Reed on her receipt of the 2011 Alfredo G. de los Santos, Jr., Distinguished Leadership in Higher Education Award from the American Association of Hispanics in Higher Education.

HR 1679 (by Muñoz), Recognizing May 2011 as Older Americans Month and honoring the Silver Ribbon Community Partners.

HR 1680 (by Muñoz), Congratulating Lazaro "Larry" Gallardo, Jr., of Hidalgo County on being named the 2010 Constable of the Year by the National Constables Association.

HR 1686 (by Frullo), Congratulating George and Lucille Kveton of Lubbock on their 60th wedding anniversary.

HR 1687 (by Frullo), Congratulating the Reverend Emmitt Clampitt and Barbara Clampitt of Lubbock on their 60th wedding anniversary.

HR 1688 (by Frullo), Congratulating Douglas and Angela Boren of Lubbock on their 60th wedding anniversary.

HR 1690 (by Frullo), Congratulating radio station KFYO of Lubbock on its 85th anniversary.

HR 1691 (by Frullo), Congratulating Alvin and Glenda Burton of Lubbock on their 50th wedding anniversary.

HR 1692 (by Menendez), Honoring Dolores Mendez for her contributions to the San Antonio community.

HR 1693 (by Schwertner), Honoring Mary Lopez Dale on running the 115th Boston Marathon on April 18, 2011.

HR 1695 (by Reynolds), Honoring Cynthia Bennett, president and founder of the Sienna and East Fort Bend Democrats Club.

HR 1696 (by Reynolds), Congratulating Velma Brown on her election to the board of the Sienna and East Fort Bend Democrats Club.

HR 1697 (by Reynolds), Congratulating Stephanie Green on her election as secretary of the board of the Sienna and East Fort Bend Democrats Club.

HR 1698 (by Reynolds), Congratulating Shania Wright on her election as treasurer of the board of the Sienna and East Fort Bend Democrats Club.

HR 1699 (by Reynolds), Commemorating the 2011 Missouri City Juneteenth Celebration.

HR 1700 (by Dutton), Congratulating the 2011 eighth-grade graduates of Northwest Preparatory Academy Charter School in Houston.

HR 1703 (by C. Anderson), Congratulating Ryan Fite on his receipt of an Educators Credit Union scholarship.

HR 1704 (by C. Anderson), Congratulating Robert Jackson on his receipt of an Educators Credit Union scholarship.

HR 1705 (by C. Anderson), Congratulating Alan Tuberville on his receipt of an Educators Credit Union scholarship.

HR 1706 (by C. Anderson), Congratulating Nash Tuberville on his receipt of an Educators Credit Union scholarship.

HR 1707 (by C. Anderson), Congratulating Hannah Powers on her receipt of an Educators Credit Union scholarship.

HR 1708 (by C. Anderson), Congratulating Kate Harrison on her receipt of an Educators Credit Union scholarship.

HR 1709 (by C. Anderson), Congratulating Delmond and Diane Rosenkranz of Robinson on their 50th wedding anniversary.

HR 1711 (by C. Anderson), Congratulating Kollin Kahler of Waco on making the president's list at Lamar University.

HR 1714 (by C. Anderson), Congratulating the students of Lorena Middle School for raising more than \$2,000 in the Pennies for Patients campaign benefiting the Leukemia & Lymphoma Society.

HR 1715 (by C. Anderson), Congratulating the all-district athletic and academic honorees from the West High School boys' basketball team.

HR 1718 (by C. Anderson), Congratulating the Waco ISD purchasing department on its receipt of a Texas Association of School Business Officials Award of Merit for Purchasing and Operations.

HR 1719 (by C. Anderson), Congratulating Gene Manske on being named a 2010 Outstanding Farmer.

HR 1724 (by C. Anderson), Congratulating Clarence and Charlotte Carpenter of Waco on their 60th wedding anniversary.

HR 1728 (by Johnson), Commending Deloris Hill-Peace for serving as a Democratic Party precinct chair in Dallas County.

HR 1729 (by Ritter), Commemorating the 125th anniversary of the Lumbermen's Association.

HR 1731 (by Torres), Congratulating the members of the Corpus Christi ISD All-Stars for their success in the Special Olympics Area 20 Basketball Competition.

HR 1732 (by Margo), Congratulating The University of Texas at El Paso women's golf team on winning the 2011 Conference USA title.

HR 1733 (by Margo), Congratulating The University of Texas at El Paso cheerleading team on winning the 2011 National Cheerleaders Association Co-Ed Division Championship.

HR 1734 (by Perry), Congratulating the Plains High School academic competitors for their exemplary performance at the regional meet.

HR 1735 (by Y. Davis), Honoring the members of the Dallas Black Chamber of Commerce Board of Directors for their exemplary public spirit.

HR 1737 (by Smithee), Honoring the Canyon High School girls' basketball team on winning the UIL 4A state championship.

HR 1738 (by Smithee), Honoring Joe Lombard, coach of the Canyon High School girls' basketball team, on his exceptional career.

HR 1739 (by Perry), Recognizing the Texas Dispute Resolution System on its 25th anniversary.

HR 1742 was withdrawn.

HR 1743 (by Strama), Congratulating Travis County Precinct 2 Constable Adan Ballesteros on being named the 2011 Constable of the Year and Travis County Precinct 2 Sergeant Dwight Bertram on being named the 2011 Deputy of the Year by the Central Texas Justices of the Peace and Constables Association.

HR 1745 (by Branch), Recognizing the 38th Annual Swiss Avenue Historic District Association's Mother's Day Home Tour in Dallas.

HR 1746 (by Pitts), Congratulating the Waxahachie High School boys' golf teams on their success at the 2011 district and regional tournaments.

HR 1748 (by Sheffield), Honoring Donald Clifton Heath of Temple on his 80th birthday.

HR 1749 (by Sheffield), Congratulating members of Extreme Cheer & Tumble on winning their division at the 2011 National Cheerleaders Association All-Star National Championship.

HR 1750 (by Johnson), Congratulating Betty Hooey on being elected to represent Dallas County in the Texas Silver-Haired Legislature for the 2011-2013 term.

HR 1751 (by Hunter), Congratulating Frank McMillan of Corpus Christi on his receipt of a 2011 Children's Book of the Year Award from the NAESP Foundation.

HR 1752 (by Hunter), Congratulating Dr. Mary Ann Rankin on her selection as president and CEO of the National Math and Science Initiative.

HR 1755 (by Burkett), Congratulating Randall Zajic on his retirement from the Mesquite Fire Department.

HR 1757 (by Morrison), Commemorating the 2011 Warrior's Weekend, taking place in Port O'Connor, May 20-22, to honor members of the military who have been wounded in the line of duty.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 1425 (by Hughes), In memory of Richard Wayne Napier of Mineola.

HR 1444 (by Harper-Brown), In memory of Giorgio Joseph Primo of Irving.

HR 1450 (by Hilderbran), In memory of Ross Snodgrass of Kerrville.

HR 1451 (by Hilderbran), In memory of George Milton Keller of Mason.

HR 1455 (by Raymond), In memory of Reynaldo Chapa, Jr., of Benavides.

HR 1459 was withdrawn.

HR 1461 (by Branch), In memory of Roy Richard Rubottom, Jr.

HR 1464 (by Pitts), In memory of James Rutledge Mason of Waxahachie.

HR 1587 (by Schwertner), In memory of Marilyn Stiles Shoemaker.

HR 1604 (by Lavender), In memory of June Hodges of Omaha, Texas.

HR 1608 (by Anchia), In memory of Evelyn Rhodes Witte Sterling of Dallas.

HR 1609 (by Anchia), In memory of William Sanders Barnhill, Jr., of Dallas.

HR 1610 (by Anchia), In memory of Isaac Field Roebuck, Jr., of Dallas.

HR 1611 (by Anchia), In memory of Irwin Ira Steinberg of Irving.

HR 1612 (by Anchia), In memory of Ruth Christine Howes of Dallas.

HR 1614 (by Peña), In memory of Benigno "Benny" Layton of Elsa.

HR 1615 (by Peña), In memory of Donny Cardenas of Edinburg.

HR 1646 (by Harper-Brown), In memory of Mildred B. Brandon of Irving.

HR 1655 (by Woolley), In memory of William Arnold McMinn, Jr., of Houston.

HR 1657 (by Hopson), In memory of Lafonda Ann Davis of Austin.

HR 1665 (by Harper-Brown), In memory of James Edward Rose of Irving.

HR 1672 (by Gallego), In memory of Johnny Emil Malik of Alpine.

HR 1673 (by Gallego), In memory of John Frank "Trey" Woodward III.

HR 1674 (by Gallego), In memory of Thelma R. Hoyle of Alpine.

HR 1683 (by Hunter), In memory of Ricardo G. "Richard" Alvarado of Alice.

HR 1685 (by Woolley), Commemorating the dedication of the Herbert Gee Municipal Courts Building in Houston and paying tribute to the life of Judge Gee.

HR 1689 (by Frullo), In memory of Bobby Gene Brown of Lubbock.

HR 1710 (by C. Anderson), In memory of Julia Hikel of Elm Mott.

HR 1712 (by C. Anderson), In memory of Cyril W. Cernosek of West.

HR 1713 (by C. Anderson), In memory of Joy Allen Oliver of Lorena.

HR 1716 (by C. Anderson), In memory of Vernon W. Sloane.

HR 1717 (by C. Anderson), In memory of Betty Jean Slater of Riesel.

HR 1720 (by C. Anderson), In memory of Victor D. "Bud" Wiley, Jr., of Waco.

HR 1721 (by C. Anderson), In memory of Milton Roy Overgoner of Belton.

HR 1722 (by C. Anderson), In memory of Mary Ruth Galloway of Waco.

HR 1723 (by C. Anderson), In memory of Mary Helen Torres of Waco.

HR 1725 (by C. Anderson), In memory of Donna L. Carey of Robinson.

HR 1726 (by C. Anderson), In memory of Clara Samuelson of Waco.

HR 1727 (by C. Anderson), In memory of Olivia Tucker Cloud of Waco.

HR 1736 (by Smithee), In memory of Francis Edward "Frank" Barrett of Hereford.

HR 1744 (by Strama), In memory of Drennen Peter O'Melia.

HR 1747 (by Sheffield), In memory of U.S. Army Staff Sergeant Mecolus C. McDaniel.

The resolutions were unanimously adopted by a rising vote.

HR 1963 - ADOPTED
(by Simpson)

Representative Simpson moved to suspend all necessary rules to take up and consider at this time **HR 1963**.

The motion prevailed.

The following resolution was laid before the house:

HR 1963, Honoring the staff and residents of the Highland Pines Nursing and Rehabilitation Center in Longview on the occasion of National Nursing Home Week.

HR 1963 was adopted.

CSSB 141 - VOTE RECONSIDERED

Representative Orr moved to reconsider the vote by which **CSSB 141**, as amended, failed to pass to third reading on May 11.

The motion to reconsider prevailed by (Record 983): 112 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burnam; Cain; Carter; Castro; Coleman; Cook; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon(C); Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, R.; Bohac; Button; Callegari; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Fletcher; Flynn; Frullo; Hancock; Harper-Brown; Howard, C.; Huberty; King, P.; Kleinschmidt; Landtroop; Laubenberg; Lewis; Miller, S.; Parker; Paxton; Perry; Phillips; Smith, T.; Taylor, L.; Taylor, V.; White; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Marquez.

Absent — Burkett; Elkins; Keffer; Riddle.

STATEMENT OF VOTE

I was shown voting no on Record No. 983. I intended to vote yes.

Darby

CSSB 141 ON SECOND READING (Anchia - House Sponsor)

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

CSSB 141, A bill to be entitled An Act relating to debt management services and the regulation of debt management services providers.

CSSB 141 was read second time on May 11 and failed to pass to third reading, as amended.

CSSB 141, as amended, was passed to third reading by (Record 984): 111 Yeas, 35 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Castro; Coleman; Cook; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Jackson; Johnson; Keffer; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman; Zerwas.

Nays — Anderson, R.; Bohac; Callegari; Chisum; Christian; Craddick; Creighton; Darby; Elkins; Fletcher; Flynn; Garza; Gooden; Harper-Brown; Howard, C.; Huberty; Isaac; King, P.; King, S.; Kleinschmidt; Laubenberg; Lewis; Miller, S.; Parker; Paxton; Phillips; Riddle; Sheets; Simpson; Smith, W.; Smithee; Taylor, V.; White; Woolley; Zedler.

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

Absent, Excused — Marquez.

STATEMENT OF VOTE

I was shown voting no on Record No. 984. I intended to vote yes.

Darby

HB 359 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 11:14 a.m., Representative Aliseda announced his intention to make the motion to reconsider the vote by which **HB 359**, as amended, failed to pass to engrossment.

(Ritter in the chair)

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 647 ON THIRD READING
(L. Taylor - House Sponsor)

SB 647, A bill to be entitled An Act relating to the continuation and operation of the office of public insurance counsel.

SB 647 was passed by (Record 985): 142 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; 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; 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; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; 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.

Nays — Burnam; Davis, S.; Eiland; Reynolds; Simpson.

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

Absent, Excused — Marquez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 985. I intended to vote no.

White

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 602 ON THIRD READING
(Marquez - House Sponsor)

SB 602, A bill to be entitled An Act relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

SB 602 was passed by (Record 986): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; 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; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez.

Absent — Anderson, R.; Berman; Keffer; Scott.

STATEMENTS OF VOTE

When Record No. 986 was taken, I was in the house but away from my desk. I would have voted no.

Berman

I was shown voting yes on Record No. 986. I intended to vote no.

Flynn

SB 316 ON THIRD READING (Gallego - House Sponsor)

SB 316, A bill to be entitled An Act relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

Amendment No. 1

Representative Hilderbran offered the following amendment to **SB 316**:

Amend **SB 316** on third reading as follows:

(1) Strike proposed Subsection (b-3), Article 59.06, Code of Criminal Procedure, as added by the second reading Amendment No. 2 by Hilderbran, and the reference to Subsection (b-3) in the recital for Article 59.06, Code of Criminal Procedure, in SECTION 2 of the bill.

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

SECTION _____. Section 24.377, Government Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the requirements under Article 59.06, Code of Criminal Procedure, the district attorney for the 198th Judicial District may use proceeds from the sale of forfeited property, after the deduction of amounts described by Article 59.06(a), Code of Criminal Procedure, for the official purposes of the office of the district attorney only on the approval of:

(1) the commissioners court of each county in the judicial district; or

(2) a regional review committee composed of a county judge, a county attorney, and a county commissioner, each appointed by the member of the house of representatives of this state who represents the largest number counties in the judicial district.

Amendment No. 2

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

Amend the third reading amendment to **SB 316** by Hilderbran in proposed Section 24.377(c), Government Code, by striking the language on page 1, lines 19-23, and substituting the following:

(2) a regional review committee composed of three members who are a county judge, a county attorney, a county commissioner, or a county sheriff, each appointed by the member of the house of representatives of this state who represents the largest number of counties in the judicial district.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

SB 316 - STATEMENT OF LEGISLATIVE INTENT

During the 81st Regular Legislative Session, Section 24.377, Government Code was amended to require that the district attorney for the 198th Judicial District may use asset forfeiture funds only on the approval of 1) the commissioners court of each county in the judicial district or 2) a regional review committee composed of three members. The appointed three-person committee composed of Menard County Judge Jerry Bearden, McCulloch County Attorney Mark Marshall, and Kerr County Sheriff Rusty Hierholzer. On August 20, 2011, that committee met in a published open meeting and formally approved an asset forfeiture budget submitted by the 198th District Attorney's Office for the 2011-2012 county fiscal year (October 1, 2011 through August 30, 2012).

As the author of Section 4 of **SB 316**, I believe that the approval of the 198th District Attorney's Office asset forfeiture budget by this committee satisfies requirements of the Texas Government Code. Because the 198th District Attorney's Office has already complied with the special budgetary requirement imposed on that office and that the appointed regional review committee has approved the current asset forfeiture budget, I believe the "lame duck" provision of **SB 316** has been satisfied and no further actions is needed by the

commissioners court within the 198th Judicial District. That section of **SB 316** was added to prevent a non-candidate or unsuccessful candidate from liquidating asset forfeiture funds in order to prevent them from being available to his successor in office. It should also be noted that proceeds from the sale of forfeited property is to also include all cash seized and forfeited by the district attorney's office. The regional review committee's oversight of the 198th District Attorney's Office will necessarily prevent such an occurrence in this instance.

Hilderbran

Representative Gallego moved to postpone consideration of **SB 316** until 1 p.m. today.

The motion prevailed.

SB 1087 ON THIRD READING
(Hilderbran - House Sponsor)

SB 1087, A bill to be entitled An Act relating to state-issued certificates of franchise authority to provide cable service and video service.

SB 1087 was passed by (Record 987): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; 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; 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; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Button.

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

Absent, Excused — Marquez.

Absent — Torres.

STATEMENTS OF VOTE

I was shown voting no on Record No. 987. I intended to vote yes.

Button

I was shown voting yes on Record No. 987. I intended to vote no.

Patrick

When Record No. 987 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

SB 279 ON THIRD READING**(Laubenberg and Rodriguez - House Sponsors)**

SB 279, A bill to be entitled An Act relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

SB 279 was passed by (Record 988): 133 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burnam; Button; Cain; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Zedler; Zerwas.

Nays — Burkett; Callegari; King, P.; Kuempel; Legler; Lewis; Miller, S.; Phillips; Scott; Sheffield; Truitt.

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

Absent, Excused — Marquez.

Absent — Carter; Madden; Workman.

STATEMENT OF VOTE

I was shown voting yes on Record No. 988. I intended to vote no.

Garza

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 3328 ON THIRD READING
(by Keffer, Crownover, Burnam, Parker, Strama, et al.)**

HB 3328, A bill to be entitled An Act relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.

HB 3328 was passed by (Record 989): 133 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; 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; Guillen; Gutierrez; Hardcastle; Harless; Harper-Brown; 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; Laubenberg; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; 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; White; Woolley; Workman; Zedler.

Nays — Beck; Bonnen; Craddick; Gooden; Hamilton; Hancock; Hughes; Lavender; Legler; Miller, S.; Weber; Zerwas.

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

Absent, Excused — Marquez.

Absent — Hartnett; Pitts.

STATEMENTS OF VOTE

I was shown voting no on Record No. 989. I intended to vote yes.

Beck

I was shown voting yes on Record No. 989. I intended to vote no.

Callegari

I was shown voting yes on Record No. 989. I intended to vote no.

Paxton

I was shown voting no on Record No. 989. I intended to vote yes.

Zerwas

HB 2592 ON THIRD READING
(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

HB 2592, A bill to be entitled An Act relating to notice and disclosure requirements for certain credit services organizations regarding charges and consumer borrowing.

HB 2592 was passed by (Record 990): 123 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; 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; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, R.; Bonnen; Cain; Christian; Craddick; Darby; Fletcher; Flynn; Frullo; Hughes; King, P.; Laubenberg; Lavender; Lewis; Parker; Paxton; Perry; Phillips; Riddle; Simpson; Taylor, V.; White; Zedler.

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

Absent, Excused — Marquez.

Absent — Pitts.

STATEMENTS OF VOTE

I was shown voting no on Record No. 990. I intended to vote yes.

P. King

I was shown voting yes on Record No. 990. I intended to vote no.

Landtroop

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 2589 ON THIRD READING
(by Peña)

HB 2589, A bill to be entitled An Act relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.

Amendment No. 1

Representative Peña offered the following amendment to **HB 2589**:

Amend **HB 2589** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. (a) Section 84.0041(b), Election Code, is amended to read as follows:

(b) An offense under this section is a state jail felony [~~unless the person is the applicant, is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant, in which event the offense is a Class A misdemeanor~~].

(b) The change in law made by this section applies only to an offense committed on or after the effective date of this section. An offense committed before the effective date of this section is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this section if any element of the offense occurred before that date.

Representative Peña moved to postpone consideration of **HB 2589** until 11:50 a.m. today.

The motion prevailed.

HB 628 ON THIRD READING
(by Callegari)

HB 628, A bill to be entitled An Act relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 628**:

Amend **HB 628** on third reading, in amended Section 44.031(b)(8), Education Code, by striking "or building construction and maintenance," and substituting "building construction and maintenance, or instructional materials,".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Murphy offered the following amendment to **HB 628**:

Amend **HB 628** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.049 to read as follows:

Sec. 223.049. CONTRACT WITH LAND OWNER FOR IMPROVING ACCESS TO LAND. (a) The department may, without complying with the competitive bidding procedures of Subchapter A, contract with an owner of land, including a subdivision, adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land.

(b) An owner that enters into a contract with the department under this section must:

(1) comply with applicable department design and construction standards;

(2) comply with all laws, rules, regulations, and ordinances, including environmental requirements, that would be applicable if the department were performing the work;

(3) execute a performance and payment bond in accordance with Chapter 2253, Government Code; and

(4) make available for inspection by the department all books and other records in the possession of the owner that are related to the project.

(c) State and federal funds may not be used for the design, development, financing, or construction of a highway improvement under a contract described by this section.

Amendment No. 2 was adopted.

HB 628 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CREIGHTON: Representative Callegari, we talked about, earlier, allowing me to ask you some questions on legislative intent on this bill. Is that okay with you?

REPRESENTATIVE CALLEGARI: Yes, that's for sure.

CREIGHTON: Okay, you said yesterday that the bill consolidates alternative delivery methods such as design build and construction manager at risk into one chapter of the government code. Is that correct?

CALLEGARI: Yes, that's correct.

CREIGHTON: And in moving the language into Chapter 2267, you repeal several existing statutes. Is that correct?

CALLEGARI: Yes, that's correct.

CREIGHTON: In making those changes, the language of your bill does not make any substantive changes to the existing construction manager at risk delivery method, does it?

CALLEGARI: No, it does not.

CREIGHTON: So, it is your intent to maintain the status quo with regard to the construction manager at risk delivery method. That's correct as well?

CALLEGARI: That is correct.

REMARKS ORDERED PRINTED

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

The motion prevailed.

HB 628, as amended, was passed by (Record 991): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; 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; 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; 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.

Nays — Burnam.

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

Absent, Excused — Marquez.

Absent — Anchia.

HB 1205 ON THIRD READING

(by Turner, Allen, Aliseda, Rodriguez, and Gallego)

HB 1205, A bill to be entitled An Act relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant's period of community supervision is reduced.

HB 1205 was passed by (Record 992): 131 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Crownover;

Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; 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; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Zedler.

Nays — Bonnen; Carter; Craddick; Creighton; Darby; Fletcher; Hamilton; Lewis; Morrison; Phillips; Riddle; Sheffield; Workman; Zerwas.

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

Absent, Excused — Marquez.

Absent — Farrar; Harper-Brown.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 992. I intended to vote no.

Huberty

I was shown voting yes on Record No. 992. I intended to vote no.

P. King

I was shown voting yes on Record No. 992. I intended to vote no.

Paxton

I was shown voting yes on Record No. 992. I intended to vote no.

Price

I was shown voting yes on Record No. 992. I intended to vote no.

Schwertner

I was shown voting yes on Record No. 992. I intended to vote no.

White

**HB 2748 ON THIRD READING
(by Martinez Fischer)**

HB 2748, A bill to be entitled An Act relating to grants to student clubs for dropout prevention.

The vote of the house was taken on the passage of **HB 2748** and the vote was announced yeas 68, nays 73.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 993): 64 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Chisum; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Isaac; Jackson; Johnson; King, T.; Kleinschmidt; Larson; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Shelton; Smith, T.; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aliseda; 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; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Hughes; Hunter; King, P.; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez.

Absent — Deshotel; Geren; Hopson; Keffer; King, S.; Oliveira.

The chair stated that **HB 2748** failed to pass by the above vote.

STATEMENTS OF VOTE

When Record No. 993 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 993 was taken, I was temporarily out of the house chamber meeting with constituents regarding education issues. I would have voted no.

S. King

HB 1528 ON THIRD READING

(by S. Miller)

HB 1528, A bill to be entitled An Act relating to consolidating precincts in a primary election.

LEAVE OF ABSENCE GRANTED

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

Oliveira on motion of Lozano.

HB 1528 - (consideration continued)

HB 1528 was passed by (Record 994): 130 Yeas, 15 Nays, 2 Present, not voting.

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

Nays — Alonzo; Alvarado; Burnam; Dukes; Dutton; Farrar; Gutierrez; Hernandez Luna; Johnson; McClendon; Miles; Muñoz; Reynolds; Thompson; Walle.

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

Absent, Excused — Marquez; Oliveira.

Absent — King, S.

STATEMENT OF VOTE

When Record No. 994 was taken, I was temporarily out of the house chamber meeting with constituents regarding education issues. I would have voted yes.

S. King

POSTPONED BUSINESS

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

HB 2589 ON THIRD READING**(by Peña)**

HB 2589, A bill to be entitled An Act relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.

HB 2589 was read third time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

HB 2589 was passed by (Record 995): 113 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Callegari; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Giddings; Guillen; Gutierrez; Hernandez Luna; Johnson; Lozano; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Vo; Walle.

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

Absent, Excused — Marquez; Oliveira.

STATEMENTS OF VOTE

I was shown voting no on Record No. 995. I intended to vote yes.

Callegari

I was shown voting no on Record No. 995. I intended to vote yes.

Lucio

HB 359 - VOTE RECONSIDERED

Representative Aliseda moved to reconsider the vote by which **HB 359**, as amended, failed to pass to engrossment on May 11.

The motion to reconsider prevailed.

HB 359 ON SECOND READING
(by Allen, Nash, Shelton, Patrick, and Torres)

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

HB 359, A bill to be entitled An Act relating to the use of corporal punishment in public schools.

HB 359 was read second time on May 11 and failed to pass to engrossment, as amended.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 3

Representatives Giddings, Elkins, Berman, Shelton, and Darby offered the following amendment to **HB 359**:

Amend **HB 359** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.124, Education Code, is amended by adding Subsection (d) to read as follows:

(d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was a student in the sixth grade or a lower grade level.

SECTION _____. Section 37.126, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:

(1) to or from school on a vehicle owned or operated by a county or independent school district; or

(2) to or from ~~or~~ an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

(c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was a student in the sixth grade or a lower grade level.

SECTION _____. Section 42.01, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is an exception to the application of Subsections (a)(1), (2), (3), (5), or (6) that, at the time the person engaged in conduct prohibited under the applicable subdivision, the person was a student in the sixth grade or a lower grade level, and the prohibited conduct occurred at a public school campus during regular school hours.

SECTION _____. The change in law made by Sections 37.124, Education Code, 37.126, Education Code, and 42.01, Penal Code, as amended by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Chisum offered the following amendment to **HB 359**:

Amend **HB 359** on third reading by adding the following:

(c) The provisions in this section do not apply to counties with a population of less than 50,000.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Workman offered the following amendment to **HB 359**:

Amend **HB 359** by striking page 1, line 16, through page 3, line 16, and substituting the following:

(b) If the board of trustees of an independent school district adopts a policy under Section 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline.

(c) To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other person having lawful control over the student must provide a separate written, signed statement to the board of trustees of the school district in the manner established by the board.

(d) The student's parent or guardian or other person having lawful control over the student may revoke the statement provided to the board of trustees under Subsection (c) at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board.

Amendment No. 5 was adopted.

HB 359, as amended, was passed to engrossment by (Record 996): 87 Yeas, 56 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Branch; Brown; Burkett; Burnam; Carter; Castro; Chisum; Coleman; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden;

Guillen; Gutierrez; Harless; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Johnson; Keffer; Kolkhorst; Lozano; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Patrick; Peña; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Driver; Fletcher; Flynn; Garza; Hamilton; Hancock; Hardcastle; Harper-Brown; Hilderbran; Hopson; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Miller, S.; Morrison; Orr; Otto; Parker; Paxton; Perry; Phillips; Price; Riddle; Schwertner; Scott; Smithee; Solomons; Taylor, L.; White; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent — Gonzalez; Smith, T.

GENERAL STATE CALENDAR (consideration continued)

HB 3341 ON THIRD READING

(by Anchia, Hartnett, Murphy, Harper-Brown, and Martinez Fischer)

HB 3341, A bill to be entitled An Act relating to the rebate, refund, or payment of tax proceeds to a qualified hotel project.

HB 3341 was passed by (Record 997): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — 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, 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Marquez; Oliveira.

Absent — Howard, C.; Smith, W.; Thompson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 997. I intended to vote no.

Cain

When Record No. 997 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

HB 351 ON THIRD READING

(by Veasey)

HB 351, A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest.

HB 351 was passed by (Record 998): 141 Yeas, 2 Nays, 2 Present, not voting.

Yeas — 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, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Lewis; Perry.

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

Absent, Excused — Marquez; Oliveira.

Absent — Howard, C.; Murphy; Smith, W.

STATEMENT OF VOTE

When Record No. 998 was taken, my vote failed to register. I would have voted yes.

C. Howard

**HB 2006 ON THIRD READING
(by Bonnen)**

HB 2006, A bill to be entitled An Act relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

HB 2006 was passed by (Record 999): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent — Carter; Sheffield.

STATEMENTS OF VOTE

When Record No. 999 was taken, I was temporarily out of the house chamber. I would have voted yes.

Carter

When Record No. 999 was taken, I was in the house but away from my desk. I would have voted yes.

Sheffield

HB 2382 ON THIRD READING
(by Murphy and Torres)

HB 2382, A bill to be entitled An Act relating to notice required upon nonrenewal of property/casualty insurance policies.

HB 2382 was passed by (Record 1000): 145 Yeas, 0 Nays, 3 Present, not voting.

Yeas — 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; 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.

Present, not voting — Mr. Speaker; Miller, D.; Ritter(C).

Absent, Excused — Marquez; Oliveira.

HB 738 ON THIRD READING
(by Otto)

HB 738, A bill to be entitled An Act relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.

HB 738 was passed by (Record 1001): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; 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; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent — Beck; Mallory Caraway.

STATEMENT OF VOTE

When Record No. 1001 was taken, my vote failed to register. I would have voted yes.

Beck

HB 14 ON THIRD READING (by Murphy, et al.)

HB 14, A bill to be entitled An Act relating to the eligibility for unemployment benefits of a person receiving certain forms of remuneration.

(Harper-Brown in the chair)

Amendment No. 1

Representative Farrar offered the following amendment to **HB 14**:

Amend **HB 14** on third reading SECTION 1, Section 207.049 page 2 on line 1, as follows:

1. Strike "an alleged" and replace with "a potential"
2. After the word "or" add "the Texas Commission on Human Rights ACT (TEX.LAB.CODE ANN. §§ 21.001 et. seq.); or"

Representative Murphy moved to table Amendment No. 1.

The motion to table prevailed by (Record 1002): 99 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; 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.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Marquez; Oliveira.

Absent — Kleinschmidt; Torres; Woolley.

STATEMENT OF VOTE

When Record No. 1002 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 14 was passed by (Record 1003): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; 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; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Martinez Fischer; Veasey.

STATEMENT OF VOTE

When Record No. 1003 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

HB 2460 ON THIRD READING
(by Truitt)

HB 2460, A bill to be entitled An Act relating to confidentiality of information held by a public retirement system.

HB 2460 was passed by (Record 1004): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; 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; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Anderson, R.; Torres.

STATEMENT OF VOTE

When Record No. 1004 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

HB 2233 ON THIRD READING
(by Huberty, Rodriguez, et al.)

HB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

HB 2233 was passed by (Record 1005): 134 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; 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, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anchia; Castro; Gonzales, L.; Gonzalez; Hochberg; Howard, D.; Lucio; Phillips; Scott; Smithee; Strama; Thompson.

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

Absent, Excused — Marquez; Oliveira.

STATEMENT OF VOTE

I was shown voting no on Record No. 1005. I intended to vote yes.

Castro

HB 2748 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 1:11 p.m., Representative Chisum announced his intention to make the motion to reconsider the vote by which **HB 2748** failed to pass.

SB 1766 - RECOMMITTED

Representative Sheffield moved to recommit **SB 1766** to the Committee on Defense and Veterans' Affairs.

The motion prevailed.

GENERAL STATE CALENDAR

(consideration continued)

HB 1776 ON THIRD READING

(by Lozano, Hancock, Muñoz, Sheffield, and Creighton)

HB 1776, A bill to be entitled An Act relating to contracts between dentists and health maintenance organizations or insurers.

HB 1776 was passed by (Record 1006): 141 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; 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; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; 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.

Nays — King, S.; Kolkhorst.

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

Absent, Excused — Marquez; Oliveira.

Absent — Button; Hardcastle; Schwertner.

STATEMENT OF VOTE

When Record No. 1006 was taken, my vote failed to register. I would have voted yes.

Schwertner

HB 1728 ON THIRD READING (by Keffer)

HB 1728, A bill to be entitled An Act relating to energy savings performance contracts.

HB 1728 was passed by (Record 1007): 143 Yeas, 2 Nays, 3 Present, not voting.

Yeas — 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; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds;

Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; 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.

Nays — Kolkhorst; Simpson.

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

Absent, Excused — Marquez; Oliveira.

HB 3326 ON THIRD READING
(by Woolley)

HB 3326, A bill to be entitled An Act relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

HB 3326 was passed by (Record 1008): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; 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; 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; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent — Dukes; Lyne.

STATEMENT OF VOTE

When Record No. 1008 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 748 ON THIRD READING
(by Menendez and Hartnett)

HB 748, A bill to be entitled An Act relating to a criminal defendant's incompetency to stand trial, to certain related time credits, and to the maximum period allowed for restoration of the defendant to competency.

HB 748 was passed by (Record 1009): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; 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; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Darby; Scott; Torres.

STATEMENTS OF VOTE

When Record No. 1009 was taken, my vote failed to register. I would have voted yes.

Scott

When Record No. 1009 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1994 ON THIRD READING
(by Weber, et al.)

HB 1994, A bill to be entitled An Act relating to the creation of a first offender prostitution prevention program.

HB 1994 was passed by (Record 1010): 126 Yeas, 13 Nays, 2 Present, not voting.

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

Nays — Carter; Davis, J.; Dutton; Farrar; Gonzales, V.; Gooden; Hochberg; Howard, D.; Lozano; Muñoz; Phillips; Taylor, V.; Workman.

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

Absent, Excused — Marquez; Oliveira.

Absent — Burkett; Callegari; Castro; Hilderbran; Martinez Fischer; Miller, S.; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1010. I intended to vote no.

Anchia

When Record No. 1010 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 1010 was taken, I was in the house but away from my desk. I would have voted no.

Castro

I was shown voting yes on Record No. 1010. I intended to vote no.

S. Davis

I was shown voting yes on Record No. 1010. I intended to vote no.

S. King

I was shown voting yes on Record No. 1010. I intended to vote no.

Kolkhorst

When Record No. 1010 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1010 was taken, my vote failed to register. I would have voted yes.

S. Miller

I was shown voting yes on Record No. 1010. I intended to vote no.

Strama

HB 1872 ON THIRD READING
(by Giddings)

HB 1872, A bill to be entitled An Act relating to requirements regarding information to be provided to employees covered by workers' compensation health care networks.

HB 1872 was passed by (Record 1011): 101 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Castro; Chisum; Coleman; Cook; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Anderson, R.; Aycock; Bonnen; Cain; Carter; Craddick; Creighton; Darby; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hughes; Isaac; King, S.; Kolkhorst; Landtroop; Larson; Laubenberg; Lewis; Nash; Parker; Paxton; Perry; Price; Riddle; Sheets; Sheffield; Simpson; Taylor, V.; Truitt; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Allen; Anderson, C.; Callegari; Christian; Gonzales, L.; Margo; Miller, S.; Torres.

STATEMENTS OF VOTE

When Record No. 1011 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1011 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 1011 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

I was shown voting yes on Record No. 1011. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1011. I intended to vote no.

P. King

When Record No. 1011 was taken, I was in the house but away from my desk. I would have voted yes.

Margo

When Record No. 1011 was taken, my vote failed to register. I would have voted yes.

S. Miller

When Record No. 1011 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

I was shown voting yes on Record No. 1011. I intended to vote no.

Weber

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

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

The motion prevailed.

HB 335 ON THIRD READING

(by Shelton, Kolkhorst, Schwertner, Zerwas, Creighton, et al.)

HB 335, A bill to be entitled An Act relating to implementation and requirements of certain health care reform laws.

HB 335 was passed by (Record 1012): 129 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Christian; 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.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Coleman; Gonzales, V.; Howard, D.; Johnson; Martinez Fischer; Muñoz; Naishtat; Rodriguez; Veasey; Walle.

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

Absent, Excused — Marquez; Oliveira.

Absent — Callegari; Kolkhorst; Lyne; Peña; Ritter; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1012. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 1012. I intended to vote no.

Burnam

When Record No. 1012 was taken, my vote failed to register. I would have voted yes.

Callegari

When Record No. 1012 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1012 was taken, I was in the house but away from my desk. I would have voted yes.

Ritter

When Record No. 1012 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1043 ON THIRD READING
(by Christian, Lucio, Zedler, and Rodriguez)

HB 1043, A bill to be entitled An Act relating to creating an offense for engaging in certain conduct relating to cockfighting.

HB 1043 was passed by (Record 1013): 121 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; 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.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Larson; Laubenberg; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Bonnen; Cain; Creighton; Gonzales, V.; Guillen; Hancock; Hughes; Isaac; King, T.; Kuempel; Landroop; Lavender; Lewis; Martinez; Muñoz; Peña; Perry; Raymond; Scott; Taylor, V.; White; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent — Allen; Torres.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1013. I intended to vote yes.

C. Anderson

When Record No. 1013 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

I was shown voting no on Record No. 1013. I intended to vote yes.

Zedler

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 1:45 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 1:45 p.m. today, 3W.15, for a formal meeting, to set a calendar.

HB 2728 ON THIRD READING

(by Thompson)

HB 2728, A bill to be entitled An Act relating to the operation and regulation of charitable bingo.

HB 2728 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE C. HOWARD: My understanding is the intent of **HB 2728** is not to allow a new type of gaming device which has the look and feel of a slot machine. Is that correct?

REPRESENTATIVE THOMPSON: That's correct. If you remember, Representative Howard, in 1995 the legislature already approved the kind of technology we're talking about today. That was done back in 1995.

REMARKS ORDERED PRINTED

Representative C. Howard moved to print remarks between Representative Thompson and Representative C. Howard.

The motion prevailed.

HB 2728 was passed by (Record 1014): 94 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Brown; Burnam; Button; Castro; Coleman; Cook; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Hunter; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Patrick; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheffield; Smith, T.; Smith, W.; Solomons; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Cain; Callegari; Chisum; Christian; Creighton; Crownover; Davis, J.; Fletcher; Flynn; Frullo; Harless; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Jackson; Landtroop; Laubenberg; Lewis; Madden; Orr; Otto; Parker; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Sheets; Shelton; Simpson; Smithee; Taylor, L.; Taylor, V.; Truitt; White.

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

Absent, Excused — Marquez; Oliveira.

Absent — Anderson, C.; Carter; Isaac; Torres; Workman; Zedler.

STATEMENTS OF VOTE

When Record No. 1014 was taken, my vote failed to register. I would have voted no.

Carter

I was shown voting yes on Record No. 1014. I intended to vote no.

Hancock

When Record No. 1014 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

I was shown voting yes on Record No. 1014. I intended to vote no.

Keffer

I was shown voting yes on Record No. 1014. I intended to vote no.

T. Smith

When Record No. 1014 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

When Record No. 1014 was taken, I was in the house but away from my desk. I would have voted no.

Workman

When Record No. 1014 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

HB 2649 ON THIRD READING

(by Allen)

HB 2649, A bill to be entitled An Act relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

HB 2649 was passed by (Record 1015): 138 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; 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; 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; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; 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.

Nays — Creighton; Kuempel; Larson; Margo; Phillips; Price; Schwertner.

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

Absent, Excused — Marquez; Oliveira.

Absent — Carter.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1015. I intended to vote no.

L. Gonzales

HB 2975 ON THIRD READING

(by Hunter, Naishtat, Parker, Brown, et al.)

HB 2975, A bill to be entitled An Act relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

HB 2975 was passed by (Record 1016): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Darby; Davis, Y.; Gonzales, L.; Gonzalez; Torres.

STATEMENTS OF VOTE

When Record No. 1016 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

When Record No. 1016 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1580 ON THIRD READING (by Brown)

HB 1580, A bill to be entitled An Act relating to the training and certification of state agency employees or contractors performing service work on pressure vessels.

HB 1580 was passed by (Record 1017): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — 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; 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; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; 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.

Nays — Lavender.

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

Absent, Excused — Marquez; Oliveira.

Absent — Riddle.

HB 1871 ON THIRD READING (by Giddings)

HB 1871, A bill to be entitled An Act relating to the amount and payment of attorney's fees in certain workers' compensation cases.

HB 1871 was passed by (Record 1018): 134 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crossover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Zedler; Zerwas.

Nays — Anderson, C.; Davis, S.; Fletcher; Garza; Lavender; Madden; Paxton; Riddle; Sheffield; Workman.

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

Absent, Excused — Marquez; Oliveira.

Absent — Farias; Torres.

STATEMENT OF VOTE

When Record No. 1018 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 36 ON THIRD READING (by Menendez)

HB 36, A bill to be entitled An Act relating to the punishment for and certain civil consequences of committing the offense of prostitution.

HB 36 was passed by (Record 1019): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Crossover; Darby; Davis, J.; Davis, S.; 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; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent — Davis, Y.

HB 242 ON THIRD READING
(by Craddick and Torres)

HB 242, A bill to be entitled An Act relating to the authority of certain retired peace officers to carry certain firearms.

HB 242 was passed by (Record 1020): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; 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; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent — Alvarado; Burnam; Davis, Y.

HB 1689 ON THIRD READING**(by Brown)**

HB 1689, A bill to be entitled An Act relating to the monitoring and enhancement of health and human services information technology.

HB 1689 was passed by (Record 1021): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Garza; Scott; Torres.

STATEMENTS OF VOTE

When Record No. 1021 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

When Record No. 1021 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1576 ON THIRD READING**(by Garza)**

HB 1576, A bill to be entitled An Act relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.

HB 1576 was passed by (Record 1022): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; 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; 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; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent — Dukes; McClendon.

STATEMENTS OF VOTE

When Record No. 1022 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1022 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 1886 ON THIRD READING (by Morrison, et al.)

HB 1886, A bill to be entitled An Act relating to unclaimed property.

HB 1886 was passed by (Record 1023): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent — Dukes; Dutton; Fletcher.

STATEMENT OF VOTE

When Record No. 1023 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

COMMITTEES GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Ways and Means 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.

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 2:46 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, 2:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 267, SB 326, SB 422, SB 520, SB 540, SB 762, SB 915, SB 916, SB 1070, SB 1120, SB 1130, SB 1185, SB 1404, and SB 1413.**

Business and Industry, 2:46 p.m. today, 3W.15, for a formal meeting, to consider pending business.

POSTPONED BUSINESS

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

HB 3055 ON SECOND READING **(by Peña, Garza, Aliseda, Torres, Margo, et al.)**

HB 3055, A bill to be entitled An Act relating to the penalty for providing false information on an application for a ballot to be voted by mail.

HB 3055 was read second time on May 10, postponed until later that day, postponed until May 11, and was again postponed until 5 p.m. May 11.

Representative Aliseda moved to postpone consideration of **HB 3055** until 10 p.m. today.

The motion prevailed.

CSHB 804 ON SECOND READING
(by Lewis, Aliseda, Branch, Harless, Peña, et al.)

CSHB 804, A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

CSHB 804 was read second time on May 10, postponed until later that day, postponed until May 11, and was again postponed until 5 p.m. May 11.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804** under Rule 8, Section 5(b) of the House Rules.

The point of order was withdrawn.

Representative Lewis moved to postpone consideration of **CSHB 804** until 2:10 p.m. today.

The motion prevailed.

CSHB 2380 ON SECOND READING
(by Shelton)

CSHB 2380, A bill to be entitled An Act relating to employment by school districts of certain persons under probationary contracts.

CSHB 2380 was read second time on May 11 and was postponed until 6 p.m. May 11.

Amendment No. 1

Representative Reynolds offered the following amendment to **CSHB 2380**:

Amend **CSHB 2380** by striking page 1, line 5, through page 2, line 7, and substituting the following:

SECTION 1. Section 21.102, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A person who voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Subchapter B than the class of certificate held by the person in the professional capacity in which the person was previously employed may be employed under a probationary

contract. This subsection does not apply to a person who is returned by a school district to a professional capacity in which the person was employed by the district before the district employed the person in the new professional capacity as described by this subdivision. A person described by this subsection who is returned to a previous professional capacity is entitled to be employed in the original professional capacity under the same contractual status as the status held by the person during the previous employment by the district in that capacity.

Amendment No. 1 was adopted.

CSHB 2380, as amended, was passed to engrossment. (Garza and Simpson recorded voting no.)

CSHB 2594 ON SECOND READING

(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

CSHB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

CSHB 2594 was read second time on May 11 and was postponed until later that day. An amendment was offered, and **CSHB 2594** was again postponed until 6:10 p.m. May 11.

Representative Truitt moved to postpone consideration of **CSHB 2594** until 2:10 p.m. today.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, at 3 p.m. today, in 1W.14, to consider **SB 609**, **SB 1895**, **SCR 2**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Natural Resources, 3 p.m. today, 1W.14, for a formal meeting, to consider **SB 609**, **SB 1895**, **SCR 2**, and pending business.

CSHB 189 ON SECOND READING

(by T. Smith, Martinez Fischer, Harless, et al.)

CSHB 189, A bill to be entitled An Act relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.

CSHB 189 was read second time on May 11, amendments were offered and disposed of, and **CSHB 189** was postponed until 7 p.m. May 11. Amendment No. 5 was pending at the time of postponement.

Representative T. Smith moved to postpone consideration of **CSHB 189** until 4 p.m. today.

The motion prevailed.

SB 5 ON SECOND READING
(Branch - House Sponsor)

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

SB 5 was considered in lieu of **CSHB 3517**.

SB 5 was read second time.

Representative Branch moved to postpone consideration of **SB 5** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 3517 - LAID ON THE TABLE SUBJECT TO CALL

Representative Branch moved to lay **CSHB 3517** on the table subject to call.

The motion prevailed.

HB 3131 ON SECOND READING
(by Geren)

HB 3131, A bill to be entitled An Act relating to providing that certain travel vouchers submitted by peace officers assigned to a protective detail are confidential.

HB 3131 was read second time on May 11 and was postponed until 8 p.m. May 11.

HB 3131 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 3131**.

The chair sustained the point of order.

HB 3131 was returned to the Committee on Homeland Security and Public Safety.

CSHB 32 ON SECOND READING
(by Creighton, Zerwas, Schwertner, Hancock, Shelton, et al.)

CSHB 32, A bill to be entitled An Act relating to required individual health insurance coverage.

CSHB 32 was read second time on May 11 and was postponed until 8:15 p.m. May 11.

CSHB 32 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **CSHB 32**.

The point of order was withdrawn.

Representative Creighton moved to postpone consideration of **CSHB 32** until 2:30 p.m. today.

The motion prevailed.

HB 3282 ON SECOND READING
(by Guillen)

HB 3282, A bill to be entitled An Act relating to the operation and regulation of 24-number bingo games.

HB 3282 was read second time on May 11 and was postponed until 8:45 p.m. May 11.

HB 3282 - POINT OF ORDER

Representative C. Howard raised a point of order against further consideration of **HB 3282** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

HB 3282 failed to pass to engrossment by (Record 1024): 67 Yeas, 75 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Geren; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Hernandez Luna; Hochberg; Howard, D.; Hunter; Johnson; King, T.; Kleinschmidt; Kuempel; Larson; Lozano; Lyne; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Nash; Parker; Peña; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Sheffield; Strama; Thompson; Torres; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Creighton; Crownover; Davis, J.; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hancock; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, S.; Morrison; Murphy; Orr; Otto; Patrick; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent — Cook; Giddings; Lucio; Turner.

STATEMENTS OF VOTE

When Record No. 1024 was taken, I was temporarily out of the house chamber. I would have voted no.

Cook

I was shown voting yes on Record No. 1024. I intended to vote no.

Craddick

I was shown voting no on Record No. 1024. I intended to vote yes.

S. King

I was shown voting yes on Record No. 1024. I intended to vote no.

Parker

I was shown voting yes on Record No. 1024. I intended to vote no.

Peña

I was shown voting no on Record No. 1024. I intended to vote yes.

Scott

CSHB 1244 ON SECOND READING (by Castro)

CSHB 1244, A bill to be entitled An Act relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

CSHB 1244 was read second time on May 11 and was postponed until 4 a.m. today.

Amendment No. 1

Representative Castro offered the following amendment to **CSHB 1244**:

Amend **CSHB 1244** (house committee printing) as follows:

(1) On page 2 of the bill, line 25, insert "in consultation with institutions of higher education," between the words "shall" and "adopt".

Amendment No. 1 was adopted.

CSHB 1244, as amended, was passed to engrossment.

CSHB 3790 ON SECOND READING (by Pitts)

CSHB 3790, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSHB 3790 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3790** until 10 a.m. Monday, July 11.

The motion prevailed.

CSHB 3640 ON SECOND READING
(by Pitts)

CSHB 3640, A bill to be entitled An Act relating to the remittance and allocation of certain taxes and fees.

CSHB 3640 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3640** until 10 a.m. Monday, July 11.

The motion prevailed.

CSHB 3665 ON SECOND READING
(by Otto)

CSHB 3665, A bill to be entitled An Act relating to state fiscal matters related to general government.

CSHB 3665 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Otto moved to postpone consideration of **CSHB 3665** until 10 a.m. Monday, July 11.

The motion prevailed.

CSHB 3639 ON SECOND READING
(by Pitts and Aycock)

CSHB 3639, A bill to be entitled An Act relating to state fiscal matters related to public and higher education.

CSHB 3639 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3639** until 10 a.m. Monday, July 11.

The motion prevailed.

HB 3648 ON SECOND READING
(by Otto)

HB 3648, A bill to be entitled An Act relating to state fiscal matters related to the judiciary.

HB 3648 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Otto moved to postpone consideration of **HB 3648** until 10 a.m. Monday, July 11.

The motion prevailed.

CSHB 3418 ON SECOND READING
(by Darby)

CSHB 3418, A bill to be entitled An Act relating to certain state fiscal matters related to natural resources or the environment.

CSHB 3418 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3418** until 10 a.m. Monday, July 11.

The motion prevailed.

HB 1250 ON SECOND READING
(by Frullo)

HB 1250, A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

HB 1250 was read second time on April 26, postponed until May 3, postponed until May 6, postponed until May 9, postponed until May 11, and was again postponed until 9 a.m. today.

HB 1250 was passed to engrossment.

CSHJR 135 ON SECOND READING
(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

CSHJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

CSHJR 135 was read second time on May 11, postponed until later that day, and was again postponed until 10 a.m. today. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

Amendment No. 3

Representative Phillips offered the following amendment to **CSHJR 135**:

Amend **CSHJR 135** (house committee printing) as follows:

(1) Strike lines 14-17 and substitute the following:

(b) The government may not directly, indirectly, or incidentally impose a substantial burden on an individual's or organization's free exercise of religion that is based on a sincerely held religious belief, unless the government is:

(2) On page 1, between lines 21 and 22, insert the following:

(c) Subsection (b) of this section incorporates, and shall be interpreted consistently with the protections granted by, and the exceptions made by, Chapter 110, Civil Practice and Remedies Code, as that law existed on January 1, 2011, except that it is contemplated that the legislature may amend that law to further:

(1) specify and limit the compensatory and other relief that may be awarded as a result of a violation of Subsection (b) of this section; and

(2) regulate the time and manner in which a claim for a violation of Subsection (b) of this section may be brought.

(2) On page 1, line 22, strike "(c)" and substitute "(d)".

Amendment No. 3 was adopted.

CSHJR 135 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHJR 135** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Phillips moved to postpone consideration of **CSHJR 135** until 3:15 p.m. today.

The motion prevailed.

(Speaker in the chair)

HB 1089 ON SECOND READING (by Martinez Fischer, Garza, et al.)

HB 1089, A bill to be entitled An Act relating to the authority of a county or municipality to require the removal of graffiti by a property owner.

HB 1089 was read second time on April 21, postponed until April 26, postponed until May 2, postponed until May 9, postponed until May 11, and was again postponed until 1 p.m. today.

HB 1089 - LAID ON THE TABLE SUBJECT TO CALL

Representative Martinez Fischer moved to lay **HB 1089** on the table subject to call.

The motion prevailed.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 2593 ON SECOND READING (by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

CSHB 2593, A bill to be entitled An Act relating to certain restrictions on deferred presentment transactions and motor vehicle certificate of title loans that a credit services organization obtains for a consumer or assists a consumer in obtaining.

CSHB 2593 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2593** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

HR 1883 - ADOPTED

(by Thompson)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 1883**.

The motion prevailed.

The following resolution was laid before the house:

HR 1883, Recognizing May 12, 2011, as International Nurses Day and welcoming the Texas National Nurses Organizing Committee to the State Capitol.

HR 1883 was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1883** as signers thereof.

(L. Taylor in the chair)

LEAVE OF ABSENCE GRANTED

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

Workman on motion of Kuempel.

CSHB 2593 - (consideration continued)

(Bonnen in the chair)

Representative Truitt moved to postpone consideration of **CSHB 2593** until 5 p.m. today.

The motion prevailed.

CSHB 9 ON SECOND READING

(by Branch, Pitts, L. Taylor, Patrick, Villarreal, et al.)

CSHB 9, A bill to be entitled An Act relating to student success-based funding for public institutions of higher education.

Amendment No. 1

Representative Branch offered the following amendment to **CSHB 9**:

Amend **CSHB 9** (house committee printing) in SECTION 3 of the bill as follows:

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

(d) This subsection applies only to a general academic teaching institution other than a public state college. In devising its base funding formulas and making its recommendations to the legislature relating to institutional appropriations of base funds under Section 61.059 for institutions to which this

subsection applies, the board, in the manner and to the extent the board considers appropriate and in consultation with those institutions, shall incorporate the consideration of undergraduate student success measures achieved during the preceding state fiscal biennium by each of the institutions. The success measures considered by the board under this subsection must include:

(2) ~~Strike page 4, line 27, through page 5, line 2, and substitute the following:~~

(e) This subsection applies only to public junior colleges, public state colleges, and public technical institutes. In devising its funding formulas and making its recommendations to the legislature relating to institutional appropriations of incentive funds for institutions to which this subsection applies, the board, in the manner and to the extent the board considers appropriate and in consultation with those institutions, shall incorporate the consideration of the undergraduate student success measures achieved during the preceding state fiscal biennium by each of the institutions. The success measures considered by the board under this subsection must include:

(3) Reletter proposed Subsections (g) and (h) of added Section 61.0593, Education Code (page 5, line 25, and page 6, line 5), appropriately.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Branch offered the following amendment to **CSHB 9**:

Amend **CSHB 9** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0905 to read as follows:

Sec. 61.0905. REPORTS TO JOINT OVERSIGHT COMMITTEE. (a) Not later than each September 15, the board shall submit to the Joint Oversight Committee on Higher Education Governance, Excellence, and Transparency a written report reviewing, comparing, and highlighting national and global best practices on:

(1) improving student outcomes, including student retention, graduations, and graduation rates; and

(2) higher education governance, administration, and transparency.

(b) This section expires August 31, 2013.

Amendment No. 2 was adopted.

(Speaker in the chair)

CSHB 9, as amended, was passed to engrossment. (Giddings and Rodriguez recorded voting no.)

CSHB 400 ON SECOND READING

(by Eissler, Aycock, Crownover, C. Anderson, Garza, et al.)

CSHB 400, A bill to be entitled An Act relating to flexibility for public schools to administer primary and secondary education efficiently.

Representative Eissler moved to postpone consideration of **CSHB 400** until 6 p.m. today.

The motion prevailed.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

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

HJR 48 ON SECOND READING

(by C. Anderson, Farias, McClendon, Carter, S. Miller, et al.)

HJR 48, A joint resolution proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled on the same property.

HJR 48 was adopted by (Record 1025): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira; Workman.

Absent — Geren.

STATEMENT OF VOTE

When Record No. 1025 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 882 ON SECOND READING
(by Alvarado, Harless, et al.)**

CSHB 882, A bill to be entitled An Act relating to the creation of an offense prohibiting certain transactions involving malt liquor containing certain stimulants.

CSHB 882 was passed to engrossment. (Creighton, Garza, Perry, Sheffield, and Weber recorded voting no.)

**CSHB 31 ON SECOND READING
(by Guillen)**

CSHB 31, A bill to be entitled An Act relating to the period of license suspension after moving violations for a holder of a provisional driver's license.

Amendment No. 1

Representatives Riddle and Guillen offered the following amendment to **CSHB 31**:

Amend **CSHB 31** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.025, Transportation Code, is amended to read as follows:

Sec. 521.025. LICENSE REQUIRED; LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND; CRIMINAL PENALTY. (a) A person, other than a person expressly exempted under this chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under this chapter.

(a-1) A person required to hold a license under Subsection (a) [~~Section 521.021~~] shall:

(1) have in the person's possession while operating a motor vehicle the class of driver's license appropriate for the type of vehicle operated; and

(2) display the license on the demand of a magistrate, court officer, or peace officer.

(b) A peace officer may stop and detain a person operating a motor vehicle to determine if the person has a driver's license as required by this section.

(c) A person who violates Subsection (a) or (a-1) [~~this section~~] commits an offense. An offense under this section [~~subsection~~] is a misdemeanor punishable by a fine not to exceed \$200, except that:

(1) for a second conviction within one year after the date of the first conviction, the offense is a misdemeanor punishable by a fine of not less than \$25 or more than \$200; [~~and~~]

(2) for a third or subsequent conviction within one year after the date of the second conviction the offense is a misdemeanor punishable by:

(A) a fine of not less than \$25 or more than \$500;

(B) confinement in the county jail for not less than 72 hours or more than six months; or

(C) both the fine and confinement; and

(3) for an offense under Subsection (a), the offense is a Class B misdemeanor if it is shown on the trial of the offense that the person at the time of the offense was committing another offense under Subtitle C, Title 7, that caused property damage, bodily injury, or death.

(d) It is a defense to prosecution under Subsection (a-1) [~~this section~~] if the person charged produces in court a driver's license:

(1) issued to that person;

(2) appropriate for the type of vehicle operated; and

(3) valid at the time of the arrest for the offense.

(e) The judge of each court shall report promptly to the department each conviction obtained in the court under this section.

(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under Subsection (a-1) [~~this section~~] is dismissed because of the defense listed under Subsection (d).

SECTION _____. The heading to Subchapter J, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER J. IMPOUNDMENT OF CERTAIN MOTOR VEHICLES INVOLVED IN ACCIDENT [VEHICLE NOT REGISTERED IN THIS STATE]

SECTION _____. Section 601.291, Transportation Code, is amended to read as follows:

Sec. 601.291. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to the owner or operator of a motor vehicle that[~~:-~~

~~(1) is not registered in this state; and~~

~~(2)] is involved in a motor vehicle accident in this state that results in bodily injury, death, or damage to the property of one person to an apparent extent of at least \$500 and:~~

~~(1) is not registered in this state; or~~

~~(2) is operated by a person who fails to hold a license required under Chapter 521.~~

~~(b) The initial determination of compliance with Chapter 521 is made by the law enforcement officer described by Section 601.292. The final determination of compliance is made by the magistrate under Section 601.293(b).~~

SECTION _____. Section 601.293(b), Transportation Code, is amended to read as follows:

(b) If the vehicle is not registered in this state or if the magistrate determines the operator is not in compliance with the license requirements under Chapter 521, the [The] magistrate shall conduct an inquiry on the issues of negligence and liability for bodily injury, death, or property damage sustained in the accident.

SECTION _____. Section 601.296, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the motor vehicle is to be operated in this state at the time of release, the submission under Subsection (a) must also include evidence of financial responsibility under Section 601.053 that shows that at the time of release the vehicle will be in compliance with Section 601.051 or is exempt from the requirement of Section 601.051.

SECTION _____. Section 708.104(a), Transportation Code, is amended to read as follows:

(a) Each year the department shall assess a surcharge on the license of a person who during the preceding 36-month period has been convicted of an offense under Section 521.025(a) [~~521.021~~].

SECTION _____. Section 521.021, Transportation Code, is repealed.

SECTION _____. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 1 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Representative Guillen moved to postpone consideration of **CSHB 31** until 4:30 p.m. today.

The motion prevailed.

MESSAGE FROM THE SENATE

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

HB 51 ON SECOND READING

(by Lucio, Cook, et al.)

HB 51, A bill to be entitled An Act relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain government buildings and facilities.

Amendment No. 1

Representative Lucio offered the following amendment to **HB 51**:

Amend **HB 51** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.115 to read as follows:

Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN, CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES. (a) This section applies to the construction of an institution of higher education building, structure, or other facility, or the renovation of a building, structure, or other facility the cost of which is more than \$2 million, or, if less than \$2 million, more than 50 percent of the value of the building, structure, or other facility, if any part of the construction or renovation is financed by revenue bonds issued under this subchapter.

(b) A building, structure, or other facility to which this section applies must be designed and constructed or renovated so that the building, structure, or other facility complies with high-performance building standards, approved by the board of regents of the institution, that provide minimum requirements for energy use, natural resources use, and indoor air quality. In approving high-performance building standards, a board of regents shall consider the high-performance building evaluation system approved by the State Energy Conservation Office under Section 447.004, Government Code, and may solicit and consider recommendations from the advisory committee appointed under that section.

SECTION 2. Section 447.004, Government Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) The standards established under Subsection (a) must:

(1) include performance and procedural standards for the maximum energy and water conservation allowed by the latest and most cost-effective technology that is consistent with the requirements of public health, safety, and economic resources;

(2) be stated in terms of energy and water consumption levels that:

(A) achieve compliance with energy conservation standards published by the state energy conservation office; and

(B) achieve:

(i) a 15 percent reduction in water use when compared to water use based on plumbing fixtures selected in accordance with the Energy Policy Act of 1992 (Pub. L. No. 102-486); or

(ii) compliance with water conservation standards published by the office;

(3) consider the various types of building uses; and

(4) allow for design flexibility, including allowing for certification under any high-performance design evaluation system approved by the office.

(b-1) A building to which this section applies must be designed and constructed or renovated so that the building achieves certification under any high-performance design evaluation system approved by the state energy conservation office that:

(1) is developed and revised:

(A) through a nationally or internationally recognized consensus-based energy standard or green building system, such as:

(i) the standard or system maintained by the United States Green Building Council; or

(ii) Green Globes, maintained by the Green Building Initiative;

or

(B) by a municipally owned utility in this state;

(2) provides minimum requirements for energy use, natural resources use, and indoor air quality;

(3) requires substantiating documentation for certification;

(4) requires on-site, third-party, post-construction review and verification for certification, or a third-party, post-construction, rigorous review of documentation and verification for certification; and

(5) encourages the use of materials or products manufactured or produced in this state.

(b-2) The state energy conservation office shall appoint an advisory committee to advise the office in selecting one or more high-performance building design evaluation systems to approve for use under Subsection (b-1). At least once every two years, the advisory committee shall review available high-performance building standards and make recommendations to the office.

The advisory committee consists of:

(1) one individual appointed by the comptroller who represents the state energy conservation office and who serves as the presiding officer of the committee;

(2) seven individuals with experience and expertise in high-performance buildings or related products, including experience and expertise in energy efficiency, water efficiency, or low-impact site development, with one individual selected from each of the following lists of nominees:

(A) a list submitted by the president of the Texas Society of Architects;

(B) a list submitted by the presidents of the Texas Council of Engineering Companies and Texas Society of Professional Engineers;

(C) a list submitted by the president of the Associated Builders and Contractors of Texas and the presiding officer of the executive committee of the Associated General Contractors, Texas Building Branch;

(D) a list submitted by the president of the Texas chapter of the American Society of Landscape Architects;

(E) a list submitted by the president of the Texas Chemical Council;

(F) a list submitted by the Texas State Building and Construction Trades Council; and

(G) a list submitted by the president of the Texas chapter of the Urban Land Institute;

(3) the director of facilities construction and space management appointed under Section 2152.104;

(4) one individual representing the Energy Systems Laboratory of the Texas Engineering Experiment Station of The Texas A&M University System;

(5) one individual representing a state agency that has a substantial ongoing construction program; and

(6) one individual representing the interests of historically underutilized businesses.

(b-3) A contract between a state agency and a private design professional relating to services in connection with the construction or renovation of a building to which this section applies must provide that, for billing purposes, any service provided by the private design professional that is necessary to satisfy the certification requirements of Subsection (b-1) is considered an additional service rather than a basic service.

SECTION 3. Section 388.003, Health and Safety Code, is amended by amending Subsections (c) and (e) and adding Subsection (c-1) to read as follows:

(c) A municipality shall establish procedures:

(1) for the administration and enforcement of the codes; ~~and~~

(2) to ensure that code-certified inspectors shall perform inspections and enforce the code in the inspectors' jurisdictions; and

(3) to track and report to the State Energy Conservation Office on implementation of the codes.

(c-1) A report under Subsection (c)(3) must include a description of the measures taken to enforce the most recently adopted version of the International Energy Conservation Code and an assessment of the rate of compliance.

(e) Local amendments may not result in less stringent energy efficiency requirements in nonattainment areas and in affected counties than the energy efficiency chapter of the International Residential Code or International Energy Conservation Code. Local amendments must comply with the National Appliance Energy Conservation Act of 1987 (42 U.S.C. Sections 6291-6309), as amended. The laboratory, at the request of a municipality or county, shall determine the relative impact of proposed local amendments to an energy code, including whether proposed amendments are substantially equal to or less stringent than the unamended code. For the purpose of establishing uniform requirements throughout a region, and on request of a council of governments, a county, or a municipality, the laboratory may recommend a climatically appropriate modification or a climate zone designation for a county or group of counties that is different from the climate zone designation in the unamended code. The laboratory shall:

(1) report its findings to the council, county, or municipality, including an estimate of:

(A) any energy savings potential above the unamended [base] code; and

(B) any resulting reduction in the emission of air pollutants [from local amendments]; ~~and~~

(2) annually submit a report to the commission:

(A) identifying the municipalities and counties whose codes are more stringent than the unamended code, and whose codes are equally stringent or less stringent than the unamended code; and

(B) quantifying energy savings and emissions reductions from this program for consideration in the state implementation plan for pollution reduction; and

(3) report the results under Subdivision (2)(B) to the commission and the Electric Reliability Council of Texas, and to the United States Environmental Protection Agency for inclusion in the state implementation plan for pollution reduction.

SECTION 4. Section 388.007, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The laboratory may provide local jurisdictions with technical assistance concerning implementation and enforcement of the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code, including local amendments to those codes.

(d) The laboratory may conduct outreach to the real estate industry, including real estate agents, home builders, remodelers, appraisers, and financial institutions, on the value of energy code compliance and verified, above-code, high-performance construction.

SECTION 5. Section 55.115, Education Code, as added by this Act, and Section 447.004, Government Code, as amended by this Act, apply only to an institution of higher education building, structure, or other facility or a state building for which the contract for design services is entered into on or after September 1, 2013.

SECTION 6. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 51, as amended, was passed to engrossment. (Brown, Flynn, C. Howard, Hunter, P. King, Legler, Laubenberg, Murphy, Phillips, W. Smith, White, and Workman recorded voting no.)

HB 121 ON SECOND READING **(by Castro)**

HB 121, A bill to be entitled An Act relating to standing for certain individuals to file a suit affecting the parent-child relationship.

Amendment No. 1

Representative Parker offered the following amendment to **HB 121**:

Amend **HB 121** as follows:

(1) On page 1, line 12, strike "person" and substitute "person:"

(1)".

(2) On page 1, line 15, strike "90th" and substitute "30th [~~90th~~]".

(3) On page 1, line 19, between "relationship" and the period insert "; and

(2) demonstrates that the person's failure to become involved in the suit filed by the Department of Family and Protective Services was not due to the person's indifference or lack of diligence".

Amendment No. 1 was adopted by (Record 1026): 88 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.;

Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Weber; White; Woolley; Zerwas.

Nays — Allen; Alonzo; Anchia; Bonnen; Burnam; Callegari; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira; Workman.

Absent — King, S.; Kolkhorst.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1026. I intended to vote no.

Alvarado

I was shown voting no on Record No. 1026. I intended to vote yes.

Geren

When Record No. 1026 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

I was shown voting yes on Record No. 1026. I intended to vote no.

Lucio

COMMITTEES 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 4:15 p.m. today, in 3W.9, to consider **HCR 144**, **SCR 11**, **SCR 16**, **SCR 18**, and **SCR 39**.

Permission to meet was granted.

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, at 5 p.m. today, in 1W.14, to consider **SB 554**, **SB 735**, **SB 859**, **SB 1213**, **SB 1656**, and **SB 1806**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Culture, Recreation, and Tourism, 4:15 p.m. today, 3W.9, for a formal meeting, to consider **HCR 144**, **SCR 11**, **SCR 16**, **SCR 18**, and **SCR 39**.

Insurance, 5 p.m. today, 1W.14, for a formal meeting, to consider **SB 554**, **SB 735**, **SB 859**, **SB 1213**, **SB 1656**, and **SB 1806**.

HB 121 - (consideration continued)

Representative Castro moved to postpone consideration of **HB 121** until 11:59 p.m. today.

The motion prevailed.

(Workman now present)

HB 230 ON SECOND READING

(by Phillips)

HB 230, A bill to be entitled An Act relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Culture, Recreation, and Tourism:

Kuempel on motion of Raymond.

Larson on motion of Raymond.

Price on motion of Raymond.

HB 230 - (consideration continued)**Amendment No. 1**

Representative Phillips offered the following amendment to **HB 230**:

Amend **HB 230** (house committee printing) on page 1, line 14, between "state" and the underlined semicolon, by inserting "or an agency of the federal government".

Amendment No. 1 was adopted.

HB 230 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 230** under Rule 4, Section 18(a) of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Phillips moved to postpone consideration of **HB 230** until 5 p.m. today.

The motion prevailed.

CSHB 278 ON SECOND READING**(by Alonzo)**

CSHB 278, A bill to be entitled An Act relating to pretrial hearings in criminal cases.

Amendment No. 1

On behalf of Representative Gallego, Representative Alonzo offered the following amendment to **CSHB 278**:

Amend **CSHB 278** (house committee printing) as follows:

(1) On page 1, line 6, strike "any" and substitute "a".

(2) On page 1, line 7, between "case" and "not" strike "if," and substitute "other than a case involving only an offense punishable as a Class C misdemeanor, if".

(3) On page 1, line 9, between "must" and "hold" insert an underlined colon and on the next line "(1)".

(4) On page 1, line 10, between "commences" and the underlined period, insert:

; and

(2) to the extent feasible, rule at the hearing on all pre-trial motions filed in the case

(Geren in the chair)

Amendment No. 1 was adopted.

CSHB 278, as amended, was passed to engrossment. (Kuempel, Perry, Phillips, V. Taylor, and White recorded voting no.)

CSHB 550 ON SECOND READING**(by Dutton)**

CSHB 550, A bill to be entitled An Act relating to an exemption to the requirement for a fishing license for residents of a certain age.

Amendment No. 1

Representative Dutton offered the following amendment to **CSHB 550**:

Amend **CSHB 550** (house committee printing) on page 1, lines 9-10, by striking "and whose birth date is before January 1, 1931 [~~September 1, 1930~~]" and substituting "at least 75 years of age [~~and whose birth date is before September 1, 1930~~]".

Amendment No. 1 was adopted.

CSHB 550, as amended, was passed to engrossment.

SB 331 ON SECOND READING**(Madden, Gallego, Bonnen, Coleman, Rodriguez, et al. - House Sponsors)**

SB 331, A bill to be entitled An Act relating to designating certain synthetic cannabinoids as controlled substances under the Texas Controlled Substances Act; providing penalties and establishing certain criminal consequences or procedures.

SB 331 was considered in lieu of **HB 597**.

SB 331 was passed to third reading.

HB 597 - LAID ON THE TABLE SUBJECT TO CALL

Representative Madden moved to lay **HB 597** on the table subject to call.

The motion prevailed.

HB 631 ON SECOND READING**(by Chisum)**

HB 631, A bill to be entitled An Act relating to processing certain early voting ballots before election day.

HB 631 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chisum moved to lay **HB 631** on the table subject to call.

The motion prevailed.

CSHB 680 ON SECOND READING**(by Schwertner and Torres)**

CSHB 680, A bill to be entitled An Act relating to complaints filed with the Texas Medical Board.

CSHB 680 was passed to engrossment.

HB 940 ON SECOND READING**(by Dukes and Zedler)**

HB 940, A bill to be entitled An Act relating to persons subject to prosecution for improper relationship between educator and student.

Amendment No. 1

Representative Dukes offered the following amendment to **HB 940**:

Amend **HB 940** (house committee printing) by striking SECTION 1 of the bill (page 1, line 5, through page 2, line 1) and substituting the following:

SECTION 1. Sections 21.12(a) and (b-1), Penal Code, are amended to read as follows:

(a) An employee of a public or private primary or secondary school commits an offense if the employee:

(1) engages in:

~~(1)~~ sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works; ~~(or)~~

(2) holds a certificate or permit issued as provided by Subchapter B, Chapter 21, Education Code, or is a person who is required to be licensed by a state agency as provided by Section 21.003(b), Education Code, and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is:

(A) enrolled in a public primary or secondary school in the same school district as the school at which the employee works; or

(B) a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if:

(i) students enrolled in a public or private primary or secondary school are the primary participants in the activity; and

(ii) the employee provides education services to those participants; or

(3) engages in conduct described by Section 33.021, with a person described by Subdivision (1), or a person the employee knows is a person described by Subdivision (2)(A) or (B), regardless of the age of that person.

(b-1) It is an affirmative defense to prosecution under this section that:

(1) the actor was the spouse of the enrolled person at the time of the offense; or

(2) the actor was not more than three years older than the enrolled person and, at the time of the offense, the actor and the enrolled person were in a relationship that began before the actor's employment at a public or private primary or secondary school.

Amendment No. 1 was adopted.

HB 940, as amended, was passed to engrossment.

SB 356 ON SECOND READING
(Kleinschmidt - House Sponsor)

SB 356, A bill to be entitled An Act relating to awards for certain members of the state military forces inducted into federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

SB 356 was considered in lieu of **HB 973**.

SB 356 was passed to third reading.

HB 973 - LAID ON THE TABLE SUBJECT TO CALL

Representative Kleinschmidt moved to lay **HB 973** on the table subject to call.

The motion prevailed.

CSHB 159 ON SECOND READING
(by Raymond)

CSHB 159, A bill to be entitled An Act relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

CSHB 159 was passed to engrossment. (Brown, P. King, Kolkhorst, Laubenberg, Nash, Paxton, and Perry recorded voting no.)

(Kuempel, Larson, and Price now present)

CSHB 1122 ON SECOND READING

(by Weber, Gallego, Creighton, Martinez Fischer, Thompson, et al.)

CSHB 1122, A bill to be entitled An Act relating to the trafficking of persons.

Amendment No. 1

Representative Weber offered the following amendment to **CSHB 1122**:

Amend **CSHB 1122** (house committee printing) by inserting "that is obtained through an actor's use of force, fraud, or coercion and" between "conduct" and "which" on page 3, line 1, and strike "and that are obtained through the actor's use of force, fraud, or coercion" on page 3, line 7 through line 8.

Amend **CSHB 1122** (house committee printing) by inserting "regardless of whether the actor knows the age of the child at the time the actor commits the offense and regardless of whether the actor uses force, fraud, or coercion in the commission of the offense" between "Code" and ":" on page 3, line 11, and strike ", regardless of whether the actor knows the age of the child at the time the actor commits the offense and regardless of whether the actor uses force, fraud, or coercion in the commission of the offense" on page 3, line 26 through page 4, line 2.

Amendment No. 1 was adopted.

CSHB 1122, as amended, was passed to engrossment.

HB 1129 ON SECOND READING

(by Kolkhorst)

HB 1129, A bill to be entitled An Act relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.

HB 1129 was passed to engrossment.

FIVE-DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 1383** at 8 a.m. tomorrow in E2.036.

The motion prevailed.

HB 1476 ON SECOND READING

(by Riddle)

HB 1476, A bill to be entitled An Act relating to the grounds for revocation of an emergency medical services personnel certification.

HB 1476 was passed to engrossment. (Morrison recorded voting no.)

CSHB 1608 ON SECOND READING
(by Strama)

CSHB 1608, A bill to be entitled An Act relating to participation in and contributions to the state employee charitable campaign by retired state employees.

CSHB 1608 was passed to engrossment.

HB 1677 ON SECOND READING
(by Rodriguez)

HB 1677, A bill to be entitled An Act relating to the administration and funding of retirement systems for firefighters in certain municipalities.

HB 1677 was passed to engrossment. (Brown, P. King, Laubenberg, Legler, Morrison, Paxton, Perry, Phillips, and White recorded voting no.)

CSHB 1793 ON SECOND READING
(by Gutierrez)

CSHB 1793, A bill to be entitled An Act relating to the practice of cosmetology.

CSHB 1793 was passed to engrossment. (White recorded voting no.)

CSHB 1856 ON SECOND READING
(by Woolley)

CSHB 1856, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of tampering with a witness.

CSHB 1856 was passed to engrossment.

CSHB 2120 ON SECOND READING
(by D. Miller, Button, McClendon, Chisum, et al.)

CSHB 2120, A bill to be entitled An Act relating to the composition of the board of trustees of the Teacher Retirement System of Texas.

CSHB 2120 was passed to engrossment. (Laubenberg recorded voting no.)

CSHB 2435 ON SECOND READING
(by Deshotel, C. Howard, and J. Davis)

CSHB 2435, A bill to be entitled An Act relating to rate adjustments by gas utilities.

Representative Deshotel moved to postpone consideration of **CSHB 2435** until 8 a.m. Tuesday, August 9.

The motion prevailed.

CSHB 2496 ON SECOND READING
(by Gonzalez, V. Gonzales, Lucio, Madden, Dukes, et al.)

CSHB 2496, A bill to be entitled An Act relating to creating a teen dating violence court program and the deferral of adjudication and dismissal of certain dating violence cases.

CSHB 2496 was passed to engrossment. (Garza and Paxton recorded voting no.)

SB 1431 ON SECOND READING
(Smithee - House Sponsor)

SB 1431, A bill to be entitled An Act relating to the functions of insurance holding company systems.

SB 1431 was considered in lieu of **HB 2835**.

SB 1431 was passed to third reading.

HB 2835 - LAID ON THE TABLE SUBJECT TO CALL

Representative Smithee moved to lay **HB 2835** on the table subject to call.

The motion prevailed.

CSHB 3082 ON SECOND READING
(by Isaac)

CSHB 3082, A bill to be entitled An Act relating to the location of certain mobile voting stations.

Representative Isaac moved to postpone consideration of **CSHB 3082** until 5 p.m. today.

The motion prevailed.

HB 3268 ON SECOND READING
(by Lyne)

HB 3268, A bill to be entitled An Act relating to permits for air contaminant emissions of stationary natural gas engines used in combined heating and power systems.

HB 3268 was passed to engrossment.

HB 3431 ON SECOND READING
(by Oliveira)

HB 3431, A bill to be entitled An Act relating to the designation of a segment of U.S. Highway 77/83 and State Highway 4 as Jaime Zapata Memorial Boulevard.

Representative Lozano moved to postpone consideration of **HB 3431** until 2:24 p.m. Friday, July 1.

The motion prevailed.

CSHB 3477 ON SECOND READING
(by Carter and Torres)

CSHB 3477, A bill to be entitled An Act relating to the suspension of a person's driver's license or permit on conviction of a fifth offense relating to the operating of a motor vehicle while intoxicated.

The chair postponed consideration of **CSHB 3477** until 6:30 p.m. today.

CSHB 3542 ON SECOND READING**(by L. Gonzales, Huberty, McClendon, Strama, Veasey, et al.)**

CSHB 3542, A bill to be entitled An Act relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

CSHB 3542 was passed to engrossment.

CSHB 3064 ON SECOND READING**(by P. King and Torres)**

CSHB 3064, A bill to be entitled An Act relating to preventing the fraudulent issuance and use of disabled parking placards; providing a civil penalty.

CSHB 3064 was passed to engrossment.

HB 25 ON SECOND READING**(by Guillen, Flynn, Peña, V. Gonzales, and White)**

HB 25, A bill to be entitled An Act relating to the carrying of certain weapons in a watercraft.

HB 25 was passed to engrossment.

LEAVES OF ABSENCE GRANTED

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

Eiland on motion of J. Davis.

Hancock on motion of J. Davis.

Nash on motion of J. Davis.

Sheets on motion of J. Davis.

Smithee on motion of J. Davis.

L. Taylor on motion of J. Davis.

Torres on motion of J. Davis.

Vo on motion of J. Davis.

Walle on motion of J. Davis.

CSHB 254 ON SECOND READING**(by Hilderbran and R. Anderson)**

CSHB 254, A bill to be entitled An Act relating to establishing the Texas Derbies.

Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 254**:

Amend **CSHB 254** (house committee printing) as follows:

(1) On page 2, between lines 18 and 19, insert the following:

(f) The commission may sell the right to name a Texas Derby. The commission shall deposit the proceeds from the sale of the right to name a Texas Derby into the Texas Derby purse escrow fund established under Section 9A.003 of this article.

(2) On page 2, line 19, strike "(f)" and substitute "(g)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hilderbran offered the following amendment to **CSHB 254**:

Amend **CSHB 254** (house committee printing) as follows:

(1) On page 3, line 4, between the period and "The", insert "(a)".

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

(b) The commission shall by rule establish a schedule of entrance fees for participants in each Texas Derby. A portion determined by the commission of each entrance fee shall be deposited in the Texas Derby escrow purse fund.

(c) Notwithstanding Section 3.09 of this Act or any other law, the commission by rule shall determine a portion of the fees, charges, and other revenue collected under this Act to be deposited to the credit of the Texas Derby escrow purse fund as reasonably necessary to maintain competitive purses for each Texas Derby.

(d) The commission by rule may assess under this Act additional charges and fees, including gate fees, to supplement the funds otherwise deposited in the Texas Derby escrow purse fund under this section.

(e) Other than as provided by this section, no other state revenue may be deposited to the credit of the Texas Derby escrow purse fund.

(3) On page 3, strike lines 6 through 9, and substitute the following:

SECTION 2. As soon as practicable after the effective date of this Act, the Texas Racing Commission shall adopt the rules necessary to implement Section 9A.003, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as added by this Act.

Amendment No. 2 was adopted.

CSHB 254, as amended, was passed to engrossment. (Berman, Flynn, Garza, Landtroop, Laubenberg, Perry, and Workman recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hamilton requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, at 6:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures, 6:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 2119 ON SECOND READING
(by Madden)

CSHB 2119, A bill to be entitled An Act relating to the requirement that the Texas Correctional Office on Offenders with Medical or Mental Impairments provide certain services and programs.

CSHB 2119 was passed to engrossment.

SB 1353 ON SECOND READING
(Solomons, Thompson, Phillips, Hartnett, L. Gonzales, et al. - House Sponsors)

SB 1353, A bill to be entitled An Act relating to certain claims against persons licensed as real estate brokers and salespersons.

SB 1353 was considered in lieu of **HB 2177**.

Amendment No. 1

Representative Solomons offered the following amendment to **SB 1353**:

Amend **SB 1353** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 17.49, Business & Commerce Code, is amended by adding Subsection (i) to read as follows:

(i) Nothing in this subchapter shall apply to a claim against a person licensed as a broker or salesperson under Chapter 1101, Occupations Code, arising from an act or omission by the person while acting as a broker or salesperson. This exemption does not apply to:

(1) an express misrepresentation of a material fact that cannot be characterized as advice, judgment, or opinion;

(2) a failure to disclose information in violation of Section 17.46(b)(24); or

(3) an unconscionable action or course of action that cannot be characterized as advice, judgment, or opinion.

SECTION 2. Subsection (i), Section 17.49, Business & Commerce Code, as added by this Act, applies only to a claim arising from an act or omission that occurs on or after the effective date of this Act. A claim arising from an act or omission that occurred before the effective date of this Act is governed by the law in effect on the date the act or omission occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

SB 1353, as amended, was passed to third reading.

HB 2177 - LAID ON THE TABLE SUBJECT TO CALL

Representative Solomons moved to lay **HB 2177** on the table subject to call.

The motion prevailed.

CSHB 2357 ON SECOND READING

(by Pickett)

CSHB 2357, A bill to be entitled An Act relating to motor vehicles; providing penalties.

Amendment No. 1

Representative Pickett offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** as follows:

(1) On page 73, line 22 to page 74, line 8, strike Subsection (b) and (c) and substitute the following:

(b) The department may collect a fee for processing a title or registration payment by electronic funds transfer, credit card, or debit card. The amount of the fee must not exceed the charges incurred by the state because of the use of the electronic funds transfer, credit card, or debit card.

(c) For online transactions the department may collect from a person making payment by electronic funds transfer, credit card, or debit card an amount equal to any fee charged in accordance Government Code, Section 2054.2591.

(2) On page 125, line 26 to page 126, line 12, strike Subsection (c) and (d) and substitute the following:

(c) The department may collect a fee for processing a payment by electronic funds transfer, credit card, or debit card. The amount of the fee must not exceed the charges incurred by the state because of the use of the electronic funds transfer, credit card, or debit card.

(d) For online transactions the department may collect from a person making a payment by electronic funds transfer, credit card, or debit card an amount equal to the amount of any fee charged in accordance Government Code, Section 2054.2591.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Pickett offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) as follows:

(1) On page 49, line 25 to page 50, line 11, strike Subsections (d), (e), and (f) and substitute the following:

(d) This subsection applies only to a motor vehicle in this state that is a self-insured motor vehicle and damaged to the extent it becomes a nonrepairable or salvage motor vehicle. The owner of a motor vehicle to which this subsection applies shall submit to the department before the 31st business day after the date of the damage, in a manner prescribed by the department, a statement that the motor vehicle was self-insured and damaged. When the owner submits a report,

the owner shall surrender the ownership document and apply for a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, or salvage record of title.

(2) On page 192, line 7, insert the following new SECTIONS and renumber accordingly:

SECTION _____. Section 501.301, Transportation Code, is amended to read as follows:

Sec. 504.301. PROVISIONS GENERALLY APPLICABLE TO MILITARY SPECIALTY LICENSE PLATES. (a) Unless expressly provided by this subchapter or department rule:

(1) the department shall design specialty license plates for the military; and

(2) a person is not eligible to be issued a specialty license plate under this subchapter if the person was discharged from the armed forces under conditions less than honorable.

(b) Notwithstanding any other provision of this subchapter, the department may design the wording on the specialty license plates to accommodate legibility and reflectivity.

SECTION _____. Section 504.3011(a), Transportation Code, is amended to read as follows:

(a) License plates issued under Section 504.303 must at a minimum:

(1) bear a color depiction of the emblem of the appropriate branch of the United States armed forces; and

(2) include the words "Honorably Discharged" for license plates issued to former members of the United States armed forces.

(3) On page 196, line 5, insert a new SECTION and renumber accordingly.

SECTION _____. Section 504.501(b), Transportation Code, is amended to read as follows:

(b) A person eligible for the license plates may instead use license plates that were issued by this state in the same year as the model year of the vehicle and are approved by the department [~~if the plates are approved for the vehicle before January 1, 2011~~]. The department may require the attachment of a registration insignia to the license plate in a manner that does not affect the display of information originally on the license plate.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Pickett offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** as follows:

(1) Strike SECTION 124 and renumber accordingly.

(2) Repeal Acts 2009, 81st Legislature, Chapter 1136, §19.

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

Amendment No. 4

Representative Truitt offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) as follows:

(1) On page 44, line 22, strike "(a) and" and substitute "(a), (b), and".

(2) On page 45, between lines 24 and 25, insert the following:

(b) Except as provided by Sections 501.10015 and 501.10025, on [On] receipt of a complete application, the properly assigned title or manufacturer's certificate of origin, and the application fee, the department shall, before the sixth business day after the date the department receives the application, issue the applicant the appropriate title for the motor vehicle.

(3) On page 48, strike lines 2-26 and substitute the following:

SELF-INSURED PERSONS. (a) Except as provided by Section 501.10015, an [An] insurance company that is licensed to conduct business in this state and that acquires, through payment of a claim, ownership or possession of a salvage motor vehicle or nonrepairable motor vehicle covered by a [certificate of] title issued by this state or a manufacturer's certificate of origin shall surrender a properly assigned title or manufacturer's certificate of origin to the department, in [on] a manner [form] prescribed by the department[, except that not earlier than the 46th day after the date of payment of the claim the insurance company may surrender a certificate of title, on a form prescribed by the department, and receive a salvage certificate of title or a nonrepairable certificate of title without obtaining a properly assigned certificate of title if the insurance company:

[(1) has obtained the release of all liens on the motor vehicle;

[(2) is unable to locate one or more owners of the motor vehicle; and

[(3) has provided notice to the last known address in the department's records to each owner that has not been located:

[(A) by registered or certified mail, return receipt requested; or

[(B) if a notice sent under Paragraph (A) is returned unclaimed, by publication in a newspaper of general circulation in the area where the unclaimed mail notice was sent].

(4) Strike page 49, line 25, through page 50, line 11, and substitute the following:

(d) This subsection applies only to a motor vehicle in this state that is a self-insured motor vehicle and that is damaged to the extent it becomes a nonrepairable or salvage motor vehicle. The owner of a motor vehicle to which this subsection applies shall submit to the department before the 31st business day after the date of the damage, in a manner prescribed by the department, a statement that the motor vehicle was self-insured and damaged. When the owner submits a report, the owner shall surrender the ownership document and apply for a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, or salvage record of title.

(5) On page 54, line 25, between the period and "Section", insert "(a)".

(6) On page 56, between lines 12 and 13, insert the following:

(f) Subsection (c) does not apply to an applicant for a title under Sections 501.10015 and 501.10025.

(b) The change in law made by this section applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the

offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

SECTION _____. Subchapter E, Chapter 501, Transportation Code, is amended by adding Sections 501.10015 and 501.10025 to read as follows:

Sec. 501.10015. INSURANCE COMPANY NOT REQUIRED TO SURRENDER CERTIFICATES OF TITLE IN CERTAIN SITUATIONS. (a) An insurance company that acquires, through payment of a claim, ownership or possession of a motor vehicle covered by a certificate of title that the company is unable to obtain may obtain from the department not earlier than the 30th day after the date of payment of the claim:

(1) a salvage vehicle title or salvage record of title for a salvage motor vehicle;

(2) a nonrepairable vehicle title or nonrepairable record of title for a nonrepairable motor vehicle; or

(3) a title for a motor vehicle other than a salvage motor vehicle or a nonrepairable motor vehicle.

(b) An application for a title under Subsection (a) must be submitted to the department on a form prescribed by the department and include:

(1) a statement that the insurance company has provided at least two written notices attempting to obtain the title for the motor vehicle; and

(2) evidence acceptable to the department that the insurance company has made payment of a claim involving the motor vehicle.

(c) An insurance company that acquires, through payment of a claim, ownership or possession of a motor vehicle covered by a title for which the company is unable to obtain proper assignment of the title may obtain from the department not earlier than the 30th day after the date of payment of the claim:

(1) a salvage vehicle title or salvage record of title for a salvage motor vehicle;

(2) a nonrepairable vehicle title or nonrepairable record of title for a nonrepairable motor vehicle; or

(3) a title for a motor vehicle other than a salvage motor vehicle or a nonrepairable motor vehicle.

(d) An application for a title under Subsection (c) must be submitted to the department on a form prescribed by the department and include:

(1) a statement that the insurance company has provided at least two written notices attempting to obtain a proper assignment of the title; and

(2) the title.

(e) A title issued under Subsection (a) or (c) must be issued in the name of the insurance company.

(f) An insurance company that acquires, through payment of a claim, ownership or possession of a salvage motor vehicle or nonrepairable motor vehicle covered by an out-of-state ownership document may obtain from the department a salvage vehicle title, salvage record of title, nonrepairable vehicle title, or nonrepairable record of title if:

(1) the motor vehicle was damaged, stolen, or recovered in this state;

(2) the motor vehicle owner from whom the company acquired ownership resides in this state; or

(3) otherwise allowed by department rule.

(g) A title may be issued under Subsection (f) if the insurance company:

(1) surrenders a properly assigned title on a form prescribed by the department; or

(2) complies with the application process for a title issued under Subsection (a) or (c).

(h) The department shall issue the appropriate title to a person authorized to apply for the title under this section if the department determines that the application is complete and complies with applicable law.

(i) The department by rule may provide that a person required by this section to provide notice may provide the notice electronically, including through the use of e-mail or an interactive website established by the department for that purpose.

(j) Sections 501.1001(c) and 501.095 apply to a motor vehicle acquired by an insurance company as described in Subsection (a), (c), or (f).

(k) The department may adopt rules to implement this section.

Sec. 501.10025. ISSUANCE OF TITLE TO SALVAGE POOL OPERATOR. (a) In this section, "salvage pool operator" has the meaning assigned by Section 2302.001, Occupations Code.

(b) This section applies only to a salvage pool operator who, on request of an insurance company, takes possession of a motor vehicle that is the subject of an insurance claim and the insurance company subsequently:

(1) denies coverage with respect to the motor vehicle; or

(2) does not otherwise take ownership of the motor vehicle.

(b-1) An insurance company described by Subsection (b) shall notify the salvage pool operator of the denial of the claim regarding the motor vehicle or other disposition of the motor vehicle. The insurance company must include in the notice the name and address of the owner of the motor vehicle and the lienholder, if any.

(c) Before the 31st day after receiving notice under Subsection (b-1), a salvage pool operator shall notify the owner of the motor vehicle and any lienholder that:

(1) the owner or lienholder must remove the motor vehicle from the salvage pool operator's possession at the location specified in the notice to the owner and any lienholder not later than the 30th day after the date the notice is mailed; and

(2) if the motor vehicle is not removed within the time specified in the notice, the salvage pool operator will sell the motor vehicle and retain from the proceeds any costs actually incurred by the operator in obtaining, handling, and disposing of the motor vehicle as described by Subsection (d).

(d) The salvage pool operator may include in the costs described by Subsection (c)(2) only costs actually incurred by the salvage pool operator that have not been reimbursed by a third party or are not subject to being reimbursed by a third party, such as costs of notices, title searches, and towing and other costs incurred with respect to the motor vehicle. The costs described by Subsection (c)(2):

(1) may not include charges for storage or impoundment of the motor vehicle; and

(2) may be deducted only from the proceeds of a sale of the motor vehicle.

(e) The notice required of a salvage pool operator under this section must be sent by registered or certified mail, return receipt requested.

(f) If a motor vehicle is not removed from a salvage pool operator's possession before the 31st day after the date notice is mailed to the motor vehicle's owner and any lienholder under Subsection (c), the salvage pool operator may obtain from the department:

(1) a salvage vehicle title or salvage record of title for a salvage motor vehicle; or

(2) a nonrepairable vehicle title or nonrepairable record of title for a nonrepairable motor vehicle.

(g) An application for a title under Subsection (f) must:

(1) be submitted to the department on a form prescribed by the department; and

(2) include evidence that the notice was mailed as required by Subsection (c) to the motor vehicle owner and any lienholder.

(h) A title issued under this section must be issued in the name of the salvage pool operator.

(i) The department shall issue the appropriate title to a person authorized to apply for the title under this section if the department determines that the application is complete and complies with applicable law.

(j) On receipt of a title under this section, the salvage pool operator shall sell the motor vehicle and retain from the proceeds of the sale the costs incurred by the salvage pool operator as permitted by Subsection (d) along with the cost of titling and selling the motor vehicle. The salvage pool operator shall pay any excess proceeds from the sale to the previous owner of the motor vehicle and the lienholder, if any. The excess proceeds must be mailed to the lienholder.

(k) If the previous owner of the motor vehicle and the lienholder, if any, cannot be identified or located, any excess proceeds from the sale of the motor vehicle under Subsection (j) shall escheat to the State of Texas. The proceeds shall be administered by the comptroller and shall be disposed of in the manner provided by Chapter 74, Property Code.

SECTION _____. Section 2302.201(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Section 501.10025, Transportation Code, a [A] salvage vehicle dealer who acquires ownership of a salvage motor vehicle from an owner must receive from the owner a properly assigned title.

Amendment No. 4 was adopted.

(Hancock, Nash, Sheets, Torres, and Vo now present)

Amendment No. 5

Representative Larson offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) by striking SECTION 76 of the bill (page 85, line 2, through page 86, line 16) and substituting the following:

SECTION 76. Section 502.185, Transportation Code, is transferred to Subchapter A, Chapter 502, Transportation Code, redesignated as Section 502.010, Transportation Code, and amended to read as follows:

Sec. 502.010 [~~502.185~~]. COUNTY SCOFFLAW [~~REFUSAL TO REGISTER VEHICLE IN CERTAIN COUNTIES~~]. (a) A county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives information that the owner of the vehicle:

(1) owes the county money for a fine, fee, or tax that is past due; or
(2) failed to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.

(b) A county may contract with the department to provide information to the department necessary to make a determination under Subsection (a).

(c) A county that has a contract under Subsection (b) shall notify the department regarding a person for whom the county assessor-collector or the department has refused to register a motor vehicle on:

(1) the person's payment or other means of discharge of the past due fine, fee, or tax; or

(2) perfection of an appeal of the case contesting payment of the fine, fee, or tax.

(d) After notice is received under Subsection (c), the county assessor-collector or the department may not refuse to register the motor vehicle under Subsection (a).

(e) A contract under Subsection (b) must be entered into in accordance with Chapter 791, Government Code, and is subject to the ability of the parties to provide or pay for the services required under the contract.

(f) A county that has a contract under Subsection (b) may impose an additional fee to a person who:

(1) fails to pay [paying] a fine, fee, or tax to the county by the date on which the fine, fee, or tax is [after it is past] due; or

(2) fails to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.

(f-1) The additional fee may be used only to reimburse the department or the county for its expenses for providing services under the contract.

(g) In this section:

(1) a fine, fee, or tax is considered past due if it is unpaid 90 or more days after the date it is due; and

(2) registration of a motor vehicle includes renewal of the registration of the vehicle.

(h) This section does not apply to the registration of a motor vehicle under Section 501.0234, unless the vehicle is titled and registered in the name of a person who holds a general distinguishing number.

AMENDMENT NO. 5 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SOLOMONS: I'm going to be okay, I think, with the amendment, but I want to make sure that—for example, if you fail to come to court it may take, I don't know, it may take two days, it may take two weeks, it may take a month. It depends on when you actually sign a warrant for someone's arrest for failing to appear in court. When they can't get their registration because of that, they're tardy. Are you contemplating the time frame between the actual signing of a warrant for failing to appear? Or just the idea that they failed to come to court and somehow it's noted? How is the county going to do that?

REPRESENTATIVE LARSON: Well, right now, the way I understand the process, the cities notify the county assessor, at least in Bexar County, the county assessor that's selling the vehicle registration, that if these folks fail to show up, they withhold it, and that's for any fine at the city. Now for the county it's going to be a lot simpler since they're in the same building. They'll withhold the vehicle registration until they clear out the matter.

SOLOMONS: So, the person would then go over to the applicable office there in the county building, county facility and they wouldn't—JP courts are not necessarily all in the same area, though?

LARSON: Right. No, tax assessors in most counties are the ones that are selling the vehicle registration.

SOLOMONS: Right, but the JP courts are elsewhere, or usually they'll have a tax assessor office where the JP is in that building, but not in all cases.

LARSON: We've got satellites in Bexar County where they both coexist.

SOLOMONS: Be that as it may, they'll go over there and see if they can resolve that issue. Now if they decide just because it's out there, if they post bond and they do whatever they need to do, can they get a note or something so they can get their registration?

LARSON: Well, I think that's a reasonable approach. The way that we look at this as a process right now, the city notifies the county. What we're doing is extending the same privileges that the city has right now.

SOLOMONS: I do not want to amend your amendment, so if we can just do some legislative intent. It's not your intent, then, if in fact someone goes over to the JP office and gets it cleaned up at least by posting bond, or pleading not guilty, or whatever they need to do so they can go back. Usually they'll pay the fines and all, but sometimes they'll say, "No, I had a reason I couldn't be in court." Whatever, they want to plead not guilty, they want to just post whatever bond there is. It's your intent that that person would then be able to go back and get something from that office that they're no longer in violation and don't owe any money at this point, because they posted bond anyway, and come back and they will get their registration?

LARSON: Our primary focus is folks that just for whatever reason made the decision not to—

SOLOMONS: I know that, but is that your intent, though? Is that your intent, that when they clean that up at the JP office, and at least post bond, or do whatever they need to do, that they can go ahead and get cleared and get their registration? Because then they will have appeared, posted bond, or done whatever they needed to do to get that. Not to withhold it, to force them to pay something they may not feel they need to pay?

LARSON: Yes, sir. That's exactly right.

REMARKS ORDERED PRINTED

Representative Solomons moved to print remarks between Representative Larson and Representative Solomons.

The motion prevailed.

(L. Taylor now present)

Amendment No. 5 was adopted. (Legler and Sheffield recorded voting no.)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Conference Committee on **HB 1**:

Otto on motion of T. King.

Turner on motion of T. King.

CSHB 2357 - (consideration continued)

(Eiland, Smithee, and Walle now present)

Amendment No. 6

Representative Orr offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 728.002, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) This section does not prohibit the quoting of a price for a motor home, tow truck, or towable recreational vehicle at a show or exhibition described by Section 2301.358, Occupations Code.

Amendment No. 6 was adopted.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 2357 - (consideration continued)

Amendment No. 7

Representative Gallego offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) as follows:

(1) On page 149, strike lines 10-15 and substitute the following:
TRANSPORTATION PROJECTS. (a) This section applies only to:

(1) a county:

(A) [~~(+)~~] that borders the United Mexican States;

(B) [~~(=)~~] that has a population of more than 300,000; and

(C) [~~(=)~~] in which the largest municipality has a population of less than 300,000; and

(2) a county that has a population of less than 50,000 that:

(A) borders the United Mexican States; and

(B) contains at least one federal military base.

(2) On page 150, strike lines 11 and 12 and substitute the following:
collected shall be sent:

(1) to the regional mobility authority of the county to fund long-term transportation projects in the county if the county is included in an authority; or

(2) to the county treasurer to be credited to the county public transportation fund if the county is not included in an authority.

Amendment No. 7 was adopted. (Berman, Flynn, Hunter, Peña, Phillips, Solomons, Weber, and Zedler recorded voting no.)

Amendment No. 8

Representative Phillips offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) as follows:

(1) On page 188, line 1, strike "September 1" and substitute "November 19 [~~September 1~~]".

(2) On page 188, line 13, strike "September 1" and substitute "November 19 [~~September 1~~]".

(3) On page 200, strike lines 1 and 2 and substitute the following:
SECTION 199. Section 504.614, Transportation Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(4) On page 200, between lines 14 and 15, insert the following:

(b-1) A public entity that receives money under Subsection (b) may contract with the private vendor under Section 504.6011 to distribute the entity's portion of the money in a manner other than that described by Subsection (b).

(5) On page 204, line 2, strike "504.801(a) and (b)" and substitute "504.801(a), (b), (d), and (d-1)".

(6) On page 204, between lines 20 and 21, insert the following:

(d) The fee for issuance of license plates created under this subchapter before November 19 [~~September 1~~], 2009, is \$30 unless the department sets a higher fee. This subsection does not apply to a specialty license plate marketed and sold by a private vendor at the request of the specialty license plate sponsor.

(d-1) The fee for issuance of license plates created under this subchapter on or after November 19 [~~September 1~~], 2009, is the amount established under Section 504.851.

(7) Strike page 204, line 21, through page 205, line 8, and substitute the following:

SECTION 208. Section 504.851, Transportation Code, is amended by amending Subsections (a-2), (c), (e), (f), and (h) and adding Subsections (a-3) and (m) to read as follows:

(a-2) Specialty license plates authorized for marketing and sale under Subsection (a) may be personalized and must include:

(1) specialty license plates created under Subchapters G and I on or after November 19 [~~September 1~~], 2009; and

(2) at the request of the specialty license plate sponsor, an existing specialty license plate created under Subchapters G and I before November 19 [~~September 1~~], 2009.

(a-3) The department may contract with the private vendor for the vendor to:

(1) host all or some of the specialty license plates on the vendor's website;

(2) process the purchase of specialty license plates hosted on the vendor's website and pay any additional transaction cost; and

(3) share in the personalization fee for the license plates hosted on the vendor's website.

(c) The board by rule shall establish the fees for the issuance or renewal of souvenir license plates, specialty license plates, or souvenir or specialty license plates that are personalized that are marketed and sold by the private vendor or hosted on the private vendor's website. The state's portion of the personalization fee may not be less than \$40 for each year issued. Other fees [Fees] must be reasonable and not less than the amounts necessary to allow the department to recover all reasonable costs to the department associated with the evaluation of the competitive sealed proposals received by the department and with the implementation and enforcement of the contract, including direct, indirect, and administrative costs. A fee established under this subsection is in addition to:

(1) the registration fee and any optional registration fee prescribed by this chapter for the vehicle for which specialty license plates are issued;

(2) any additional fee prescribed by this subchapter for the issuance of specialty license plates for that vehicle; and

(3) any additional fee prescribed by this subchapter for the issuance of personalized license plates for that vehicle.

(e) The portion of a contract with a private vendor regarding the marketing and sale of personalized license plates is payable only from amounts derived from the collection of the fee established under Subsection (b). The portion of a contract with a private vendor regarding the marketing, hosting, and sale of souvenir license plates, specialty license plates, or souvenir or specialty license plates that are personalized under Section 504.102 is payable only from amounts derived from the collection of the fee established under Subsection (c).

(f) The department may approve new design and color combinations for personalized or specialty license plates that are marketed and sold by a private vendor under a contract entered into with the private vendor. Each approved license plate design and color combination remains the property of the department.

(h) Subject to the limitations provided by Subsections (g) and (g-1), the department may disapprove a design, cancel a license plate, or require the discontinuation of a license plate design or color combination that is marketed, hosted, or [and] sold by a private vendor under contract at any time if the department determines that the disapproval, cancellation, or discontinuation is in the best interest of this state or the motoring public.

(m) If the private vendor ceases operation:

(1) the program may be operated temporarily by the department under new agreements with the license plate sponsors until another vendor is selected and begins operation; and

(2) the private vendor's share of the revenue is deposited to the credit of the general revenue fund.

SECTION 209. Section 504.853, Transportation Code, is amended to read as follows:

Sec. 504.853. SPECIALTY AND PERSONALIZED LICENSE PLATES ISSUED BEFORE NOVEMBER 19 [~~SEPTEMBER 1~~], 2009. (a) A specialty or personalized license plate issued before November 19 [~~September 1~~], 2009, may be issued for a subsequent registration period only if the applicant submits an application and pays the required fee for the applicable registration period. A person who is issued a personalized license plate has first priority on that license plate for each subsequent registration period for which the person submits a new application for that plate.

(b) Unless the board by rule adopts a higher fee or the license plate is not renewed annually, the [~~The~~] fee for issuance of a [~~personalized~~] license plate issued before November 19 [~~September 1~~], 2009, is:

(1) the fee provided for in Section 504.601 for a specialty license plate;
and

(2) \$40 for a personalized license plate[~~, unless the director adopts by rule a higher fee~~].

(c) A person who is issued a specialty or personalized license plate by the department before November 19 ~~[September 1]~~, 2009, may:

(1) submit an application for the plate under Subsection (a) and pay the required fee for each subsequent registration period under Subsection (b); or

(2) purchase through the private vendor a license to display the alphanumeric pattern on a license plate for any term allowed by law.

(d) The department may not issue a replacement set of personalized license plates to the same person before the period set by rule ~~[sixth anniversary of the date of issuance]~~ unless the applicant for issuance of replacement plates pays an additional fee of \$30.

(e) Of each fee collected by the department under Subsection (b)(2) ~~[this section]~~:

(1) \$1.25 shall be used by the department to defray the cost of administering this section; and

(2) the remainder shall be deposited to the credit of the general revenue fund.

(8) On page 220, between lines 23 and 24, insert the following appropriately numbered Subdivisions to SECTION 231 of the bill and renumber subsequent Subdivisions of that SECTION accordingly:

() Section 504.851(k);

() Section 504.854(c);

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

SECTION _____. Subchapter B, Chapter 504, Transportation Code, is amended by adding Section 504.101 to read as follows:

Sec. 504.101. PERSONALIZED LICENSE PLATES. The department shall issue personalized license plates, including those sold by the private vendor under a contract with the department as provided by Section 504.851.

SECTION _____. Section 504.6011, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The sponsor of a specialty license plate ~~[authorized to be issued under this subchapter before September 1, 2009,]~~ may contract with the private vendor authorized under Subchapter J for the marketing and sale of the specialty license plate.

(d) A sponsor of a specialty license plate authorized to be issued under this subchapter before November 19, 2009, may reestablish its specialty license plate under Sections 504.601 and 504.702 and be credited its previous deposit with the department if a contract entered into by the sponsor under Subsection (a) terminates.

SECTION _____. The heading to Section 504.802, Transportation Code, is amended to read as follows:

Sec. 504.802. MARKETING AND SALE BY PRIVATE VENDOR OF SPECIALTY LICENSE PLATES [CREATED BEFORE SEPTEMBER 1, 2009].

SECTION _____. Section 504.802, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) A sponsor of a specialty license plate created under this subchapter ~~[before September 1, 2009,]~~ may contract with the private vendor authorized under Subchapter J for the marketing and sale of the specialty license plate.

(c) Notwithstanding any other law, from each fee received from the issuance of a specialty license plate marketed and sold by the private vendor under this section, the department shall:

(1) deduct the administrative costs described by Section 504.801(e)(1);

(2) deposit the portion of the fee for the sale of the plate that the state would ordinarily receive under the contract described by Section 504.851(a) to the credit of:

(A) the specialty license plate fund, if the sponsor nominated a state agency to receive the funds; ~~[or]~~

(B) the general revenue fund, if the sponsor did not nominate a state agency to receive the funds or if there is no sponsor; or

(C) for a license plate issued under Section 504.614, the public entity that provides or provided funds for the professional sports team's facility; and

(3) pay to the private vendor the remainder of the fee.

(d) A sponsor of a specialty license plate may reestablish its specialty license plate under Sections 504.601 and 504.702 and be credited its previous deposit with the department if a contract entered into by the sponsor under Subsection (a) terminates.

SECTION _____. Sections 504.854(a) and (b), Transportation Code, are amended to read as follows:

(a) The board by rule ~~[private vendor]~~ may provide for the private vendor to:

(1) sell at auction a license to display a unique alphanumeric pattern on a license plate for a period set by board rule;

(2) reserve an unissued alphanumeric pattern from the department for purposes of auctioning a license to display the pattern for a period set by board rule; and

(3) purchase from a customer an unexpired license to display an alphanumeric pattern for purposes of auction by the vendor.

(b) A ~~[Only a]~~ license to display an alphanumeric pattern purchased under this section ~~[or a license to display an alphanumeric pattern sold by the private vendor under Section 504.853]~~ may be transferred to another person without payment of the fee provided by Section 504.855. ~~[The transferee is entitled to the same rights and privileges as the transferor.]~~

SECTION _____. Subchapter J, Chapter 504, Transportation Code, is amended by adding Section 504.855 to read as follows:

Sec. 504.855. TRANSFERABILITY OF CERTAIN PATTERNS. The board by rule may:

(1) authorize a person who purchases a license to display an alphanumeric pattern for a period of five years or more to transfer the license; and

(2) establish a transfer fee to be distributed in accordance with the contract with the private vendor.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Phillips offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) as follows:

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

SECTION _____. Section 501.117, Transportation Code, is amended by amending Subsection (a) and adding Subsections (d), (d-1), (d-2), (e), and (f) to read as follows:

(a) The department by rule shall develop a system under which a security interest in a motor vehicle may be perfected, assigned, discharged, and canceled electronically instead of by record maintained on a certificate of title. The department may establish categories of lienholders that may participate in the system and, except as provided by this section, may require a lienholder to participate in the system [Participation by a lienholder in the system is voluntary].

(d) The department may not require a depository institution, as defined by Section 180.002, Finance Code, to participate in the system if the department has issued fewer than 100 notifications of security interests in motor vehicles to the depository institution during a calendar year.

(d-1) The department may not require a depository institution, as defined by Section 180.002, Finance Code, to participate in the system:

(1) during 2011, if the department issues fewer than 200 notifications of security interests in motor vehicles to the depository institution between September 1, 2011, and December 31, 2011; and

(2) during 2012, if the depository institution was exempt under Subdivision (1) and the department issues fewer than 200 notifications of security interests in motor vehicles to the depository institution in 2012.

(d-2) This subsection and Subsection (d-1) expire January 1, 2013.

(e) The department by rule shall establish a reasonable schedule for compliance with the requirements of Subsection (a) for each category of lienholder that the department requires to participate in the system.

(f) The department may not:

(1) prohibit a lienholder from using an intermediary to access the system; or

(2) require a lienholder to use an intermediary to access the system.

SECTION _____. Section 681.005, Transportation Code, is amended to read as follows:

Sec. 681.005. DUTIES OF COUNTY ASSESSOR-COLLECTOR. Each county assessor-collector shall send to the department[-

~~(4)] each fee collected under Section 681.003, to be deposited in the state highway fund to defray the cost of providing the disabled parking placard[-
and~~

~~[(2) a copy of each application for a disabled parking placard].~~

(2) On page 220, line 24, insert "and" following the semicolon.

(3) On page 220, line 25, strike the semicolon and substitute a period.

(4) On page 220, strike lines 26 and 27.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Phillips offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** by adding the following appropriately numbered SECTIONS to the bill to read as follows:

SECTION _____. Subchapter A, Chapter 502, Transportation Code, is amended by adding Section 502.011 to read as follows:

Sec. 502.011. REFUSAL TO REGISTER VEHICLE FOR NONPAYMENT OF TOLL OR ADMINISTRATIVE FEE. (a) The board shall adopt rules, with input from county assessor-collectors and toll project entities, to require the county assessor-collector and the department to refuse to register a motor vehicle if the motor vehicle is the subject of a past due toll or administrative fee owed to a toll project entity. The board's rules may include a timeframe for implementation of the refusal process and a requirement for a toll project entity to enter into a contract with the department that includes:

(1) information necessary to determine that a toll or fee is past due;

(2) notification that the registration may be reinstated because of:

(A) payment or other means of discharge of the past due toll or fee;

or

(B) perfection of an appeal following conviction of an offense related to the nonpayment of a toll, if applicable;

(3) compensation to the department or the county for reasonable expenses associated with providing services under the contract; and

(4) a time period when the toll or fee is considered past due.

(b) This section does not apply to the registration of a motor vehicle under Section 501.0234, unless the vehicle is titled and registered in the name of a person who holds a general distinguishing number.

(c) For purposes of this section "toll project entity" has the meaning assigned by Section 372.001, but does not include a county operating under Chapter 284 unless the commissioners court of the county adopts an order expressly electing to have this section apply to the county.

SECTION _____. Subchapter B, Chapter 372, Transportation Code, is amended by adding Sections 372.054 to read as follows:

Sec. 372.054. REPORTING FAILURE TO PAY TOLL OR ADMINISTRATIVE FEE. A toll project entity may report the failure to pay a toll or administrative fee to a county assessor-collector or the Texas Department of Motor Vehicles in order to deny registration of the nonpaying vehicle, as provided in Section 502.011.

(b) For purposes of this section "toll project entity" has the meaning assigned by Section 372.001, but does not include a county operating under Chapter 284 unless the commissioners court of the county adopts an order expressly electing to have this section apply to the county.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Sheffield offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 502.180(b) and (c), Transportation Code, are amended to read as follows:

(b) Subject to Subchapter I, the department shall issue only one license plate or set of plates for a vehicle during a ~~five year~~ period of no less than eight years.

(c) On application and payment of the prescribed fee for a renewal of the registration of a vehicle for each ~~[the first, second, third, or fourth]~~ registration year after the issuance of a license plate or set of plates for the vehicle, the department shall issue a registration insignia for the validation of the license plate or plates to be attached as provided by Subsection (d).

SECTION _____. Section 502.184(g), Transportation Code, is amended to read as follows:

(g) Replacement license plates may be used in the registration year in which the plates are issued and during each succeeding year of a ~~the five year~~ period of no less than eight years as prescribed by Section 502.180(b) if the registration insignia is properly attached.

(Speaker in the chair)

Amendment No. 11 was adopted.

Amendment No. 12

Representative Frullo offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 504, Transportation Code, is amended by adding Section 504.317 to read as follows:

Sec. 504.317. SURVIVING SPOUSES OF DISABLED VETERANS SPECIALTY LICENSE PLATES. (a) In this section, "surviving spouse" means the individual married to a disabled veteran at the time of the veteran's death.

(b) The department shall issue specialty license plates for surviving spouses of disabled veterans of the United States armed forces.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Callegari offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) as follows:

SECTION _____. Section 544.012(c), Transportation Code, is amended to read as follows:

(c) The municipality shall install signs along each roadway that leads to an intersection at which a photographic traffic monitoring system is in active use. Each sign [~~The signs~~] must:

(1) be located at least 100 feet but not more than 750 feet from the intersection in accordance with the [~~or located according to~~] standards established in the manual adopted by the Texas Transportation Commission under Section 544.001;

(2) [~~;~~] be easily readable to any operator approaching the intersection;

(3) have affixed a flashing yellow circular beacon;

(4) [~~and~~] clearly indicate the presence of a photographic monitoring system that records violations that may result in the issuance of a notice of violation and the imposition of a monetary penalty; and

(5) comply with design and size requirements established by the Texas Department of Transportation.

SECTION _____. Section 707.003(g), Transportation Code, is amended to read as follows:

(g) The local authority shall install signs along each roadway that leads to an intersection at which a photographic traffic signal enforcement system is in active use. Each sign [~~The signs~~] must:

(1) be located at least 100 feet but not more than 750 feet from the intersection in accordance with the [~~or located according to~~] standards established in the manual adopted by the Texas Transportation Commission under Section 544.001;

(2) [~~;~~] be easily readable to any operator approaching the intersection;

(3) have affixed a flashing yellow circular beacon;

(4) [~~and~~] clearly indicate the presence of a photographic traffic signal enforcement [~~photographic monitoring~~] system that records violations that may result in the issuance of a notice of violation and the imposition of a monetary penalty; and

(5) comply with design and size requirements established by the Texas Department of Transportation.

Amendment No. 13 was withdrawn.

CSHB 2357 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 2357** under Rule 11, Section 2 of the House Rules on the grounds that the amendments are not germane to the bill.

The speaker overruled the point of order.

Amendment No. 14

Representative Lyne offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 152.001, Tax Code, is amended by amending Subdivision (3) and adding Subdivision (20) to read as follows:

(3) "Motor vehicle ~~[Vehicle]~~" includes:

(A) a self-propelled vehicle designed to transport persons or property on a public highway;

(B) a trailer and semitrailer, including a van, flatbed, tank, dumpster, dolly, jeep, stinger, auxiliary axle, or converter gear; ~~[and]~~

(C) a house trailer as defined by Chapter 501, Transportation Code; and

(D) an off-road vehicle that is not required to be registered under Chapter 502, Transportation Code.

(20) "Off-road vehicle" means:

(A) an all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, Transportation Code, provided that the vehicle may be designed by the manufacturer primarily for farming; or

(B) a motorcycle designed by the manufacturer for off-highway use.

SECTION _____. Section 152.091, Tax Code, is amended to read as follows:

Sec. 152.091. FARM OR TIMBER USE. (a) The taxes imposed by this chapter do not apply to the sale or use of ~~[a]~~:

(1) a farm machine, a trailer, a ~~[or]~~ semitrailer, or an off-road vehicle for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots; or

(2) a machine, a trailer, a ~~[or]~~ semitrailer, or an off-road vehicle for use primarily for timber operations.

(b)(1) The taxes imposed by this chapter do not apply to the purchase of ~~[a]~~:

(A) a farm machine, a trailer, a ~~[or]~~ semitrailer, or an off-road vehicle that is to be leased for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots; or

(B) a machine, a trailer, a ~~[or]~~ semitrailer, or an off-road vehicle that is to be leased for use primarily for timber operations.

(2) The exemption provided by this subsection applies only if the person purchasing the machine, trailer, ~~[or]~~ semitrailer, or off-road vehicle to be leased presents the tax assessor-collector a form prescribed and provided by the comptroller showing:

(A) the identification of the motor vehicle;

(B) the name and address of the lessor and the lessee; and

(C) verification by the lessee that the machine, trailer, ~~[or]~~ semitrailer, or off-road vehicle will be used primarily for:

(i) farming and ranching, including the rearing of poultry, and use in feedlots; or

(ii) timber operations.

(3) If a motor vehicle for which the tax has not been paid ceases to be leased for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots or timber operations, the owner shall notify the comptroller on a form provided by the comptroller and shall pay the sales or use

tax on the motor vehicle based on the owner's book value of the motor vehicle. The tax is imposed at the same percentage rate that is provided by Section 152.021(b).

(c) The taxes imposed by this chapter do not apply to the rental of a farm machine, a trailer, ~~[or]~~ a semitrailer, or an off-road vehicle for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots, or a machine, a trailer, ~~[or]~~ a semitrailer, or an off-road vehicle for use primarily for timber operations. The tax that would have been remitted on gross rental receipts without this exemption shall be deemed to have been remitted for the purpose of calculating the minimum gross rental receipts imposed by Section 152.026. The exemption provided by this subsection applies only if the owner of the motor vehicle obtains in good faith an exemption certificate from the person to whom the vehicle is being rented.

(d) For purposes of this section, a machine or an off-road vehicle is used "primarily for timber operations" if the machine or off-road vehicle is a self-propelled motor vehicle that is specially adapted to perform a specialized function in the production of timber, including land preparation, planting, maintenance, and gathering of trees commonly grown for commercial timber. The term does not include a self-propelled motor vehicle used to transport timber or timber products.

SECTION _____. Subchapter B, Chapter 501, Transportation Code, is amended by adding Section 501.0225 to read as follows:

Sec. 501.0225. CERTIFICATE OF TITLE REQUIRED FOR OFF-ROAD VEHICLE. A person who purchases, imports, or otherwise acquires an off-road vehicle, as defined by Section 152.001, Tax Code, that is not required to be registered under Chapter 502 may not operate or permit the operation of the vehicle in this state, or sell or dispose of the vehicle in this state, until the person obtains a certificate of title for the vehicle. This section does not apply to:

(1) an off-road vehicle that is exempt from motor vehicle sales and use taxation under Section 152.091, Tax Code; or

(2) an off-road vehicle acquired and sold or disposed of by a lienholder exercising a statutory or contractual lien right with regard to the vehicle, except that this section does apply to the purchaser of that vehicle.

SECTION _____. Section 501.0225, Transportation Code, as added by this Act, applies only to a person who purchases, imports, or otherwise acquires an off-road vehicle on or after the effective date of this Act. A person who purchases, imports, or otherwise acquires an off-road vehicle before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION _____. Sections 152.001 and 152.091, Tax Code, as amended by this Act, do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

Amendment No. 14 was adopted. (V. Taylor recorded voting no.)

Amendment No. 15

Representative Elkins offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 2302, Occupations Code, is amended by adding Section 2302.354 to read as follows:

Sec. 2302.354. ADMINISTRATIVE PENALTY. (a) The department may impose an administrative penalty against a person licensed under this chapter who violates this chapter or a rule or order adopted under this chapter.

(b) The penalty may not be less than \$50 or more than \$1,000, and each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty. The amount of the penalty shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the economic harm caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) efforts to correct the violation; and

(6) any other matter that justice requires.

(c) The person may stay enforcement during the time the order is under judicial review if the person pays the penalty to the court clerk or files a supersedeas bond with the court in the amount of the penalty. A person who cannot afford to pay the penalty or file the bond may stay enforcement by filing an affidavit in the manner required by the Texas Rules of Civil Procedure for a party who cannot afford to file security for costs, subject to the right of the department to contest the affidavit as provided by those rules.

(d) A proceeding to impose an administrative penalty is subject to Chapter 2001, Government Code.

SECTION _____. Section 2302.354, Occupations Code, as added by this Act, applies only to a violation of Chapter 2302, Occupations Code, or a rule or order of the Texas Department of Motor Vehicles adopted under that chapter, committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

Amendment No. 15 was adopted.

CSHB 2357, as amended, was passed to engrossment. (Phillips and V. Taylor recorded voting no.)

HB 2507 ON SECOND READING
(by Chisum)

HB 2507, A bill to be entitled An Act relating to the offense of installing an irrigation system without a license.

(Otto and Turner now present)

HB 2507 was passed to engrossment. (Garza, Legler, Paxton, and V. Taylor recorded voting no.)

CSHB 3167 ON SECOND READING
(by Callegari)

CSHB 3167, A bill to be entitled An Act relating to the abolishment of the state regulation of talent agencies and personnel services.

CSHB 3167 was passed to engrossment.

CSHB 3461 ON SECOND READING
(by Margo)

CSHB 3461, A bill to be entitled An Act relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.

Amendment No. 1

Representative Guillen offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** as follows:

(1) On page 5, between lines 1 and 2, insert the following:

(c) Notwithstanding any other provision of this subchapter, the Texas Higher Education Coordinating Board shall allocate state and federal adult education program funds, other than federal funds set aside for state administration, special projects, and staff development to each county based on need, performance and efficiency.

Sec. 61.97951. SERVICE PROVIDER CONTRACTS: COMPETITIVE PROCUREMENT REQUIREMENT. (a) The Texas Higher Education Coordinating Board shall use a competitive procurement process to award a contract to a service provider of an adult education program.

(b) The board shall adopt rules to administer this section.

(2) On page 10, strike line 10 and substitute the following:

SECTION 3.02. (a) The change in law made by Section 61.97951(a), Education Code, as added by this Act, applies only to a contract entered into on or after September 1, 2012.

(b) Not later than August 31, 2012, the Texas Higher Education Coordinating Board shall adopt rules to provide for a competitive procurement process to award contracts to service providers of adult education programs as provided by Section 61.97951, Education Code, as added this Act.

SECTION 3.03. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Sections 61.9795(c) and 61.97951(a), Education Code, as added by this Act, take effect September 1, 2012.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Patrick offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** (house committee printing) on page 10, line 1, by striking "2012" and substituting "2013".

Representative Margo moved to table Amendment No. 2.

The motion to table prevailed by (Record 1027): 87 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Castro; Christian; Creighton; Crownover; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Margo; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Paxton; Peña; Pickett; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Vo; Weber; White; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Brown; Coleman; Craddick; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Harless; Hernandez Luna; Hochberg; King, S.; Kuempel; Mallory Caraway; McClendon; Miles; Muñoz; Naishtat; Nash; Parker; Patrick; Quintanilla; Reynolds; Rodriguez; Solomons; Thompson; Truitt; Veasey; Villarreal; Walle; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira.

Absent — Aycock; Carter; Chisum; Cook; Darby; Driver; Gonzales, L.; Hancock; Hardcastle; Hilderbran; Hopson; Keffer; Laubenberg; Lewis; Martinez; Otto; Perry; Phillips; Pitts; Taylor, V.; Torres; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1027. I intended to vote no.

Berman

When Record No. 1027 was taken, I was in the house but away from my desk. I would have voted no.

Carter

I was shown voting no on Record No. 1027. I intended to vote yes.

Harless

When Record No. 1027 was taken, my vote failed to register. I would have voted no.

Phillips

When Record No. 1027 was taken, I was in the house but away from my desk. I would have voted yes.

V. Taylor

When Record No. 1027 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

Amendment No. 3

Representative Farrar offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.2555 to read as follows:

Sec. 29.2555. ADMINISTRATION OF ADULT EDUCATION AND LITERACY PROGRAMS; TRANSFER. (a) The commissioner shall conduct a study regarding the feasibility and advisability of transferring the administration of adult education and literacy programs under this subchapter from the agency to the Texas Higher Education Coordinating Board.

(b) Not later than September 1, 2012, the commissioner shall report to the legislature the results of the study conducted under Subsection (a), including any recommendations of the commissioner.

(c) This section expires December 1, 2012.

Representative Margo moved to table Amendment No. 3.

The motion to table prevailed by (Record 1028): 93 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lucio; Lyne; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Parker; Paxton; Peña; Perry; Pickett; Price; Raymond; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Taylor, L.; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Brown; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Keffer; Kuempel; Lozano; Madden; Mallory Caraway; Martinez Fischer; McClendon; Miles; Naishtat; Patrick; Phillips; Reynolds; Rodriguez; Solomons; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira.

Absent — Gonzales, L.; Hilderbran; King, S.; Lewis; Martinez; Otto; Pitts; Quintanilla; Schwertner; Smithee; Taylor, V.; Torres.

STATEMENTS OF VOTE

When Record No. 1028 was taken, my vote failed to register. I would have voted yes.

Schwertner

When Record No. 1028 was taken, I was in the house but away from my desk. I would have voted yes.

V. Taylor

When Record No. 1028 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

CSHB 3461, as amended, was passed to engrossment. (Brown, Kuempel, Legler, Menendez, Perry, and Phillips recorded voting no.)

(Geren in the chair)

POSTPONED BUSINESS

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

SB 316 ON THIRD READING

(Gallego - House Sponsor)

SB 316, A bill to be entitled An Act relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

SB 316 was read third time earlier today, amendments were offered and disposed of, and **SB 316** was postponed until this time.

Amendment No. 3

Representative Gallego offered the following amendment to **SB 316**:

Amend the Gallego second reading amendment to **SB 316** on third reading by striking page 1, lines 1-29, through page 2, lines 1-25 of the amendment, and substituting the following:

In SECTION 3 of the bill, in added Article 59.061, Code of Criminal Procedure, add the following subsection:

(d) The law enforcement agency or attorney representing the state shall reimburse the state auditor for costs incurred by the state auditor in performing an audit under this article.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Fletcher offered the following amendment to **SB 316**:

Amend **SB 316** to read as follows:

(c-4) Notwithstanding Subsections (a) and (c-3), with respect to forfeited property seized in connection with a violation of Chapter 481, Health and Safety Code (Texas Controlled Substances Act), by the Department of Public Safety concurrently with any other law enforcement agency, in a proceeding under Article 59.05 in which a default judgment is rendered in favor of the state, the attorney representing the state may allocate property or proceeds in accordance with a memorandum of understanding between the law enforcement agencies and the attorney representing the state.

Amendment No. 4 was adopted.

SB 316, as amended, was passed by (Record 1029): 116 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Burkett; Burnam; Button; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Orr; Parker; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zedler; Zerwas.

Nays — Bonnen; Brown; Darby; Davis, S.; Hamilton; King, P.; Kuempel; Landtroop; Margo; Nash; Patrick; Paxton; Perry; Price; Schwertner; Weber; White; Workman.

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

Absent, Excused — Marquez; Oliveira.

Absent — Alonzo; Branch; Cain; Chisum; Howard, C.; Legler; Martinez Fischer; Murphy; Otto; Phillips; Pitts; Smith, W.

STATEMENTS OF VOTE

When Record No. 1029 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1029 was taken, my vote failed to register. I would have voted no.

Phillips

CSHB 2594 ON SECOND READING**(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)**

CSHB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

CSHB 2594 was read second time on May 11, an amendment was offered, and **CSHB 2594** was postponed until later that day. **CSHB 2594** was laid out as postponed business earlier today and was again postponed until this time.

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** by striking the enacting clause (page 1, line 7).

MOTION TO PRINT REMARKS

Representative Burnam moved to print remarks between Representative Truitt and Representative Elkins.

The motion was lost.

Representative Truitt moved to table Amendment No. 2.

The motion to table prevailed by (Record 1030): 75 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bonnen; Branch; Burnam; Button; Castro; Chisum; Cook; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hancock; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hunter; Jackson; Johnson; Keffer; Kolkhorst; Larson; Legler; Mallory Caraway; Margo; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Shelton; Smith, T.; Smithee; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Walle.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Berman; Brown; Burkett; Cain; Callegari; Carter; Christian; Coleman; Craddick; Creighton; Crownover; Darby; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Hamilton; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Isaac; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Laubenberg; Lavender; Lewis;

Lyne; Madden; Martinez; Paxton; Perry; Phillips; Pickett; Pitts; Riddle; Scott; Sheets; Sheffield; Simpson; Smith, W.; Solomons; Taylor, V.; Torres; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Bohac; Guillen; Hardcastle; Lozano; Lucio; Miller, S.; Peña; Taylor, L.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1030. I intended to vote yes.

Crownover

I was shown voting yes on Record No. 1030. I intended to vote no.

Parker

Amendment No. 3

Representative Truitt offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** as follows:

(1) On page 3, line 5, strike "a motor vehicle certificate of title" and substitute "an unencumbered motor vehicle".

(2) On page 3, line 19, strike "305" and substitute "349".

(3) On page 3, line 20, between "business" and "do not", insert "conducting business under this chapter".

(4) On page 7, line 12, after the semicolon, insert "and".

(5) On page 7, lines 14-15, strike the following:

; and

(3) may use remote closing agents

(6) On page 12, line 20, between "refinancing" and "of the extensions", insert "transactions".

(7) On page 13, line 3, between "surrendered" and "under", insert "or repossessed".

(8) On page 13, line 7, strike "average" and substitute "mean, median, and mode of the".

(9) On page 13, line 17, strike "holder".

(10) On page 14, line 20; page 15, lines 1, 4, and 18; page 16, lines 8-9, 11-12, and 16-17; and page 17, lines 18 and 26, strike "Subchapter G of Chapter 393" each time it appears and substitute "Chapter 393 with respect to a credit access business".

(11) On page 16, line 22, strike "person" and substitute "credit access business".

(12) On page 16, lines 23 and 24, strike both occurrences of "Subchapter G,".

(13) On page 16, line 26, and page 17, line 1, strike both occurrences of "Subchapter G of Chapter 393,".

(14) On page 17, line 2, between "Title 4," and "to make", insert ", or a credit access business who violates or causes a violation of Chapter 393 or a rule adopted under Chapter 393,".

(15) On page 17, line 10, strike "Subchapter G of Chapter 393" and substitute "Chapter 393, if the person is a credit access business,".

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The chair overruled the point of order.

Amendment No. 3 was adopted.

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594**.

The chair overruled the point of order.

Amendment No. 4

Representative Garza offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

(1) On page 2, lines 25-26, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".

(2) On page 3, line 4, strike "Motor vehicle certificate of title loan" and substitute "Motor vehicle title loan".

(3) On page 3, line 5, strike "certificate of".

(4) On page 3, line 16, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".

(5) On page 13, lines 4-5, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) on page 3, line 23, by adding after the underlined period, "A lawful transaction governed under another statute, including Title 1, Business & Commerce Code, does not violate this subsection and may not be considered a device, subterfuge, or pretense to evade the application of this subchapter."

Amendment No. 5 was adopted.

Amendment No. 6

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

(1) On page 3, line 24, between "REQUIRED." and "A credit", insert "(a)".

(2) On page 3, add the following after line 27:

(b) A credit services organization may not obtain a license to operate as a credit access business under this subchapter for any location at which the person acts as a money services business, as defined by 31 C.F.R. Section 1010.100.

Representative Truitt moved to table Amendment No. 6.

The motion to table prevailed by (Record 1031): 84 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Bohac; Bonnen; Branch; Brown; Burnam; Button; Callegari; Castro; Cook; Creighton; Crownover; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, D.; Hunter; Jackson; Johnson; Keffer; King, S.; Kolkhorst; Landtroop; Larson; Lozano; Madden; Mallory Caraway; Margo; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Perry; Price; Quintanilla; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Truitt; Turner; Veasey; Villarreal; Walle; Weber; Zedler.

Nays — Aliseda; Anderson, R.; Aycock; Berman; Burkett; Cain; Carter; Chisum; Christian; Craddick; Davis, S.; Deshotel; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Hamilton; Howard, C.; Huberty; Hughes; Isaac; King, P.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Lavender; Martinez; Muñoz; Parker; Paxton; Phillips; Pickett; Pitts; Riddle; Simpson; Taylor, V.; Torres; White; Woolley; Workman; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Anchia; Beck; Coleman; Darby; Guillen; Hernandez Luna; Hochberg; Legler; Lewis; Lucio; Lyne; Miller, S.; Morrison; Peña; Raymond; Strama; Thompson; Vo.

STATEMENTS OF VOTE

When Record No. 1031 was taken, my vote failed to register. I would have voted yes.

Anchia

When Record No. 1031 was taken, my vote failed to register. I would have voted yes.

Strama

Amendment No. 7

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

- (1) On page 5, line 2, strike "\$50,000" and substitute "\$10,000".
- (2) On page 5, line 2, strike "\$25,000" and substitute "\$10,000".

(3) On page 5, between lines 20 and 21, insert the following:

(f) A credit access business, instead of obtaining a surety bond, may satisfy the requirements of this section by depositing an amount described by Subsection (a)(1) in a surety account held in trust at a federally insured bank or savings association located in this state. The name of the depository, trustee, and account number of the surety account must be filed with the office.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

- (1) On page 6, line 18, strike "60th day" and substitute "30th day".
- (2) On page 6, line 20, strike "60th day" and substitute "30th day".

Amendment No. 8 was adopted.

Amendment No. 9

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) on page 14 by inserting the following between lines 15 and 16:

Sec. 393.629. PROHIBITION ON ENGAGING IN CERTAIN OTHER FINANCIAL ACTIVITY. A person may not operate as a credit access business at a location or office:

- (1) for which the person holds a pawnshop license under Chapter 371;
- (2) for which the person holds a license under Chapter 342; or
- (3) at which the person acts as a money services business, as defined by 31 C.F.R. Section 1010.100.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Garza offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

- (1) On page 2, lines 25-26, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".
- (2) On page 3, line 4, strike "Motor vehicle certificate of title loan" and substitute "Motor vehicle title loan".
- (3) On page 3, line 5, strike "certificate of".
- (4) On page 3, line 16, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".
- (5) On page 13, lines 4-5, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".

Amendment No. 10 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a conference committee meeting:

Crownover on motion of L. Taylor.

CSHB 2594 - (consideration continued)

CSHB 2594, as amended, was passed to engrossment by (Record 1032): 85 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bohac; Branch; Burnam; Button; Callegari; Castro; Chisum; Cook; Creighton; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; Kleinschmidt; Kolkhorst; Larson; Legler; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Peña; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Sheets; Shelton; Smith, T.; Smithee; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Aliseda; Anderson, R.; Aycok; Beck; Berman; Bonnen; Brown; Burkett; Cain; Carter; Christian; Craddick; Darby; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Hamilton; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; King, P.; King, S.; King, T.; Kuempel; Landtroop; Laubenberg; Lavender; Lewis; Lyne; Miller, S.; Parker; Paxton; Perry; Phillips; Pitts; Riddle; Scott; Sheffield; Simpson; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Crownover.

Absent — Coleman; Guillen; Lozano; Lucio; Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1032. I intended to vote no.

Creighton

REASON FOR VOTE

My vote against **CSHB 2594** was a vote against a bill I did not believe truly resolved any of the real problems associated with the short-term loans at issue. **CSHB 2594** created excessive regulations on an industry without addressing the fees asserted with certain extensions of consumer credit. The bill is not effective at solving the problems consumers have complained of, and, therefore, I could not support **CSHB 2594**. Quite simply, a consumer credit organization should not be permitted to obtain an extension of consumer credit for a consumer or assist a consumer in obtaining an extension of consumer credit.

S. Davis

CSHB 804 ON SECOND READING
(by Lewis, Aliseda, Branch, Harless, Peña, et al.)

CSHB 804, A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

CSHB 804 was read second time on May 10, postponed until May 11, postponed until 5 p.m. May 11, and was again postponed until this time.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804** under Rule 8, Section 5(b) of the House Rules.

The chair overruled the point of order.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804** under Rule 4, Section 33 of the House Rules.

The chair overruled the point of order.

Amendment No. 1

Representative Aliseda offered the following amendment to **CSHB 804**:

Amend **CSHB 804** on page 1, lines 11-12, by striking "third degree" and substituting "second degree unless the person is convicted of an attempt. In that case, the offense is a state jail felony".

Amendment No. 2

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

Amend **CSHB 804** on page 1, between lines 15 and 16, by adding the following:

(d) It is a second degree felony to fraudulently claim to be an illegal immigrant in order to be excused from jury duty.

Amendment No. 2 was withdrawn.

Amendment No. 1 was adopted by (Record 1033): 97 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Paxton; 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; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Crownover.

Absent — Brown; Coleman; Guillen; Hernandez Luna; Lucio; Menendez; Parker; Patrick; Pickett; Raymond.

STATEMENTS OF VOTE

When Record No. 1033 was taken, I was in the house but away from my desk. I would have voted no.

Menendez

When Record No. 1033 was taken, my vote failed to register. I would have voted yes.

Parker

(Bonnen in the chair)

(Crownover now present)

CSHB 804, as amended, was passed to engrossment by (Record 1034): 101 Yeas, 24 Nays, 16 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; 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; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Davis, Y.; Dukes; Dutton; Farrar; Gallego; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Pickett; Quintanilla; Reynolds; Thompson; Veasey; Walle.

Present, not voting — Mr. Speaker; Anchia; Castro; Farias; Giddings; Gonzales, V.; Howard, D.; Johnson; Menendez; Muñoz; Naishtat; Patrick; Strama; Turner; Villarreal; Vo.

Absent, Excused — Marquez; Oliveira.

Absent — Coleman; Guillen; King, T.; Lozano; Lucio; Raymond; Rodriguez.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 1034. I intended to vote no.

Naishtat

REASON FOR VOTE

The reason I voted present, not voting was due to the fact that this legislation created a "false choice." It was clear during the debate that this legislation was a direct attempt at discouraging voter turnout, especially amongst U.S. citizens of Hispanic origin, and aimed at suppressing minority involvement in general. Under current law, there are already penalties and enforcement tools in place to address the issue.

Muñoz

CSHB 32 ON SECOND READING

(by Creighton, Zerwas, Schwertner, Hancock, Shelton, et al.)

CSHB 32, A bill to be entitled An Act relating to required individual health insurance coverage.

CSHB 32 was read second time on May 11, postponed until 8:15 p.m. May 11, and was again postponed until this time.

CSHB 32 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **CSHB 32** under Rule 4, Section 18(b) of the House Rules on the grounds that the committee minutes are incomplete.

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

Representative Coleman raised a point of order under Rule 4, Section 18(b) in that the witness list fails to properly reflect that a witness, who submitted a witness affirmation form in favor of both the introduced bill and the committee substitute, as testifying both for the introduced bill and the committee substitute. The chair has examined the witness affirmation card and the witness list for the committee's March 17, 2011, meeting. The witness list does not reflect the information on the witness affirmation form that the witness testified on. Because the committee minutes failed to list the name of a person who submitted to the committee a sworn statement indicating that the person was present in favor of, in opposition to, or without taking a position on the measure, the witness list violates Rule 4, Section 18, and the point of order is sustained.

CSHB 32 was returned to the Select Committee on State Sovereignty.

GENERAL STATE CALENDAR
(consideration continued)
HB 3691 ON SECOND READING
(by Gallego)

HB 3691, A bill to be entitled An Act relating to the provision of certain programs and services by a community supervision and corrections department.

Amendment No. 1

Representative McClendon offered the following amendment to **HB 3691**:

Amend **HB 3691** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsection (f)" and substitute "Subsections (a-1) and (f)".

(2) On page 1, between lines 7 and 8, insert the following:

(a-1) The statutory county court judges trying criminal cases in the county or counties served by the judicial district may establish a pretrial victim-offender mediation program in accordance with Subchapter A-1, Chapter 56, Code of Criminal Procedure.

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

SECTION ____ . Section 1, Article 28.01, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. The court may set any criminal case for a pre-trial hearing before it is set for trial upon its merits, and direct the defendant and his attorney, if any of record, and the State's attorney, to appear before the court at the time and place stated in the court's order for a conference and hearing. The defendant must be present at the arraignment, and his presence is required during any pre-trial proceeding. The pre-trial hearing shall be to determine any of the following matters:

(1) Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;

(2) Pleadings of the defendant;

(3) Special pleas, if any;

(4) Exceptions to the form or substance of the indictment or information;

(5) Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;

(6) Motions to suppress evidence—When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;

(7) Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury;

(8) Discovery;

(9) Entrapment; ~~and~~

(10) Motion for appointment of interpreter; and

(11) Motion to allow the defendant to enter a pretrial victim-offender mediation program established under Section 76.002, Government Code.

SECTION ____ Chapter 56, Code of Criminal Procedure, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. PRETRIAL VICTIM-OFFENDER MEDIATION PROGRAM

Art. 56.21. AUTHORITY TO ESTABLISH PROGRAM. (a) A statutory county court judge may establish a pretrial victim-offender mediation program under Section 76.002, Government Code, for persons who:

(1) have been arrested for or charged with a misdemeanor under Title 7, Penal Code, in a statutory county court in this state; and

(2) have not previously been convicted of a felony or a misdemeanor, other than a misdemeanor regulating traffic and punishable by fine only.

(b) A statutory county court that implements a program under this subchapter may adopt administrative rules as necessary or convenient to implement or operate the program, including additional criteria related to a defendant's eligibility to enter the program.

(c) The judge of a statutory county court that establishes a pretrial victim-offender mediation program under this subchapter may:

(1) allow for the referral to the program of arrested persons who have not yet been indicted or otherwise formally charged; and

(2) adopt administrative procedures as necessary to implement and operate the program, including additional program requirements that have been approved by the attorney representing the state.

Art. 56.22. PROGRAM. (a) A pretrial victim-offender mediation program established under Section 76.002, Government Code, is coordinated by the attorney representing the state and must require:

(1) the attorney representing the state:

(A) to identify defendants who are eligible to participate in the program, including a consideration by the attorney representing the state of whether the defendant meets any additional locally developed eligibility criteria; and

(B) to the extent feasible, to provide to each victim of an offense described by Article 56.21(a)(1) information and literature indicating that a victim-offender mediation program may be available in the criminal case if certain eligibility criteria are met by the defendant;

(2) the consent of the victim, the defendant, and the attorney representing the state to be obtained before the case may proceed to pretrial victim-offender mediation; and

(3) the defendant to enter into a binding mediation agreement in accordance with Article 56.24 that:

(A) includes an apology by the defendant; and

(B) requires the defendant to:

(i) pay restitution to the victim; or

(ii) perform community service.

(b) All communications made in a pretrial victim-offender mediation program are confidential and may not be introduced into evidence except in a proceeding involving a question concerning the meaning of a mediation agreement.

(c) A pretrial victim-offender mediation program may require the staff and other resources of pretrial services departments and community supervision correction departments to assist in monitoring the defendant's compliance with a mediation agreement reached through the program.

(d) A pretrial victim-offender mediation may be conducted by a court-appointed mediator who meets the training requirements provided by Sections 154.052(a) and (b), Civil Practice and Remedies Code, or by any other appropriate person designated by the court. Neither the attorney representing the state nor the attorney representing the defendant in the criminal action may serve as a mediator under the pretrial victim-offender mediation program.

(e) If a defendant enters a pretrial victim-offender mediation program, the court may defer the proceedings without accepting a plea of guilty or nolo contendere or entering an adjudication of guilt. The court may not require the defendant to admit guilt or enter a plea of guilty or nolo contendere to enter the program.

(f) The case must be returned to the docket and proceed through the regular criminal justice system if:

(1) a pretrial victim-offender mediation does not result in a mediation agreement; or

(2) the defendant fails to successfully fulfill the terms of the mediation agreement by the date specified in the mediation agreement.

(g) If a case is returned to the docket under Subsection (f), the defendant retains all of the rights that the defendant possessed before entering the pretrial victim-offender mediation program under this subchapter. Notwithstanding any other law, for purposes of determining the duration and expiration of an applicable statute of limitation under Chapter 12, the running of the period of limitation is tolled while the defendant is enrolled in a program under this subchapter.

(h) The court on the motion of the attorney representing the state shall dismiss the indictment or information charging the defendant with the commission of the offense, if the defendant:

(1) successfully completes the mediation agreement as determined by the attorney representing the state; and

(2) either:

(A) pays all court costs; or

(B) enters a payment plan approved by the court or the attorney representing the state for such payment.

(i) The attorney representing the state or the court may extend the initial compliance period granted to the defendant. A determination by the court regarding whether the mediation agreement has been successfully completed is final and may not be appealed.

(j) If the defendant is not arrested or convicted of a subsequent felony or misdemeanor other than a misdemeanor regulating traffic and punishable by fine only on or before the first anniversary of the date the defendant successfully completed a mediation agreement under this subchapter, on the motion of the defendant, the court shall enter an order of nondisclosure under Section 411.081, Government Code, as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the pretrial victim-offender mediation program.

Art. 56.23. MOTION AND HEARING. (a) The court on its own motion may, and on the motion of either party shall, hold a pretrial hearing to determine whether to allow an eligible defendant to enter a pretrial victim-offender mediation program under this subchapter.

(b) The court shall conduct a pretrial hearing under this article in accordance with Chapter 28 and the rules of evidence.

(c) At a pretrial hearing under this article, either party may present any evidence relevant to the defendant's eligibility under Article 56.22 and other additional locally developed eligibility criteria to enter a pretrial victim-offender mediation program.

Art. 56.24. MEDIATION AGREEMENT. (a) A mediation agreement under this subchapter must be:

(1) signed by the defendant and the victim; and

(2) ratified by the attorney representing the state in a request for a court order documenting and approving the mediation agreement.

(b) A mediation agreement under this subchapter may require testing, counseling, and treatment of the defendant to address alcohol abuse, abuse of controlled substances, mental health, or anger management or any other service that is reasonably related to the offense for which the defendant was arrested or charged.

(c) A mediation agreement under this subchapter is not valid for more than one year after the date on which the mediation agreement is ratified unless the court and the attorney representing the state approve the extension of the agreement.

(d) A mediation agreement under this subchapter does not constitute a plea or legal admission of responsibility.

Art. 56.25. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of pretrial victim-offender mediation programs established under this subchapter.

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a pretrial victim-offender mediation program established under this subchapter.

Art. 56.26. FEES. (a) A pretrial victim-offender mediation program established under this subchapter may collect from a defendant in the program:

(1) a reasonable program participation fee not to exceed \$500; and

(2) an alcohol or controlled substance testing, counseling, and treatment fee in an amount necessary to cover the costs of the testing, counseling, or treatment if such testing, counseling, or treatment is required by the mediation agreement.

(b) Fees collected under this article may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the pretrial victim-offender mediation program. The fees must be:

(1) based on the defendant's ability to pay; and

(2) used only for purposes specific to the program.

SECTION ____ . Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0179 to read as follows:

Art. 102.0179. COSTS ATTENDANT TO PRETRIAL VICTIM-OFFENDER MEDIATION. (a) A defendant who participates in a pretrial victim-offender mediation program established under Section 76.002, Government Code, on successful completion of the terms of the defendant's mediation agreement or on conviction, shall pay as court costs \$15 plus an additional program participation fee as described by Article 56.26 in the amount prescribed by that article.

(b) The court clerk shall collect the costs imposed under this article. The clerk shall keep a separate record of any money collected under this article and shall pay any money collected to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer for deposit in a fund to be known as the county pretrial victim-offender mediation program fund.

(c) A county that collects court costs under this article shall use the money in a fund described by Subsection (b) exclusively for the maintenance of the pretrial victim-offender mediation program operated in the county.

SECTION ____ . Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.0216 to read as follows:

Sec. 102.0216. ADDITIONAL COURT COSTS: CODE OF CRIMINAL PROCEDURE. A defendant who participates in a pretrial victim-offender mediation program established under Section 76.002 shall pay on successful completion of the terms of the defendant's mediation agreement or on conviction, in addition to all other costs, to help fund pretrial victim-offender mediation programs established under that section (Art. 102.0179, Code of Criminal Procedure) . . . \$15 plus an additional program participation fee in an amount not to exceed \$500.

SECTION ____ . (a) The change in law made by this Act in adding Section 76.002(a-1), Government Code, and Subchapter A-1, Chapter 56, Code of Criminal Procedure, applies to a defendant who enters a pretrial victim-offender

mediation program under that subchapter regardless of whether the defendant committed the offense for which the defendant enters the program before, on, or after the effective date of this Act.

(b) The change in law made by this Act in adding Article 102.0179, Code of Criminal Procedure, and Section 102.0216, Government Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

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

HB 3691, as amended, was passed to engrossment. (Phillips recorded voting no.)

CSHB 3746 ON SECOND READING
(by Frullo, Gallego, Menendez, Branch, et al.)

CSHB 3746, A bill to be entitled An Act relating to investigations of certain offenses involving the Internet-based sexual exploitation of a minor; creating the Internet crimes against children account to support those activities.

Amendment No. 1

Representative Frullo offered the following amendment to **CSHB 3746**:

Amend **CSHB 3746** (house committee report) as follows:

(1) On page 1, between lines 10 and 11, insert the following:

Sec. 422.001. DEFINITION. In this chapter, "ICAC task force" means an Internet Crimes Against Children task force that is:

(1) located in this state; and

(2) recognized by the United States Department of Justice.

(2) On page 1, line 11, strike "Sec. 422.001" and substitute "Sec. 422.002".

(3) Strike page 1, line 21, through page 2, line 2, and substitute the following:

(e) Money in the account may be appropriated only to support the administration and activities of an ICAC task force.

(4) On page 2, lines 5-6, strike "each Internet crimes against children task force described by Subsection (e)" and substitute "each ICAC task force".

(5) On page 2, line 7, strike "Sec. 422.002" and substitute "Sec. 422.003".

(6) On page 2, line 8, strike "prosecuting attorneys" and substitute "persons authorized under this section".

(7) On page 2, lines 11-12, strike "an Internet crimes against children task force described by Section 422.001(e)" and substitute "an ICAC task force".

(8) On page 4, lines 12-13, strike "where the person resides or does business" and substitute "where the subpoena was issued".

(9) On page 4, line 17, between "prosecuting attorney" and "shall", insert "or ICAC task force".

(10) On page 4, line 22, strike "Sec. 422.003" and substitute "Sec. 422.004".

(11) On page 4, line 24, strike "Section 422.002(b)" and substitute "Section 422.003(b)".

Amendment No. 1 was adopted.

CSHB 3746, as amended, was passed to engrossment.

CSHB 3747 ON SECOND READING
(by McClendon, D. Miller, and Lozano)

CSHB 3747, A bill to be entitled An Act relating to the selection of and requirements for serving as a member of the board of trustees of the Teacher Retirement System of Texas.

CSHB 3747 was passed to engrossment. (Laubenberg and Riddle recorded voting no.)

CSHB 2383 ON SECOND READING
(by Geren)

CSHB 2383, A bill to be entitled An Act relating to a study regarding the reenactment of the franchise tax credit or providing other incentives for certain research and development activities.

CSHB 2383 was passed to engrossment.

CSHB 2884 ON SECOND READING
(by Solomons)

CSHB 2884, A bill to be entitled An Act relating to coordinated county transportation authorities; creating an offense.

CSHB 2884 was passed to engrossment. (V. Taylor recorded voting no.)

HB 670 ON SECOND READING
(by Crownover, Zerwas, Pitts, Otto, Alvarado, et al.)

HB 670, A bill to be entitled An Act relating to the elimination of smoking in certain workplaces and public places; providing penalties.

Representative Crownover moved to postpone consideration of **HB 670** until 8 a.m. Monday, July 4.

The motion prevailed.

POSTPONED BUSINESS

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

CSHJR 135 ON SECOND READING
(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

CSHJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

CSHJR 135 was read second time on May 11, postponed until 10 a.m. today, amendments were offered and disposed of, and **CSHJR 135** was again postponed until this time.

CSHJR 135 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHJR 135** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

CSHJR 135 - REMARKS

REPRESENTATIVE GEREN: The greatest thing this country ever did was to create the First Amendment. Nearly everything that is great about America is written in those few, sparse sentences. And the most important part of the First Amendment are those words that guarantee each of us our freedom to worship as we see fit. The idea is so simple. They are music. More than that, they are the backbone of our republic. Listen to the words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." These words are simple, yet so very complex in practice.

Twelve years ago, we got this right. Twelve years ago, we stood here as a legislature and said the U.S. Supreme Court was wrong. As Mr. Hochberg said last night, "In 1999, we passed the Religious Freedom Restoration Act, which reestablished that if government substantially burdens your practice of religion, that is not acceptable unless there is a compelling state interest." That is the law today, and it works for everyone. It holds our freedom to worship as the highest possible right, subordinate only to a threat to the safety of our state. Yet, here we are today to try and abolish any governmental policy that incidentally affects a religious practice.

In 2007, we passed **HB 1083**, which made it a criminal offense for someone to protest a funeral within 1,000 feet of a cemetery. Just two weeks ago, we passed out of this house **HB 718**, which said you could not protest a funeral within three hours of a funeral or three hours afterward. As we all know, there is a religious group, the Westboro Baptist Church, that protests the funerals of our soldiers because of their religious beliefs. If this joint resolution were to pass and we change our standard, then doesn't that empower the Westboro Baptists, or anyone else, to challenge this law and put them in the cemetery protesting yards away from the mourners?

This bill raises more questions than it answers. Does the health department allowing a restaurant to keep its dairy products in the same refrigerator as its meat products incidentally affect a kosher waiter's right of religious practice? You bet it does. Does the disallowance of carrying a blade of a certain length impinge on the practice of religion of a Sikh, who is required to carry a ceremonial blade at all times? You bet it does. Does giving time-and-a-half to a government employee to work on a Saturday harm the rights of a Seventh Day Adventist? Yes. And if this bill passes, it will harm their rights even if they don't work on

Saturdays and never intend to. Does state sanctioned alcohol use, gambling, and smoking incidentally affect the free exercise of some Baptist? It might, and I bet that someone will sue.

Every time we intervene, we increase the likelihood that we make a bad call and set a foolish precedent that will weaken our rights and not strengthen them. Every time we make a change we put our fate in the hands of unelected federal judges beholden to no one. The more we touch this, the worse it will be for Texans of all faiths. Let's leave it alone. I can tell you that every faith in Texas is strong enough to withstand incidental impairment. But, what they cannot stand is the kind of uncertainty that could come from an activist judge empowered to make a call because we decided to get too cute with our laws. I believe in four things in this life: God, Texas, our constitution, and football. I will not pit one against the other, because no matter what happens, we all lose. Please vote no.

CSHJR 135, as amended, was passed to engrossment by (Record 1035): 79 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Eissler; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Guillen; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Madden; Margo; Miller, S.; Muñoz; Murphy; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Riddle; Schwertner; Sheets; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hopson; Howard, D.; King, T.; Lucio; Lyne; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Naishtat; Nash; Quintanilla; Raymond; Ritter; Scott; Sheffield; Smith, W.; Strama; Torres; Turner; Vo; Walle; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Davis, S.; Driver; Farias; Garza; Hamilton; Hancock; Hardcastle; Hernandez Luna; Hilderbran; Johnson; Keffer; Lewis; Martinez; Morrison; Orr; Pitts; Reynolds; Rodriguez; Thompson; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 1035 was taken, I was in the house but away from my desk. I would have voted yes.

Hancock

When Record No. 1035 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 1035 was taken, I was in the house but away from my desk. I would have voted yes.

Orr

When Record No. 1035 was taken, I was in the house but away from my desk. I would have voted no.

Reynolds

REASON FOR VOTE

I voted present, not voting because, although I support the concept of the bill, I had serious concerns, as expressed by Representative Geren, and I feared that this new language would lead to additional litigation.

Eiland

CSHB 189 ON SECOND READING (by T. Smith, Martinez Fischer, Harless, et al.)

CSHB 189, A bill to be entitled An Act relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.

CSHB 189 was read second time on May 11, amendments were offered and disposed of, was postponed until 7 p.m. May 11, and was again postponed until this time. Amendment No. 5 was pending at the time of postponement.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Carter offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 5, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (d-1) to read as follows:

(d-1) If a judge places on deferred adjudication a defendant convicted of an offense under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, the judge shall order as a condition of community supervision that the defendant serve not less than three days in jail.

SECTION _____. Chapter 49, Penal Code, is amended by adding Section 49.091 to read as follows:

Sec. 49.091. MANDATORY MINIMUM SENTENCE FOLLOWING REVOCATION OF DEFERRED ADJUDICATION. Notwithstanding the provisions of Sections 49.04, 49.05, 49.06, and 49.065, the minimum term of confinement for a defendant convicted of an offense under one of those sections

is 14 days if the defendant is initially placed on deferred adjudication community supervision for the offense and after a violation of the terms of supervision the judge enters an order of conviction on final disposition of the case.

Amendment No. 6 was adopted.

REMARKS ORDERED PRINTED

Representative Eiland moved to print remarks by Representative Geren on **CSHJR 135**.

The motion prevailed.

CSHB 189 - (consideration continued)

Amendment No. 1 - Vote Reconsidered

Representative T. Smith moved to reconsider the vote by which Amendment No. 1, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 2 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

Amendment No. 7

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

Amend Amendment No. 1 by T. Smith to **CSHB 189** (house committee printing) as follows:

(1) On page 1 of the amendment, line 2, strike "SECTION" and substitute "SECTIONS".

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

SECTION _____. This Act shall be known as the Nicole "Lilly" Lalime and Todd Levin Memorial Act.

Amendment No. 7 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 8

Representative Martinez Fischer offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) as follows:

(1) On page 6, line 1, strike "The" and substitute "(a) Except as provided by Subsection (b) of this SECTION, the".

(2) On page 6, between lines 8 and 9, insert:

(b) In a criminal action pending on or commenced on or after the effective date of this Act, for an offense committed before the effective date of this Act, the court may proceed in accordance with Section 5(d), Article 42.12, Code of Criminal Procedure, as amended by this Act, if the defendant so elects by written motion filed with the trial court before the sentencing hearing begins.

Amendment No. 8 was adopted.

CSHB 189, as amended, was passed to engrossment.

CSHB 31 ON SECOND READING

(by Guillen)

CSHB 31, A bill to be entitled An Act relating to the period of license suspension after moving violations for a holder of a provisional driver's license.

CSHB 31 was read second time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 2

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

Amend Amendment No. 1 to **CSHB 31** by Riddle on page 1, line 10, between "chapter" and the underlined period, by inserting "or is not otherwise eligible to hold a driver's license".

CSHB 31 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 31** under Rule 4, Section 32(b)(9) of the House Rules on the grounds that the bill analysis is incorrect.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSHB 31 - (consideration continued)

The chair overruled the point of order.

LEAVE OF ABSENCE GRANTED

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

Pitts on motion of Phillips.

CSHB 31 - (consideration continued)

Amendment No. 2 failed of adoption by (Record 1036): 36 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dutton; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Miles; Muñoz; Naishtat; Quintanilla; Raymond; Reynolds; Strama; Thompson; Turner; Vo.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Craddick; Creighton; Darby; Davis, J.; Dukes; Eiland; Fletcher; Flynn; Garza; Gooden; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; McClendon; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; 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; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Christian; Cook; Crownover; Davis, S.; Driver; Eissler; Elkins; Farias; Frullo; Geren; Gonzales, L.; Guillen; Hancock; Hardcastle; Hughes; Johnson; Kuempel; Larson; Morrison; Paxton; Rodriguez; Veasey; Villarreal; Walle; Zerwas.

STATEMENTS OF VOTE

When Record No. 1036 was taken, I was in the house but away from my desk. I would have voted no.

Frullo

When Record No. 1036 was taken, I was in the house but away from my desk. I would have voted no.

Geren

Amendment No. 3

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

Amend Floor Amendment No. 1 to **CSHB 31** by Riddle on page 3 of the amendment as follows:

- (1) On line 11, strike "or".
- (2) On line 13, strike the period and substitute:

; or

- (3) is operated in violation of Section 601.051.

- (3) On line 15, strike "521" and substitute "521 or Section 601.051".

(4) On line 22, strike "521" and substitute "521 or the financial responsibility requirements under Section 601.051".

CSHB 31 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 31** under Rule 4, Section 32(b)(9) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Amendment No. 3 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 31 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 31** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect

The chair overruled the point of order.

CSHB 31, as amended, was passed to engrossment by (Record 1037): 130 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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; Margo; Martinez; McClendon; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Davis, Y.; Farrar; Gutierrez; Mallory Caraway; Martinez Fischer; Menendez; Reynolds; Veasey.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Coleman; Farias; Miles; Walle.

STATEMENT OF VOTE

I was shown voting no on Record No. 1037. I intended to vote yes.

Menendez

HCR 161 - ADOPTED**(by L. Taylor)**

Representative L. Taylor moved to suspend all necessary rules to take up and consider at this time **HCR 161**.

The motion prevailed.

The following resolution was laid before the house:

HCR 161, Recalling **HB 1951** from the senate to the house.

HCR 161 was adopted by (Record 1038): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Coleman; Farias; Miles; Morrison.

GENERAL STATE CALENDAR**(consideration continued)****CSHB 3275 ON SECOND READING****(by Coleman)**

CSHB 3275, A bill to be entitled An Act relating to the operation and governance of tax increment financing reinvestment zones.

CSHB 3275 was passed to engrossment. (Berman, Flynn, and Legler recorded voting no.)

CSHB 2408 ON SECOND READING
(by Darby, et al.)

CSHB 2408, A bill to be entitled An Act relating to the regulation of the title insurance industry.

Amendment No. 1

Representative Darby offered the following amendment to **CSHB 2408**:

Amend **CSHB 2408** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. REGULATION OF THE TITLE INSURANCE INDUSTRY

SECTION _____. Section 2502.055(a), Insurance Code, is amended to read as follows:

(a) The activities described in this section are not rebates. Nothing in this subchapter prohibits a title insurance company or a title insurance agent from:

(1) engaging in ~~legal~~ promotional and educational activities that are not conditioned on the referral of title insurance business;

(2) purchasing advertising promoting the title insurance company or the title insurance agent at market rates from any person in any publication, event, or media;

(3) delivering to a party in the transaction or the party's representative legal documents or funds which are directly or indirectly related to a transaction closed by the title insurance company or title insurance agent; ~~or~~

(4) participating in an association of attorneys, builders, developers, realtors, or other real estate practitioners provided that the level of such participation does not exceed normal participation of a volunteer member of the association and is not activity that would ordinarily be performed by paid staff of an association; or

(5) providing continuing education courses at market rates, regardless of whether participants receive credit hours.

SECTION _____. Section 2651.007, Insurance Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) Not later than the 20th business day after the date the department receives a renewal application, the department shall notify the applicant in writing of any deficiencies in the application that render the renewal application incomplete.

(e) Not later than the fifth business day after the date the renewal application is complete, the department shall notify the applicant in writing of the date that the renewal application is complete.

(f) A renewal application is automatically approved on the 30th business day after the date the renewal application is complete, unless on or before that date the department notifies the applicant in writing of the factual grounds on which the department proposes to deny the license under Section 2651.301.

(g) The department may provide a notice required under this section by e-mail.

SECTION _____. Section 2651.009, Insurance Code, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) Not later than the 20th business day after the date the department receives a notice under Subsection (b), the department shall notify the title insurance agent and appointing title insurance company in writing of any deficiencies in the notice that render the notice incomplete. A notice under Subsection (b) is considered complete on the date the department receives the notice, unless the department provides notice of the deficiencies under this section.

(c-1) Not later than the fifth business day after the date the notice under Subsection (b) is complete, the department shall notify the title insurance agent and appointing title insurance company in writing of the date that the notice under Subsection (b) is complete.

(c-2) The appointment is effective on the eighth business day following the date ~~the department receives~~ the ~~completed~~ notice of appointment is complete and the department receives the fee, unless the department proposes to reject ~~rejects~~ the appointment. If the department proposes to reject ~~rejects~~ the appointment, the department shall notify the title insurance agent and the appointing title insurance company ~~state~~ in writing of the factual grounds on which the department proposes to reject the appointment ~~reasons for rejection~~ not later than the seventh business day after the date on which the ~~department receives the completed~~ notice of appointment is complete.

(c-3) The department may provide a notice required under this section by e-mail.

SECTION _____. Subchapter G, Chapter 2651, Insurance Code, is amended by adding Sections 2651.3015 and 2651.303 to read as follows:

Sec. 2651.3015. PROHIBITED GROUNDS FOR REJECTION, DELAY, OR DENIAL. (a) The department may not reject or delay a notice of appointment under Section 2651.009 based wholly or partly on a pending department audit or complaint investigation or a pending disciplinary action against a title insurance agent or appointing title insurance company that has not been closed or finally adjudicated on or before the date on which the notice is received by the department.

(b) The department may not delay or deny a license application under Section 2651.002 or a renewal application under Section 2651.007 based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, an applicant or license holder that is pending and has not been finally closed or adjudicated on or before the date on which the application is filed.

Sec. 2651.303. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder in writing of a disciplinary or enforcement action against the license holder not later than the 60th business day after the date the department assigns a file number to the action.

(b) A notice required by Subsection (a) may be provided by e-mail and must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) This section does not apply to an action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department has made a good faith determination, based on credible suspicion, that a person who is the subject of the action is committing ongoing acts of fraud.

SECTION _____. Subchapter B, Chapter 2652, Insurance Code, is amended by adding Section 2652.059 to read as follows:

Sec. 2652.059. DENIAL OF LICENSE APPLICATION OR LICENSE RENEWAL; APPROVAL. (a) Not later than the 20th business day after the date the department receives a license application or a license renewal under this chapter, the department shall notify the applicant or license holder in writing of any deficiencies in the application that render the application incomplete.

(b) Not later than the fifth business day after the date the application is complete, the department shall notify the applicant or license holder in writing of the date that the license application or license renewal is complete.

(c) An application is automatically approved on the 30th business day after the date the application is complete, unless on or before that date the department notifies the applicant or license holder in writing of the factual grounds on which the department proposes to deny the application.

(d) The department may provide a notice required under this section by e-mail.

SECTION _____. Subchapter E, Chapter 2652, Insurance Code, is amended by adding Sections 2652.2015 and 2652.203 to read as follows:

Sec. 2652.2015. PROHIBITED GROUNDS FOR DELAY OR DENIAL. The department may not delay or deny a license application or a license renewal based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, a license holder or applicant that is pending and has not been closed or finally adjudicated on or before the date on which the initial or renewal application is filed.

Sec. 2652.203. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder of a disciplinary action or enforcement action against the license holder not later than the 60th business day after the date the department assigns a file number to the action.

(b) A notice required by Subsection (a) must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) This section does not apply to an action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department has made a good faith determination, based on credible suspicion, that a person who is the subject of the action is committing ongoing acts of fraud.

SECTION _____. Section 2703.153, Insurance Code, is amended by amending Subsection (d) and adding Subsections (h) and (i) to read as follows:

(d) A title insurance company or a title insurance agent aggrieved by a department requirement concerning the submission of information may bring a suit in a district court in Travis County alleging that the request for information:

(1) is unduly burdensome; or

(2) is not a request for information material to fixing and promulgating premium rates or another matter that may be the subject of the periodic [biennial] hearing and is not a request reasonably designed to lead to the discovery of that information.

(h) The contents of the statistical report, including any amendments to the statistical report, must be established in a rulemaking hearing under Subchapter B, Chapter 2001, Government Code.

(i) An amendment to the contents of the statistical report may not apply retroactively.

SECTION _____. Section 2703.202, Insurance Code, is amended by amending Subsections (b) and (d) and adding Subsections (g), (h), (i), (j), (k), (l), (m), (n), and (o) to read as follows:

(b) The commissioner shall order a public hearing to consider changing a premium rate, including fixing a new premium rate, in response to a written [At the] request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel[; ~~the commissioner shall order a public hearing to consider changing a premium rate.~~]

(d) Notwithstanding Subsection (c), ~~[at the request of a title insurance company or the public insurance counsel,]~~ a public hearing held under Subsection (a) or under Section 2703.206 must be conducted by the commissioner as a contested case hearing under Subchapters C through H and Subchapter Z, Chapter 2001, Government Code, at the request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel.

(g) If a hearing held under Subsection (a) is not conducted as a contested case hearing, the commissioner shall render a decision and issue a final order not later than the 120th day after the date the commissioner receives a written request under Subsection (b).

(h) If a hearing held under Subsection (a) is conducted as a contested case hearing:

(1) not later than the 30th day after the date the commissioner receives a request for a public hearing under Subsection (b), the commissioner shall issue a notice of call for items to be considered at the hearing;

(2) the commissioner may not require responses to the notice of call before the 60th day after the date the commissioner issues the notice of call;

(3) the commissioner shall issue a notice of public hearing requested under Subsection (d) not later than the 30th day after the date responses to the notice of call are required under Subdivision (2);

(4) the commissioner shall commence the public hearing not earlier than the 120th day after the date the commissioner issues a notice of hearing under Subdivision (3);

(5) the commissioner shall close the public hearing not later than the 150th day after the date the commissioner issues the notice of hearing under Subdivision (3); and

(6) the commissioner shall render a decision and issue a final order not later than the 60th day after the record made in the public hearing is closed under Subdivision (5).

(i) A party's presentation of relevant, admissible oral testimony in a hearing under this section may not be limited.

(j) The commissioner shall consider each matter presented in a hearing under this section and announce in a public hearing all decisions on all matters considered.

(k) A party described by Subsection (b) may petition a district court in Travis County to enter an order requiring the commissioner to comply with the deadlines described by this section if the commissioner fails to meet a requirement in Subsection (g) or (h).

(l) Subject to Subsection (m), if the commissioner fails to comply with the requirements under Subsection (g) or (h)(6), a combination of at least three associations, persons, or entities listed in Subsection (b) may jointly petition a district court of Travis County to adopt a rate based on the record made in the hearing before the commissioner under this section.

(m) If the record made in the hearing before the commissioner is not complete before the request for the court to adopt a premium rate under Subsection (l), the court shall hold an evidentiary hearing to establish a record before adopting the premium rate.

(n) After a petition has been filed under Subsection (l), the commissioner may not issue findings or an order related to the subject matter of the petition until after the date the court enters a final judgment.

(o) A district court may appoint a magistrate to adopt a rate under this section.

SECTION ____ . ____ . Section 2703.203, Insurance Code, is amended to read as follows:

Sec. 2703.203. PERIODIC ~~BIENNIAL~~ HEARING. The commissioner shall hold a ~~biennial~~ public hearing not earlier than July 1 after the fifth anniversary of the closing of a hearing held under this chapter ~~[of each even numbered year]~~ to consider adoption of premium rates and other matters relating to regulating the business of title insurance that an association, title insurance company, title insurance agent, or member of the public admitted as a party under Section 2703.204 requests to be considered or that the commissioner determines necessary to consider.

SECTION ____ . ____ . Section 2703.204, Insurance Code, is amended to read as follows:

Sec. 2703.204. ADMISSION AS PARTY TO PERIODIC ~~BIENNIAL~~ HEARING. (a) Subject to this section, a trade association whose membership is composed of at least 20 percent of the members of an industry or group represented by a trade association, an association, a person or entity described by Section 2703.202(b), or department staff ~~[an individual or association or other entity recommending adoption of a premium rate or another matter relating to regulating the business of title insurance]~~ shall be admitted as a party to the periodic ~~biennial~~ hearing under Section 2703.203.

(b) A party to any portion of the periodic ~~[the ratemaking phase of the biennial]~~ hearing relating to ratemaking may request that the commissioner remove any other party to that portion of ~~[the ratemaking phase of]~~ the hearing on the grounds that the other party does not have a substantial interest in title insurance. A decision of the commission to deny or grant the request is final and subject to appeal in accordance with Section 36.202.

SECTION ____ . ____ . Section 2703.207, Insurance Code, is amended to read as follows:

Sec. 2703.207. NOTICE OF CERTAIN HEARINGS. Not later than the 60th day before the date of a hearing under Section 2703.202, 2703.203, or 2703.206, notice of the hearing and of each item to be considered at the hearing shall be:

(1) sent directly to all parties to the previous hearing conducted under Section 2703.202, 2703.203, or 2703.206, if the hearing was conducted as a contested case hearing ~~[title insurance companies and title insurance agents]~~; and

(2) published in the Texas Register and on the department's Internet website [provided to the public in a manner that gives fair notice concerning the hearing].

SECTION _____. _____. Section 2703.205, Insurance Code, is repealed.

Amendment No. 1 was adopted.

CSHB 2408, as amended, was passed to engrossment.

CSHB 963 ON SECOND READING
(by Hartnett)

CSHB 963, A bill to be entitled An Act relating to the costs associated with proceedings regarding cruelly treated animals.

Amendment No. 1

Representative D. Miller offered the following amendment to **CSHB 963**:

Amend **CSHB 963** (house committee printing) on page 3, line 7, by striking "Subsection (e)" and substituting "Subsection (e)(2)".

Representative Hartnett moved to table Amendment No. 1.

The motion to table prevailed.

CSHB 963 was passed to engrossment by (Record 1039): 123 Yeas, 17 Nays, 2 Present, not voting.

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

Nays — Anderson, C.; Cain; Callegari; Christian; Garza; Huberty; Hughes; Kolkhorst; Landtroop; Lavender; Legler; Miller, S.; Paxton; Perry; Simpson; White; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farias; Gallego; Hochberg; Walle; Zerwas.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1039. I intended to vote no.

Berman

I was shown voting yes on Record No. 1039. I intended to vote no.

Flynn

**SB 690 ON SECOND READING
(S. Miller - House Sponsor)**

SB 690, A bill to be entitled An Act relating to the enforcement of a self-service storage facility lien; providing a penalty.

SB 690 was considered in lieu of **HB 1259**.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **SB 690**:

Amend **SB 690** (house committee printing) in SECTION 2 of the bill by striking proposed Subsection (a), Section 59.003, Property Code (page 1, lines 17 and 18), and substituting the following:

(a) The following provisions do [~~Subchapter B, Chapter 54, does~~] not apply to a self-service storage facility:

(1) Subchapter B, Chapter 54;

(2) Chapter 70; and

(3) Chapter 181, Health and Safety Code.

Amendment No. 1 was adopted.

SB 690, as amended, was passed to third reading.

**CSHB 1036 ON SECOND READING
(by Legler)**

CSHB 1036, A bill to be entitled An Act relating to eligibility to file a sworn complaint with the Texas Ethics Commission.

CSHB 1036 was passed to engrossment.

HB 1259 - LAID ON THE TABLE SUBJECT TO CALL

Representative S. Miller moved to lay **HB 1259** on the table subject to call.

The motion prevailed.

**HB 608 ON SECOND READING
(by Zerwas, Schwertner, Murphy, Callegari, Bohac, et al.)**

HB 608, A bill to be entitled An Act relating to state agency reports on the cost of services and benefits provided to undocumented immigrants.

Representative Murphy moved to postpone consideration of **HB 608** until 8 a.m. Monday, July 4.

The motion prevailed.

HB 2060 ON SECOND READING
(by Peña, Aliseda, Torres, L. Gonzales, and Garza)

HB 2060, A bill to be entitled An Act relating to the confidentiality of certain information regarding state election inspectors.

HB 2060 was passed to engrossment.

HB 2722 ON SECOND READING
(by Perry)

HB 2722, A bill to be entitled An Act relating to the state Medicaid program as the payor of last resort.

HB 2722 was passed to engrossment.

CSHB 2032 ON SECOND READING
(by Darby)

CSHB 2032, A bill to be entitled An Act relating to performance and payment security for certain comprehensive development agreements.

CSHB 2032 was passed to engrossment.

CSHB 677 ON SECOND READING
(by Lucio, et al.)

CSHB 677, A bill to be entitled An Act relating to cognitive-linguistic or neurocognitive assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

Amendment No. 1

Representative Hancock offered the following amendment to **CSHB 677**:

Amend **CSHB 677** (house committee printing) as follows:

- (1) On page 2, line 27, strike "not".
- (2) On page 3, line 1, between "applicable," and "if", insert "only".
- (3) On page 3, line 3, strike "not".

Amendment No. 1 was adopted.

CSHB 677, as amended, was passed to engrossment by (Record 1040): 117 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Aycocck; Beck; Berman; Bohac; Branch; Burkett; Burnam; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Peña; Pickett; Price;

Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Brown; Button; Cain; Callegari; Darby; Flynn; Gooden; Howard, C.; Landtroop; Laubenberg; Madden; Miller, S.; Patrick; Paxton; Perry; Phillips; Simpson; Taylor, V.; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Allen; Coleman; Farias; Hamilton; Harper-Brown; Martinez; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1040. I intended to vote no.

Aycock

I was shown voting yes on Record No. 1040. I intended to vote no.

Berman

I was shown voting no on Record No. 1040. I intended to vote yes.

Darby

I was shown voting yes on Record No. 1040. I intended to vote no.

Frullo

When Record No. 1040 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 1040. I intended to vote no.

Kolkhorst

CSHB 197 ON SECOND READING

(by Solomons, et al.)

CSHB 197, A bill to be entitled An Act relating to the provision of certain documentation before a person may engage in a licensed occupation; providing a criminal penalty.

CSHB 197 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 197** under Rule 4, Section 18 and Rule 4, Section 20(b) of the House Rules on the grounds that the committee minutes are incomplete.

The chair overruled the point of order.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 197**:

Amend **CSHB 197** (house committee report) as follows:

(1) On page 1, strike lines 17 and 18 and substitute the following:

Sec. 60.002. EXCEPTIONS. This chapter does not apply to:

(1) a license issued under Section 2052.107(1); or

(2) a registration issued or notice filing submitted under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes), if the registration or filing is made through a national electronic registration or filing system.

(2) On page 2, line 16, strike "if the individual violates this chapter." and substitute the following:
if the individual:

(1) provides false information under this chapter; or

(2) violates Section 60.003.

(3) On page 2, line 4, strike "Subsection (b)" and substitute "Subsections (b) and (d)".

(4) On page 2, between lines 14 and 15, insert the following:

(d) A licensing authority may accept as documentation in satisfaction of Section 60.003, a certification from another licensing authority stating that the individual has submitted documentation required by that section if the individual is licensed by or applying for a license from both licensing authorities.

(e) A licensing authority may deny or revoke an individual's license if the individual fails to submit the documentation required by Section 60.003 in the manner required by this section.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 197**:

Amend **CSHB 197** (house committee printing), on page 1 of the bill, by striking lines 17 and 18 and substituting the following:

Sec. 60.002. EXCEPTIONS. This chapter does not apply to:

(1) a license issued under Section 2052.107(1); or

(2) a registration issued or notice filing submitted under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes), if the registration or filing is made through a national electronic registration or filing system.

Amendment No. 2 was adopted.

CSHB 197, as amended, was passed to engrossment.

HB 239 ON SECOND READING

(by Parker, Murphy, Shelton, Flynn, Harless, et al.)

HB 239, A bill to be entitled An Act relating to the offense of paying or receiving certain forms of compensation for facilitating the registration of voters; providing criminal penalties.

HB 239 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **HB 239** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Parker moved to postpone consideration of **HB 239** until 10:25 p.m. today.

The motion prevailed.

**SB 1217 ON SECOND READING
(Hilderbran - House Sponsor)**

SB 1217, A bill to be entitled An Act relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

SB 1217 was considered in lieu of **HB 263**.

SB 1217 was passed to third reading.

HB 263 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilderbran moved to lay **HB 263** on the table subject to call.

The motion prevailed.

**CSHB 436 ON SECOND READING
(by Parker)**

CSHB 436, A bill to be entitled An Act relating to standing for certain foster parents to file a suit affecting the parent-child relationship.

Representative Parker moved to postpone consideration of **CSHB 436** until 8 a.m. Monday, July 4.

The motion prevailed.

**CSHB 452 ON SECOND READING
(by Lucio, Raymond, et al.)**

CSHB 452, A bill to be entitled An Act relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services.

CSHB 452 was passed to engrossment. (Garza and Kolkhorst recorded voting no.)

**CSHB 599 ON SECOND READING
(by Jackson)**

CSHB 599, A bill to be entitled An Act relating to the release of certain criminal history record information subject to an order of nondisclosure.

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 599**:

Amend **CSHB 599** (house committee printing) as follows:

(1) On page 2, strike lines 8 through 12 and substitute the following:
the order. Except as provided by Subsection (i-1), a criminal justice agency may disclose criminal history record information that is the subject of the order to an agency or entity listed in Subsection (i) only if the offense for which the person was placed on deferred adjudication is a felony. A person may petition the court

(2) On page 3, line 18, and page 5, line 19, strike "was a felony" and substitute "is a felony".

(3) On page 5, line 20, after the underlined period, add the following:
A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to an agency or entity listed in Subsection (i)(20) if the offense for which the person was placed on deferred adjudication is:

(1) a felony; or

(2) a misdemeanor under Chapter 31, Penal Code, or under Section 32.21 or 32.45 of that code.

Amendment No. 1 was adopted.

CSHB 599, as amended, was passed to engrossment.

HB 629 ON SECOND READING
(by Pickett)

HB 629, A bill to be entitled An Act relating to the use of municipal or county sales tax increment financing for a transportation reinvestment zone.

Amendment No. 1

Representative Pickett offered the following amendment to **HB 629**:

Amend **HB 629** (house committee report) on page 3, between lines 23 and 24, by adding the following:

(g) Not later than the 30th day before the date the governing body of a municipality or county proposes to designate a portion or amount of sales tax increment under Subsection (b), the governing body shall hold a public hearing on the designation of the sales tax increment. At the hearing an interested person may speak for or against the designation of the sales tax increment. Not later than the seventh day before the date of the hearing, notice of the hearing must be published in a newspaper having general circulation in the county or municipality, as appropriate.

(h) The hearing required under Subsection (g) may be held in conjunction with a hearing held under Section 222.106(e) or 222.107(e) if the ordinance or order designating an area as a transportation reinvestment zone under Section 222.106 or 222.107 also designates a sales tax increment under Subsection (b).

Amendment No. 1 was adopted.

HB 629, as amended, was passed to engrossment. (Kolkhorst, Laubenberg, and White recorded voting no.)

HB 741 ON SECOND READING**(by Vo)**

HB 741, A bill to be entitled An Act relating to criteria for financing certain multifamily housing developments.

Representative Vo moved to postpone consideration of **HB 741** until 8 a.m. Wednesday, June 1.

The motion prevailed.

SB 403 ON SECOND READING**(Murphy - House Sponsor)**

SB 403, A bill to be entitled An Act relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility.

SB 403 was considered in lieu of **HB 966**.

SB 403 was passed to third reading.

CSHB 1386 ON SECOND READING**(by Coleman, Farrar, Marquez, et al.)**

CSHB 1386, A bill to be entitled An Act relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, and bullying.

CSHB 1386 - POINT OF ORDER

Representative Creighton raised a point of order against further consideration of **CSHB 1386**.

Representative Coleman moved to postpone consideration of **CSHB 1386** until 10:45 p.m. today.

The motion prevailed.

CSHB 1547 ON SECOND READING**(by Larson)**

CSHB 1547, A bill to be entitled An Act relating to the desired future conditions of groundwater resources within groundwater management areas.

CSHB 1547 was passed to engrossment.

SB 1140 ON SECOND READING**(Hartnett - House Sponsor)**

SB 1140, A bill to be entitled An Act relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

SB 1140 was considered in lieu of **HB 1751**.

SB 1140 was passed to third reading.

HB 966 - LAID ON THE TABLE SUBJECT TO CALL

Representative Murphy moved to lay **HB 966** on the table subject to call.

The motion prevailed.

HB 1751 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hartnett moved to lay **HB 1751** on the table subject to call.

The motion prevailed.

CSHB 1937 ON SECOND READING

(by **Simpson, Rodriguez, Menendez, Kolkhorst, Chisum, et al.**)

CSHB 1937, A bill to be entitled An Act relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

CSHB 1937 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 1937**.

The point of order was withdrawn.

Representative Simpson moved to postpone consideration of **CSHB 1937** until 10:45 p.m. today.

The motion prevailed.

SB 509 ON SECOND READING

(**Lozano - House Sponsor**)

SB 509, A bill to be entitled An Act relating to the validation of a home-rule charter for certain municipalities.

SB 509 was considered in lieu of **HB 2082**.

SB 509 was passed to third reading.

HB 2082 - LAID ON THE TABLE SUBJECT TO CALL

Representative Lozano moved to lay **HB 2082** on the table subject to call.

The motion prevailed.

HB 2113 ON SECOND READING

(by **Price**)

HB 2113, A bill to be entitled An Act relating to the creation of a groundwater conservation district in a priority groundwater management area.

Representative Price moved to postpone consideration of **HB 2113** until 8 a.m. Monday, July 4.

The motion prevailed.

(L. Taylor in the chair)

CSSB 652 ON SECOND READING
(Bonnen - House Sponsor)

CSSB 652, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

CSSB 652 was considered in lieu of **HB 2249**.

Representative Bonnen moved to postpone consideration of **CSSB 652** until 7:30 a.m. tomorrow.

The motion prevailed.

(Bonnen in the chair)

HB 2249 - LAID ON THE TABLE SUBJECT TO CALL

Representative L. Taylor moved to lay **HB 2249** on the table subject to call.

The motion prevailed.

CSHB 2292 ON SECOND READING
(by Hunter and Hopson)

CSHB 2292, A bill to be entitled An Act relating to payment of claims to pharmacies and pharmacists.

CSHB 2292 was passed to engrossment.

CSHB 2493 ON SECOND READING
(by Torres, et al.)

CSHB 2493, A bill to be entitled An Act relating to authorizing enterprise project half designations and quarter designations under the enterprise zone program.

Amendment No. 1

Representative Torres offered the following amendment to **CSHB 2493**:

Amend **CSHB 2493** as follows:

- (1) On page 3, line 9, strike "two" and "four".
- (2) On page 3, line 11, strike "Section 2303.407(b), Government Code, is amended" and substitute "Section 2303.407, Government Code, is amended by amending Subsection (b) and adding Subsection (e)".
- (3) On page 4, between lines 17 and 18, insert the following:
 - (e) The maximum tax refund for a half enterprise project or a quarter enterprise project shall be reduced proportionally.
- (4) On page 4, line 18, strike "Section 151.429(b), Tax Code, is amended" and substitute "Section 151.429, Tax Code, is amended by amending Subsection (b) and adding Subsection (k)".
- (5) On page 6, between lines 5 and 6, insert the following:
 - (k) The maximum tax refund for a half enterprise project or a quarter enterprise project shall be reduced proportionally. In this subsection, "half enterprise project" and "quarter enterprise project" have the meanings assigned by Section 2303.401, Government Code.

Amendment No. 1 was adopted.

CSHB 2493, as amended, was passed to engrossment. (Flynn recorded voting no.)

CSHB 2525 ON SECOND READING
(by Harper-Brown)

CSHB 2525, A bill to be entitled An Act relating to a mechanic's, contractor's, or materialman's lien for landscaping.

CSHB 2525 was passed to engrossment. (Garza recorded voting no.)

CSHB 2560 ON SECOND READING
(by Sheffield, Driver, Legler, et al.)

CSHB 2560, A bill to be entitled An Act relating to transporting a foster child in a vehicle where a handgun is in the possession of a foster parent licensed to carry a concealed handgun.

CSHB 2560 was passed to engrossment.

CSHB 2603 ON SECOND READING
(by Smithee)

CSHB 2603, A bill to be entitled An Act relating to the distribution of universal service funds to certain small and rural local exchange companies.

Amendment No. 1

Representative Smithee offered the following amendment to **CSHB 2603**:

Amend **CSHB 2603** (house committee report) as follows:

(1) On page 1, line 23, strike "and (e)," and substitute "(e), and (f),".

(2) On page 3, between lines 8 and 9, insert the following:

(e) If a company elects to receive monthly support amounts under Subsection (d), the commission, on its own motion or on the written request of the company, may initiate a proceeding to recalculate the most recent annualized support amount to be used as the basis for adjustment for a subsequent 12-month period under Subsection (d)(2). If, based on the recalculation, the commission by order adjusts a company's most recent annualized support amount, the adjusted support amount supersedes the annualized support amount calculated in accordance with Subsection (d).

(3) On page 3, line 9, strike "(e)" and substitute "(f)".

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

(g) This section does not affect the commission's authority under Chapter 53 or this chapter.

Amendment No. 1 was adopted.

CSHB 2603, as amended, was passed to engrossment.

HB 2990 ON SECOND READING**(by Deshotel)**

HB 2990, A bill to be entitled An Act relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.

HB 2990 was passed to engrossment. (Perry recorded voting no.)

POSTPONED BUSINESS

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

CSHB 1937 ON SECOND READING**(by Simpson, Rodriguez, Menendez, Kolkhorst, Chisum, et al.)**

CSHB 1937, A bill to be entitled An Act relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

CSHB 1937 was read second time earlier today and was postponed until this time.

CSHB 1937 was passed to engrossment.

GENERAL STATE CALENDAR**(consideration continued)****CSHB 3030 ON SECOND READING****(by McClendon)**

CSHB 3030, A bill to be entitled An Act relating to the funding of projects in the boundaries of an intermunicipal commuter rail district.

CSHB 3030 was passed to engrossment. (Cain, Flynn, Laubenberg, Perry, V. Taylor, and White recorded voting no.)

HB 3237 ON SECOND READING**(by Hernandez Luna, Alvarado, and Gonzalez)**

HB 3237, A bill to be entitled An Act relating to the establishment and operation of the Texas Women Veterans Program.

HB 3237 was passed to engrossment. (Cain, Garza, and Legler recorded voting no.)

HB 3320 ON SECOND READING**(by Hunter)**

HB 3320, A bill to be entitled An Act relating to costs related to the towing and storage of a motor vehicle for certain law enforcement purposes.

HB 3320 was passed to engrossment.

CSHB 3439 ON SECOND READING
(by Raymond)

CSHB 3439, A bill to be entitled An Act relating to missing children; providing a criminal penalty.

Amendment No. 1

Representative Raymond offered the following amendment to **CSHB 3439**:

Amend **CSHB 3439** (house committee report) on page 3, lines 5 and 6, by striking "It is an exception to the application of Subsection (a)(3) that" and substituting "Subsection (a)(3) does not apply if".

Amendment No. 1 was adopted.

CSHB 3439, as amended, was passed to engrossment.

HB 1681 ON SECOND READING
(by Harless, C. Anderson, Legler, and Nash)

HB 1681, A bill to be entitled An Act relating to the composition of the Finance Commission of Texas.

HB 1681 was passed to engrossment. (Garza recorded voting no.)

CSHB 3474 ON SECOND READING
(by Gallego)

CSHB 3474, A bill to be entitled An Act relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

CSHB 3474 was passed to engrossment.

HB 3624 ON SECOND READING
(by Hochberg)

HB 3624, A bill to be entitled An Act relating to the eligibility of educational aides for tuition exemptions at public institutions of higher education.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 3624**:

Amend **HB 3624** (house committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 5 and 6), strike "Sections 54.214(c), (f), and (g), Education Code, are amended" and substitute "Section 54.214, Education Code, is amended by amending Subsections (c), (f), and (g) and by adding Subsection (c-1)".

(2) In SECTION 1 of the bill, on page 2, between lines 2 and 3, insert the following:

(c-1) Notwithstanding Subsection (c)(5), a person who previously received a tuition exemption under Section 54.214 remains eligible for an exemption if the person:

(1) is enrolled at an institution of higher education granting the exemption in courses required for teacher certification; and

(2) meets the eligibility requirements in Subsection (c) other than Subsection (c)(5).

Amendment No. 1 was adopted.

HB 3624, as amended, was passed to engrossment.

CSHB 19 ON SECOND READING
(by Riddle, Murphy, Fletcher, et al.)

CSHB 19, A bill to be entitled An Act relating to the prosecution and punishment of a person operating a motor vehicle without a license.

CSHB 19 was passed to engrossment.

CSHB 3754 ON SECOND READING
(by Hilderbran)

CSHB 3754, A bill to be entitled An Act relating to powers and duties of the Office of Public Utility Counsel to represent residential and small commercial consumers in certain water or sewer utility service matters before the Texas Commission on Environmental Quality.

CSHB 3754 was passed to engrossment.

CSHB 3833 ON SECOND READING
(by Phillips)

CSHB 3833, A bill to be entitled An Act relating to the adoption of a uniform collaborative law Act in regard to family law matters.

CSHB 3833 was passed to engrossment. (Garza recorded voting no.)

CSHB 3018 ON SECOND READING
(by Gutierrez and Hartnett)

CSHB 3018, A bill to be entitled An Act relating to a policy of a school district concerning possession of a telecommunications device by a student.

CSHB 3018 was passed to engrossment.

CSHB 2365 ON SECOND READING
(by Eissler)

CSHB 2365, A bill to be entitled An Act relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

Amendment No. 1

Representative Strama offered the following amendment to **CSHB 2365**:

Amend **CSHB 2365** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsections (e) and (k)" and substitute "Subsections (e), (g), and (k)".

(2) On page 1, between lines 16 and 17, insert the following:

(g) In conducting research under this section, a center:

(1) may use data on student performance, including data that is confidential under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), the center has collected from the Texas Education Agency, the coordinating board, any public or private institution of higher education, and any school district; and

(2) shall comply with rules adopted by the commissioner of education and the coordinating board to protect the confidentiality of ~~[student]~~ information used or stored at the center, including rules establishing procedures to ensure that confidential ~~[student]~~ information is not duplicated or removed from a center in an unauthorized manner.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Strama offered the following amendment to **CSHB 2365**:

Amend **CSHB 2365** (house committee printing) as follows:

(1) On page 3, line 2, strike "10" and substitute "three".

(2) On page 3, line 3, between the period and "A", insert the following:

The chief executive officer of each public institution of higher education of which a center is a part shall appoint not more than two additional members to the joint advisory board to serve one-year terms.

(3) On page 3, line 5, strike "commissioner of education and the commissioner of higher education" and substitute "appropriate appointing authority".

Amendment No. 2 was adopted.

CSHB 2365, as amended, was passed to engrossment. (Cain and White recorded voting no.)

HB 59 ON SECOND READING (by Martinez)

HB 59, A bill to be entitled An Act relating to recipients of financial assistance administered by the Texas Department of Housing and Community Affairs.

Amendment No. 1

Representative Guillen offered the following amendment to **HB 59**:

Amend **HB 59** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2306.1114(a), Government Code, is amended to read as follows:

(a) Not later than the 14th day after the date an application or a proposed application for housing funds described by Section 2306.111 has been filed, the department shall provide written notice of the filing of the application or proposed application to the following persons:

(1) the United States representative who represents the community containing the development described in the application;

(2) members of the legislature who represent the community containing the development described in the application;

(3) the presiding officer of the governing body of the political subdivision containing the development described in the application;

(4) any member of the governing body of a political subdivision who represents the area containing the development described in the application;

(5) the superintendent and the presiding officer of the board of trustees of the school district containing the development described in the application; and

(6) any neighborhood organizations on record with the state, municipality, or county in which the development described in the application is to be located and whose boundaries contain the proposed development site.

SECTION _____. Section 2306.6704(b-1), Government Code, is amended to read as follows:

(b-1) The preapplication process must require the applicant to provide the department with evidence that the applicant has notified the following entities with respect to the filing of the application:

(1) any neighborhood organizations on record with the state, municipality, or county in which the development is to be located and whose boundaries contain the proposed development site;

(2) the superintendent and the presiding officer of the board of trustees of the school district containing the development;

(3) the presiding officer of the governing body of any municipality containing the development and all elected members of that body;

(4) the presiding officer of the governing body of the county containing the development and all elected members of that body; and

(5) the state senator and state representative of the district containing the development.

SECTION _____. Section 2306.6705, Government Code, is amended to read as follows:

Sec. 2306.6705. GENERAL APPLICATION REQUIREMENTS. An application must contain at a minimum the following written, detailed information in a form prescribed by the board:

(1) a description of:

(A) the financing plan for the development, including any nontraditional financing arrangements;

(B) the use of funds with respect to the development;

(C) the funding sources for the development, including:

(i) construction, permanent, and bridge loans; and

(ii) rents, operating subsidies, and replacement reserves; and

(D) the commitment status of the funding sources for the development;

(2) if syndication costs are included in the eligible basis, a justification of the syndication costs for each cost category by an attorney or accountant specializing in tax matters;

(3) from a syndicator or a financial consultant of the applicant, an estimate of the amount of equity dollars expected to be raised for the development in conjunction with the amount of housing tax credits requested for allocation to the applicant, including:

(A) pay-in schedules; and

(B) syndicator consulting fees and other syndication costs;

(4) if rental assistance, an operating subsidy, or an annuity is proposed for the development, any related contract or other agreement securing those funds and an identification of:

(A) the source and annual amount of the funds;

(B) the number of units receiving the funds; and

(C) the term and expiration date of the contract or other agreement;

(5) if the development is located within the boundaries of a political subdivision with a zoning ordinance, evidence in the form of a letter from the chief executive officer of the political subdivision or from another local official with jurisdiction over zoning matters that states that:

(A) the development is permitted under the provisions of the ordinance that apply to the location of the development; or

(B) the applicant is in the process of seeking the appropriate zoning and has signed and provided to the political subdivision a release agreeing to hold the political subdivision and all other parties harmless in the event that the appropriate zoning is denied;

(6) if an occupied development is proposed for rehabilitation:

(A) an explanation of the process used to notify and consult with the tenants in preparing the application;

(B) a relocation plan outlining:

(i) relocation requirements; and

(ii) a budget with an identified funding source; and

(C) if applicable, evidence that the relocation plan has been submitted to the appropriate local agency;

(7) a certification of the applicant's compliance with appropriate state and federal laws, as required by other state law or by the board;

(8) any other information required by the board in the qualified allocation plan; and

(9) evidence that the applicant has notified the following entities with respect to the filing of the application:

(A) any neighborhood organizations on record with the state, municipality, or county in which the development is to be located and whose boundaries contain the proposed development site;

(B) the superintendent and the presiding officer of the board of trustees of the school district containing the development;

(C) the presiding officer of the governing body of any municipality containing the development and all elected members of that body;

(D) the presiding officer of the governing body of the county containing the development and all elected members of that body; and

(E) the state senator and state representative of the district containing the development.

SECTION _____. Section 2306.6710, Government Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) If an application satisfies the threshold criteria, the department shall score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A) financial feasibility of the development based on the supporting financial data required in the application that will include a project underwriting pro forma from the permanent or construction lender;

(B) quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organizations on record with the state, municipality, or county in which the development is to be located and whose boundaries contain the proposed development site;

(C) the income levels of tenants of the development;

(D) the size and quality of the units;

(E) the commitment of development funding by local political subdivisions;

(F) the level of community support for the application, evaluated on the basis of written statements from the state representative or the state senator that represents the district containing the proposed development site;

(G) the rent levels of the units;

(H) the cost of the development by square foot;

(I) the services to be provided to tenants of the development; and

(J) whether, at the time the complete application is submitted or at any time within the two-year period preceding the date of submission, the proposed development site is located in an area declared to be a disaster under Section 418.014;

(2) uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations made in the application round preceding the current round or a developer or principal of the applicant that has been removed by the lender, equity provider, or limited partners for its failure to perform its obligations under the loan documents or limited partnership agreement; and

(3) encourages applicants to provide free notary public service to the residents of the developments for which the allocation of housing tax credits is requested.

(g) The department shall presume that the applicant has made a good faith effort to obtain quantifiable community participation and shall award the applicant the total number of points that may be awarded under Subsection (b)(1)(B) if the application includes:

(1) a statement that an organization described by Subsection (b)(1)(B) does not exist, as verified by:

(A) the presiding officer or authorized representative of the governing body of the municipality in which the development is to be located; or

(B) the clerk of the county in which the development is to be located if the development is to be located outside a municipality; and

(2) one or more written statements of support from:

(A) the county in which the development is to be located;

(B) any municipality in which the development is to be located; or

(C) a civic or community organization that provides services to the area in which the development is to be located.

SECTION _____. The changes in law made by this Act to Sections 2306.1114, 2306.6704, 2306.6705, and 2306.6710, Government Code, relating to applications for financial assistance administered by the Texas Department of Housing and Community Affairs apply only to an application filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

HB 59, as amended, was passed to engrossment. (Cain and Legler recorded voting no.)

CSHB 96 ON SECOND READING (by Fletcher and Burkett)

CSHB 96, A bill to be entitled An Act relating to the exclusion of certain witnesses during a criminal proceeding.

CSHB 96 was passed to engrossment.

HB 326 ON SECOND READING (by Guillen)

HB 326, A bill to be entitled An Act relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.

Amendment No. 1

Representative Torres offered the following amendment to **HB 326**:

Amend **HB 326** (house committee printing) as follows:

(1) On page 1, line 8, between "REVIEWED." and "Before", insert "(a)".

(2) On page 1, between lines 18 and 19, insert the following:

(b) A state agency submitting a report required by this section shall submit the report in an electronic format to the recipient's official state e-mail address or another e-mail address designated by the recipient.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Callegari offered the following amendment to **HB 326**:

Amend **HB 326** (house committee report) by adding the following SECTION and renumber the subsequent sections accordingly:

SECTION 2. Section 320.004, Government Code, is amended to read as follows:

Sec. 320.004. REVIEW OF UNFUNDED MANDATES. (a) The Sunset Advisory Commission in performing a review of a state agency whose functions affect political subdivisions may [Before September 1 of the even numbered year before the third anniversary of the date of enactment of a mandate identified by the interagency work group under Section 320.003, the interagency work group shall]:

(1) review the legislative history of any [the] mandate related to the functions of the state agency being reviewed;

(2) conduct an evaluation on the benefits of the mandate and the costs of the mandate on affected political subdivisions; and

(3) include any information gathered under this section in the report required under Section 325.010 [present a written report to the legislature and the governor on the interagency work group's findings].

(b) During a review of a state agency, a political subdivision affected by a mandate related to the functions of the agency may present information to the commission regarding the mandate and costs associated with the mandate and may recommend changes to current law that may provide more efficient use of resources.

(c) A political subdivision may periodically review each mandate to which the political subdivision is subject and recommend changes for making an activity or measure more efficient, including elimination of [the regular session immediately following the issuance of a report under Subsection (a), the legislature by law may continue the mandate for a period not to exceed three years, by law may repeal the mandate, or may take no action on] the mandate, to the governor, the lieutenant governor, the speaker of the house of representatives, the Senate Finance Committee, the House Appropriations Committee, and the Sunset Advisory Commission.

Amendment No. 2 was adopted.

HB 326, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

CSHB 3477 ON SECOND READING

(by Carter and Torres)

CSHB 3477, A bill to be entitled An Act relating to the suspension of a person's driver's license or permit on conviction of a fifth offense relating to the operating of a motor vehicle while intoxicated.

CSHB 3477 was read second time earlier today and was postponed until this time.

CSHB 3477 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 3477**.

(Speaker in the chair)

The point of order was withdrawn.

CSHB 3477 - POINT OF ORDER

Representative Dutton raised a point of order against further consideration of **CSHB 3477**.

The point of order was withdrawn.

Representative Carter moved to postpone consideration of **CSHB 3477** until 11:25 p.m. today.

The motion prevailed.

HB 230 ON SECOND READING
(by Phillips)

HB 230, A bill to be entitled An Act relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty.

HB 230 was read second time earlier today, an amendment was offered and disposed of, and **HB 230** was postponed until this time.

HB 230 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 230** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The speaker overruled the point of order.

HB 230, as amended, was passed to engrossment.

GENERAL STATE CALENDAR
(consideration continued)

SB 420 ON SECOND READING
(V. Taylor - House Sponsor)

SB 420, A bill to be entitled An Act relating to determining eligibility for indigent health care.

SB 420 was considered in lieu of **HB 655**.

Representative V. Taylor moved to postpone consideration of **SB 420** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 773 ON SECOND READING
(by Anchia)

CSHB 773, A bill to be entitled An Act relating to creating an energy efficiency council to coordinate administration of energy efficiency programs.

Amendment No. 1

Representative Anchia offered the following amendment to **CSHB 773**:

Amend **CSHB 773** (house committee report) on page 2, line 2, between "provider" and the comma, by inserting "other than a retail electric provider".

Amendment No. 1 was adopted.

CSHB 773, as amended, was passed to engrossment. (Garza, Kolkhorst, Legler, Phillips, V. Taylor, and White recorded voting no.)

HB 823 ON SECOND READING
(by Farrar)

HB 823, A bill to be entitled An Act relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

HB 823 - POINT OF ORDER

Representative Aliseda raised a point of order against further consideration of **HB 823** under Rule 7, Section 37(a) of the House Rules.

The point of order was withdrawn.

Representative Farrar moved to postpone consideration of **HB 823** until 11:35 p.m. today.

The motion prevailed.

CSHB 720 ON SECOND READING
(by Hartnett, et al.)

CSHB 720, A bill to be entitled An Act relating to the designation of a person as a vexatious litigant.

CSHB 720 was passed to engrossment.

HB 875 ON SECOND READING
(by C. Howard, et al.)

HB 875, A bill to be entitled An Act relating to the identification of certain defendants as foreign nationals who were not lawfully admitted to the United States or whose lawful status has expired and to their release on bail.

HB 875 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 875** under Rule 4, Section 20(a)(2) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The point of order was withdrawn.

Representative C. Howard moved to postpone consideration of **HB 875** until 11:40 p.m. today.

The motion prevailed.

CSHB 892 ON SECOND READING
(by C. Howard, et al.)

CSHB 892, A bill to be entitled An Act relating to the creation of the offense of unlawful transport of an illegal alien.

CSHB 892 was passed to engrossment.

CSHB 1046 ON SECOND READING
(by Fletcher)

CSHB 1046, A bill to be entitled An Act relating to the confidentiality of certain personal information concerning current and former employees of certain divisions of the office of attorney general.

CSHB 1046 was passed to engrossment.

CSHB 1363 ON SECOND READING
(by McClendon and Harper-Brown)

CSHB 1363, A bill to be entitled An Act relating to the transfer of permit procedures and enforcement related to oversize and overweight vehicles from the Texas Department of Transportation to the Texas Department of Motor Vehicles.

CSHB 1363 was passed to engrossment.

CSHB 1408 ON SECOND READING
(by Flynn)

CSHB 1408, A bill to be entitled An Act relating to combination resident hunting and fishing licenses for military personnel.

CSHB 1408 was passed to engrossment.

CSHB 1429 ON SECOND READING
(by Deshotel)

CSHB 1429, A bill to be entitled An Act relating to rights and remedies of certain residential tenants and landlords; providing civil penalties.

Amendment No. 1

Representative Deshotel offered the following amendment to **CSHB 1429**:

Amend **CSHB 1429** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.026 to read as follows:

Sec. 92.026. **LANDLORD'S DUTY TO PROVIDE COPY OF LEASE.** (a) Not later than the third business day after the date the lease is signed by each party to the lease, a landlord shall provide at least one copy of the lease to at least one tenant who is a party to the lease.

(b) If more than one tenant is a party to the lease, not later than the third business day after the date a landlord receives a written request for a copy of a lease from a tenant who has not received a copy of the lease under Subsection (a), the landlord shall provide one copy of the lease to the requesting tenant.

(c) If a landlord fails to comply with Subsection (a) or (b), a tenant, after giving written notice to the landlord of the failure to comply with Subsection (a) or (b), may bring an action to obtain a copy of the lease and recover actual damages resulting from the failure to provide a copy of the lease, court costs, and reasonable attorney's fees.

SECTION 2. Section 92.331(a), Property Code, is amended to read as follows:

(a) A landlord may not retaliate against a tenant by taking an action described by Subsection (b) because the tenant:

(1) in good faith exercises or attempts to exercise against a landlord a right or remedy granted to the tenant by lease, municipal ordinance, or federal or state statute;

(2) gives a landlord a notice to repair or exercise a remedy under this chapter; ~~or~~

(3) complains to a governmental entity responsible for enforcing building or housing codes, a public utility, or a civic or nonprofit agency, and the tenant:

(A) claims a building or housing code violation or utility problem; and

(B) believes in good faith that the complaint is valid and that the violation or problem occurred; or

(4) establishes, attempts to establish, or participates in a tenant organization.

SECTION 3. The changes in law made by Section 92.026, Property Code, as added by this Act, apply only to a lease the effective date of which is on or after the effective date of this Act. A lease the effective date of which is 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 4. This Act takes effect January 1, 2012.

Amendment No. 1 was adopted.

CSHB 1429, as amended, was passed to engrossment. (Cain and Laubenberg recorded voting no.)

CSHB 1497 ON SECOND READING
(by D. Howard)

CSHB 1497, A bill to be entitled An Act relating to the allocation of certain federal career and technical education funds.

CSHB 1497 failed to pass to engrossment by (Record 1041): 65 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Branch; Castro; Chisum; Coleman; Davis, Y.; Dukes; Eiland; Eissler; Farias; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, S.; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Murphy; Naishtat; Otto; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Shelton; Strama; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Dutton; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Hughes; Isaac; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miles; Miller, D.; Miller, S.; Morrison; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Riddle; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Darby; Deshotel.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1041. I intended to vote yes.

Aycock

When Record No. 1041 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

I was shown voting yes on Record No. 1041. I intended to vote no.

Keffer

I was shown voting no on Record No. 1041. I intended to vote yes.

Lavender

SB 1165 ON SECOND READING (Truitt - House Sponsor)

SB 1165, A bill to be entitled An Act relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

SB 1165 was considered in lieu of **HB 2282**.

SB 1165 was passed to third reading.

HB 2282 - LAID ON THE TABLE SUBJECT TO CALL

Representative Truitt moved to lay **HB 2282** on the table subject to call.

The motion prevailed.

POSTPONED BUSINESS

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

HB 875 ON SECOND READING
(by C. Howard, et al.)

HB 875, A bill to be entitled An Act relating to the identification of certain defendants as foreign nationals who were not lawfully admitted to the United States or whose lawful status has expired and to their release on bail.

HB 875 was read second time earlier today and was postponed until this time.

HB 875 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 875** under Rule 4, Section 20(a)(2) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The speaker overruled the point of order.

HB 875 was passed to engrossment.

CSHB 1386 ON SECOND READING
(by Coleman, Farrar, Marquez, et al.)

CSHB 1386, A bill to be entitled An Act relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, and bullying.

CSHB 1386 was read second time earlier today and was postponed until this time. A point of order was pending at the time of postponement.

The point of order was withdrawn.

CSHB 1386 was passed to engrossment. (Creighton, Flynn, Garza, Landtroop, Parker, Perry, Phillips, V. Taylor, Weber, and Workman recorded voting no.)

GENERAL STATE CALENDAR
(consideration continued)

CSHB 2443 ON SECOND READING
(by Price)

CSHB 2443, A bill to be entitled An Act relating to the offense of remaining, parking vehicles, or erecting structures on certain state property.

CSHB 2443 was passed to engrossment. (Garza recorded voting no.)

CSHB 2449 ON SECOND READING
(by Aliseda, Peña, L. Gonzales, et al.)

CSHB 2449, A bill to be entitled An Act relating to the illegal possession of another person's ballot to be voted by mail.

CSHB 2449 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **CSHB 2449** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

CSHB 2449 was passed to engrossment.

HB 3390 ON SECOND READING
(by Lavender)

HB 3390, A bill to be entitled An Act relating to money allocated under the federal-aid highway program.

HB 3390 was passed to engrossment.

HB 3736 ON SECOND READING
(by Martinez)

HB 3736, A bill to be entitled An Act relating to appointment of a department head of a fire or police department in certain municipalities.

HB 3736 was passed to engrossment.

CSHB 800 ON SECOND READING
(by C. Anderson, W. Smith, Torres, et al.)

CSHB 800, A bill to be entitled An Act relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

CSHB 800 - POINT OF ORDER

Representative Dukes raised a point of order against further consideration of **CSHB 800** 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.

CSHB 800 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 800** under Rule 4, Section 18(b) of the House Rules on the grounds that the committee minutes are incomplete.

CSHB 800 - POINT OF ORDER

Representative S. Miller raised a point of order against further consideration of **CSHB 800** under Rule 8, Section 13(b) of the House Rules on the grounds that the deadline for consideration of house bills on second reading had passed.

The speaker sustained the point of order.

PROVIDING FOR RECESS

Representatives Simpson and Thompson moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. today, Friday, May 13.

The motion prevailed.

RESOLUTIONS 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.)

(Hughes in the chair)

RECESS

In accordance with a previous motion, the house, at 12:12 a.m. Friday, May 13, recessed until 10 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HCR 159 (By Hughes), Designating Marshall as the official Birthplace of Boogie Woogie.

To Culture, Recreation, and Tourism.

HR 1851 (By D. Howard), Congratulating Austin Wayne Self on his victory in the opening event of the 2011 NASCAR Texas Whelen All-American Series.

To Rules and Resolutions.

HR 1853 (By Naishtat), In memory of Alfred Richard Castello of Austin.

To Rules and Resolutions.

HR 1854 (By Kolkhorst), Recognizing May 8-14, 2011, as National Hospital Week in Texas.

To Rules and Resolutions.

HR 1855 (By Reynolds), Commending Fort Bend county commissioner Grady Prestage for his service to the community.

To Rules and Resolutions.

HR 1856 (By Reynolds), In memory of Acie John Butler of Houston.

To Rules and Resolutions.

HR 1857 (By Reynolds), Honoring Stephen K. Brown II for his service as chair of the Fort Bend County Democratic Party.

To Rules and Resolutions.

HR 1858 (By Reynolds), In memory of Richard David Jones, Jr.

To Rules and Resolutions.

HR 1859 (By Reynolds), Congratulating Danielle Murray Moss of Fleming Elementary School in Houston for being named 2011-2012 Elementary Teacher of the Year by the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1860 (By Reynolds), Congratulating Yolanda Clarke of Travis High School in Richmond for being named 2011-2012 Secondary Teacher of the Year by the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1861 (By Reynolds), Congratulating the Honorable Joel C. Clouser, Sr., on his 18 years of service as justice of the peace of Precinct 2 in Fort Bend County.

To Rules and Resolutions.

HR 1862 (By Reynolds), Honoring Carlos A. Garcia for his service as secretary of the Fort Bend County Democratic Party.

To Rules and Resolutions.

HR 1863 (By Reynolds), Commending Vivian Burley for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1864 (By Reynolds), Commending Shana Barron for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1865 (By Reynolds), Commending JoAnne Johnson for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1866 (By Reynolds), Commending Alma Ramirez for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1867 (By Reynolds), Commending Kiesha Guillory for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1868 (By Reynolds), Commending Clarissa Heard for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1869 (By Reynolds), Commending Geraldine Pace for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1870 (By Reynolds), Commending Doris Edwards for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1871 (By Reynolds), Commending Bernice Coleman for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1872 (By Reynolds), Commending Stevenia Love for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1873 (By Reynolds), Commending Kristi Mack for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1874 (By Reynolds), Commending Renee Blankson for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1875 (By Reynolds), Commending Kimberly Warren for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1876 (By Madden), Honoring the legislative interns of State Representative Jerry Madden.

To Rules and Resolutions.

HR 1877 (By Madden), Honoring Kathy Ward for her service as a Collin County commissioner.

To Rules and Resolutions.

HR 1878 (By Madden), Honoring Steve Deffibaugh on his retirement as the fire marshal of Collin County.

To Rules and Resolutions.

HR 1879 (By Madden), In memory of James Herbert Boswell of Plano.

To Rules and Resolutions.

HR 1880 (By Madden), In memory of Dale Ralph "Cactus" Martin, a former member of the Plano Fire Department.

To Rules and Resolutions.

HR 1881 (By Madden), In memory of Denise Short Smith of Plano.

To Rules and Resolutions.

HR 1882 (By Madden), Congratulating Hannah Kunkle on her retirement as Collin County district clerk.

To Rules and Resolutions.

HR 1884 (By Schwertner), Congratulating Wayne and Catherine Long of Georgetown on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1885 (By Hilderbran), In memory of Brenda Reagor of Llano.

To Rules and Resolutions.

HR 1886 (By Craddick), Honoring Irene Buchanan on her 100th birthday.

To Rules and Resolutions.

HR 1887 (By Guillen), Honoring the memory of Ramiro Barrera, Sr., of Roma for his public service.

To Rules and Resolutions.

HR 1888 (By Guillen), Honoring Roel Omar Guerra of Rio Grande City for his personal and professional achievements.

To Rules and Resolutions.

HR 1889 (By T. King), Congratulating the Castroville Area Economic Development Council on its first anniversary.

To Rules and Resolutions.

HR 1890 (By Darby), Honoring H. E. "Gene" Crump, Jr., on his retirement as deputy executive director of the Texas Workforce Commission.

To Rules and Resolutions.

HR 1891 (By Larson), In memory of Stephanie Ashley Flores.
To Rules and Resolutions.

HR 1892 (By Carter), Congratulating Richland College on its receipt of the 2010 WasteWise College/University Partner of the Year Award from the EPA and on its first-place statewide finish in the RecycleMania competition.
To Rules and Resolutions.

HR 1893 (By Zedler), Commemorating the 60th anniversary of the incorporation of Crowley.
To Rules and Resolutions.

HR 1894 (By C. Anderson), In memory of Jeremy Pat Pryor of Waco.
To Rules and Resolutions.

HR 1895 (By C. Anderson), Honoring the Waco Convention & Visitors Bureau on the occasion of Texas Travel and Tourism Week.
To Rules and Resolutions.

HR 1896 (By C. Anderson), In memory of Debi Deiterman of Waco.
To Rules and Resolutions.

HR 1897 (By C. Anderson), In memory of Maria Maciel of Waco.
To Rules and Resolutions.

HR 1898 (By C. Anderson), In memory of Jessie Mae Pruett of Hewitt.
To Rules and Resolutions.

HR 1899 (By C. Anderson), In memory of Stanley Louis Jahn of Waco.
To Rules and Resolutions.

HR 1900 (By C. Anderson), In memory of Anna Marie Guajardo of Waco.
To Rules and Resolutions.

HR 1901 (By C. Anderson), In memory of Megan Lynn Self of Crawford.
To Rules and Resolutions.

HR 1902 (By C. Anderson), In memory of Esther Mae Williams.
To Rules and Resolutions.

HR 1903 (By C. Anderson), In memory of Janie "Tootsie" Dickson of Waco.
To Rules and Resolutions.

HR 1904 (By C. Anderson), In memory of Dolores Patricia Jones Skelton of Waco.
To Rules and Resolutions.

HR 1905 (By C. Anderson), In memory of Floyd Darvin Parnell of Waco.
To Rules and Resolutions.

HR 1906 (By C. Anderson), In memory of Helen Ruth Marek of West.
To Rules and Resolutions.

HR 1907 (By C. Anderson), In memory of Charlsie Ann Rowland of Waco.
To Rules and Resolutions.

HR 1908 (By C. Anderson), In memory of Charles W. Green of Waco.
To Rules and Resolutions.

HR 1909 (By C. Anderson), In memory of Alfred Pomeranke of McGregor.
To Rules and Resolutions.

HR 1910 (By C. Anderson), In memory of Martha Wade Crone.
To Rules and Resolutions.

HR 1912 (By C. Anderson), In memory of James Robert Morrow, Sr., of Elm Mott.

To Rules and Resolutions.

HR 1913 (By C. Anderson), Congratulating Alec Sanchez of McGregor for receiving a 2011 Prudential Spirit of Community Certificate of Excellence and a President's Volunteer Service Award.

To Rules and Resolutions.

HR 1914 (By C. Anderson), Congratulating Buddy and Judy Baker of Mart on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1915 (By Carter), Congratulating Charles Pickitt, principal of Richardson High School, on being named a regional finalist for the 2011 H-E-B Excellence in Education Principal Award.

To Rules and Resolutions.

HR 1916 (By C. Anderson), In memory of Domingo Suasa of Waco.

To Rules and Resolutions.

HR 1917 (By C. Anderson), In memory of Nellie Effie Sutton of Bellmead.

To Rules and Resolutions.

HR 1918 (By C. Anderson), In memory of Victor Guerrero III of China Spring.

To Rules and Resolutions.

HR 1919 (By C. Anderson), In memory of Irene A. Hendrix of Waco.

To Rules and Resolutions.

HR 1920 (By C. Anderson), In memory of Jarrell Dean Cantrell of Lacy-Lakeview.

To Rules and Resolutions.

HR 1921 (By C. Anderson), In memory of Edna Delle Hammit of Crawford.

To Rules and Resolutions.

HR 1922 (By C. Anderson), In memory of Nina Leathers-Hunt of Waco.

To Rules and Resolutions.

HR 1923 (By C. Anderson), In memory of Albert Galindo of Waco.

To Rules and Resolutions.

HR 1924 (By C. Anderson), In memory of Anne Perlman Harris.

To Rules and Resolutions.

HR 1925 (By V. Gonzales), Commending Oscar Moreno for organizing the first McAllen Book Fair.

To Rules and Resolutions.

HR 1926 (By V. Gonzales), Honoring Lydia G. Sandoval on her 25 years of service with Lone Star National Bank in McAllen.

To Rules and Resolutions.

HR 1927 (By V. Gonzales), Honoring the life of Colonel James "Nikki" Rowe of McAllen on the 22nd anniversary of his death.

To Rules and Resolutions.

HR 1928 (By C. Anderson), In memory of Billy G. White of Waco.

To Rules and Resolutions.

HR 1929 (By C. Anderson), In memory of Daniel A. Mynarcik, Sr., of Elm Mott.

To Rules and Resolutions.

HR 1930 (By C. Anderson), In memory of Keenan Rhae-Von Hubert of Waco.

To Rules and Resolutions.

HR 1931 (By C. Anderson), In memory of Virginia Frances Donaldson.

To Rules and Resolutions.

HR 1932 (By C. Anderson), Congratulating Avery Rae Williams and John Adam Kerley on their wedding.

To Rules and Resolutions.

HR 1933 (By C. Anderson), In memory of Dr. Richard George Fadal of Waco.

To Rules and Resolutions.

HR 1934 (By C. Anderson), In memory of Joe M. Rodriguez.

To Rules and Resolutions.

HR 1935 (By C. Anderson), In memory of Virginia Baskett of Waco.

To Rules and Resolutions.

HR 1936 (By C. Anderson), In memory of Norman E. Vinson of Waco.

To Rules and Resolutions.

HR 1937 (By C. Anderson), In memory of Donna Jean Evetts of Hewitt.

To Rules and Resolutions.

HR 1938 (By C. Anderson), In memory of Beverly Louise Bryan of Waco.

To Rules and Resolutions.

HR 1939 (By C. Anderson), In memory of Betty Ruth Ritterhoff Armstrong of Waco.

To Rules and Resolutions.

HR 1940 (By C. Anderson), In memory of Edna E. Henderson Anderson of Waco.

To Rules and Resolutions.

HR 1941 (By C. Anderson), In memory of John Poe of Moody.

To Rules and Resolutions.

HR 1942 (By C. Anderson), Congratulating Sonny and Carol Ludwig on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1943 (By C. Anderson), In memory of Ira McCleave Mathews, Sr., of Waco.

To Rules and Resolutions.

HR 1944 (By C. Anderson), Congratulating Howard and Mary Ann Thompson of Woodway on their 30th wedding anniversary.

To Rules and Resolutions.

HR 1945 (By C. Anderson), In memory of Cleo Frances Malone of West.

To Rules and Resolutions.

HR 1946 (By C. Anderson), Commemorating the "First Things First" Juneteenth Kick Off Celebration in Waco.

To Rules and Resolutions.

HR 1947 (By Veasey), Honoring the Fort Worth Metropolitan Black Chamber of Commerce and its PATHS Forward leadership development program.

To Rules and Resolutions.

HR 1948 (By Martinez), Congratulating Juan and Olga Lugo of Donna on their 50th wedding anniversary.
To Rules and Resolutions.

HR 1949 (By Martinez), In memory of longtime Weslaco resident Janie Cuellar Salinas.
To Rules and Resolutions.

HR 1950 (By Beck), Recognizing May 17, 2011, as BEST Robotics Day at the State Capitol.
To Rules and Resolutions.

HR 1952 (By Callegari), Honoring U.S. Army Staff Sergeant Austin McCall of Katy on his receipt of the Bronze Star and the Purple Heart for his bravery in Afghanistan.
To Rules and Resolutions.

HR 1953 (By Callegari), Honoring Brazos Valley Schools Credit Union for its many contributions to the Katy Independent School District.
To Rules and Resolutions.

HR 1954 (By Callegari), Congratulating Jo Marie Hestilow on her selection as the 2010 Senior Citizen of the Year by the City of Katy.
To Rules and Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 27

HB 457, HB 564, HB 994, HB 1147, HB 1251, HB 1753, HB 2012, HB 2375, HB 2991, HB 3287, HCR 131, HCR 157

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, May 12, 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 11 Cook SPONSOR: Eltife
Relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

HB 734 Patrick, Diane SPONSOR: Nelson
Relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

HB 965 Callegari SPONSOR: Hegar

Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.

HB 1064 Pitts SPONSOR: Eltife
 Relating to exempting certain customers from certain demand charges by transmission and distribution utilities.

HB 1300 Guillen SPONSOR: Eltife
 Relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.

HB 1889 Burkett SPONSOR: Deuell
 Relating to the creation of municipal courts of record in the city of Mesquite.

HB 1901 Keffer SPONSOR: Birdwell
 Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.

HB 1952 Kuempel SPONSOR: Eltife
 Relating to alcoholic beverage seller-servers and to seller training programs.

HB 1953 Kuempel SPONSOR: Eltife
 Relating to notice by sign of an alcoholic beverage permit or license application.

HB 2131 Geren SPONSOR: Eltife
 Relating to the issuance of a pass for expedited access to the State Capitol.

HB 2503 Thompson. SPONSOR: Eltife
 Relating to insurance agent licenses issued to certain foreign corporations and partnerships.

HB 2831 Darby SPONSOR: Eltife
 Relating to maximizing federal funding of extended unemployment benefits.

SB 1643 Uresti
 Relating to mandatory dismissal deadlines and extended jurisdiction in suits affecting the parent-child relationship to which the Department of Family and Protective Services is a party.

SB 1926 Lucio
 Relating to the Colonel H. William "Bill" Card, Jr., Outpatient Clinic.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
 SENATE CHAMBER

Austin, Texas
 Thursday, May 12, 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:

HB 563 Pickett SPONSOR: Nichols
 Relating to the purposes and designation of a transportation reinvestment zone.
 (Committee Substitute/Amended)

HB 2694 Smith, Wayne SPONSOR: Huffman

Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

(Committee Substitute/Amended)

HCR 135 Legler SPONSOR: Jackson
Honoring Bill Bailey, retiring constable for Precinct 8 of Harris County.

HCR 154 Craddick SPONSOR: Seliger
Congratulating Stephen Hartmann of Midland on his retirement as executive director of University Lands for The University of Texas System.

HCR 155 Branch SPONSOR: Watson
In memory of Shirley Bird Perry, senior vice president of The University of Texas at Austin.

SB 1164 Wentworth
Relating to optional annuity increases and annual supplemental payments for certain retirees and beneficiaries of the Texas Municipal Retirement System.

SB 1441 Ellis
Relating to the correction of an ad valorem tax appraisal roll.

SB 1572 Watson
Relating to the operations and monitoring of fusion centers in this state.

SB 1787 Patrick
Relating to the information provided by a peace officer before requesting a specimen to determine intoxication.

SB 1843 Carona
Relating to investigations of certain offenses involving the Internet-based sexual exploitation of a minor; creating the Internet crimes against children account to support those activities.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 12, 2011 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 270 Uresti
Relating to newborn hearing screenings.

SB 516 Patrick
Relating to the exemption from ad valorem taxation of all or part of the appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

SB 578 Fraser
Relating to the testimony of children in criminal cases.

SB 1175 Jackson

Relating to the Texas Enterprise Fund and the Texas emerging technology fund.

SJR 14

Van de Putte

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 12, 2011 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1402

Williams

Relating to motor vehicles; providing penalties.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 11

Agriculture and Livestock - **SB 1032**

Corrections - **SB 61, SB 209**

Defense and Veterans' Affairs - **SB 431, SB 461, SB 896, SB 910, SB 1635, SB 1739, SB 1755, SB 1766**

Economic and Small Business Development - **HB 471**

Environmental Regulation - **SB 875**

Higher Education - **SB 5**

Homeland Security and Public Safety - **HB 3422**

Insurance - **SB 1291, SB 1431, SB 1598**

Pensions, Investments, and Financial Services - **SB 1612**

Public Education - **SB 79, SB 391**

Public Health - **SB 80, SB 131, SB 189, SB 191, SB 227, SB 256, SB 335**

State Affairs - **SB 1217**

Transportation - **SB 1422**

ENGROSSED

May 11 - **HB 12, HB 174, HB 1013, HB 1799, HB 1818, HB 2078, HB 2098, HB 2203, HB 2237, HB 2389, HB 2439, HB 2596, HB 2660, HB 2759, HB 2817, HB 2825, HB 2889, HB 3017, HB 3025, HB 3133, HB 3727**

ENROLLED

May 11 - **HB 438, HB 444, HB 457, HB 755, HB 841, HB 1147, HB 1322, HB 1404, HB 1527, HB 1753, HB 1917, HB 2012, HB 2375, HB 2559, HB 2680, HB 2991, HB 3287, HCR 119, HCR 131, HCR 132**

SENT TO THE GOVERNOR

May 11 - **HB 438, HB 444, HB 571, HB 610, HB 755, HB 841, HB 1322, HB 1404, HB 1527, HB 1806, HB 1832, HB 1917, HB 2559, HB 2680, HB 2785, HCR 116, HCR 119, HCR 132, HCR 139**