

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-EIGHTH DAY — TUESDAY, MAY 17, 2011

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

The roll of the house was called and a quorum was announced present (Record 1129).

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

Absent, Excused — Anderson, C.

The invocation was offered by Randel Everett, pastor, First Baptist Church, Midland, as follows:

God, you are our refuge and strength, a very present help in trouble. Therefore, we will not fear though the earth should change and though the mountains slip into the heart of the sea, though its waters roar and foam, though the mountains quake at its swelling pride. We know that there is a river whose streams make glad the city of our God, the holy dwelling places of the most high. God, you are in our midst. The Lord of hosts is with us. Help us to cease striving and know you are God.

Lord, some of our land has been scorched by drought and others devastated by storms and fires. We feel helpless in the face of these disasters. With all of our intelligence and combined resources, we recognize we are still powerless.

God, please use these events to awaken in us our need to know you. Before we formulate our plans and hurry into our remedies, make us stop and seek your face. Lord, what are you doing in Texas? God, what is your plan for our lives?

You have placed these men and women in positions of leadership in our state. Please give them wisdom and strength. May they first depend on you, for you alone are God. Remind us that the Lord of hosts is with us. The Lord our God is our stronghold. In thy name we pray. Amen.

The speaker recognized Representative Dutton 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 to attend a funeral:

C. Anderson on motion of Kleinschmidt.

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Dr. Julie Graves Moy of Austin as the "Doctor for the Day."

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

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).

PARLIAMENTARY INQUIRY

REPRESENTATIVE V. TAYLOR: Mr. Speaker—Rule 8, Section 3, the two-subject rule which comes under the Texas Constitution, Article III, Section 43. In the past while you served as speaker in the last legislative session, you ruled that, and I quote, "The threshold for finding a violation of the rules is very high and only that when there is no conceivable single subject that describes all elements of the bill." Was that your ruling last session?

SPEAKER STRAUS: Mr. Taylor, the chair's ruling is reflected from last session in the daily journal on page 3739 and 3740.

V. TAYLOR: Very well, Mr. Speaker, and your predecessor, Speaker Craddick, in a previous session ruled, and I quote, "The standard for finding a violation of the one-subject rule is very high." That a violation will be sustained only when there is, quote, "no conceivable single subject that describes all elements of the bill." I assume that is the standard we can continue to expect in this chamber during this session?

SPEAKER: Mr. Taylor, the chair's prior rulings relating to the one-subject rule are in the journal.

V. TAYLOR: Can we continue to expect the speaker to maintain the same standard that you and your predecessor have ruled in the past?

SPEAKER: Mr. Taylor, the chair will deal with points of order as they arise.

REMARKS ORDERED PRINTED

Representative V. Taylor moved to print remarks between the speaker and Representative V. Taylor.

The motion prevailed.

HR 1957 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1957**.

The motion prevailed.

The following resolution was laid before the house:

HR 1957, Congratulating Cleo Johnson Ashley of Houston on her 100th birthday.

HR 1957 was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1957** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Perry who introduced representatives of the Texas Dispute Resolution System.

(Rodriguez in the chair)

HR 1739 - PREVIOUSLY ADOPTED (by Perry, et al.)

The chair laid out and had read the following previously adopted resolution:

HR 1739, Recognizing the Texas Dispute Resolution System on its 25th anniversary.

On motion of Representative Frullo, the names of all the members of the house were added to **HR 1739** as signers thereof.

HR 1774 - ADOPTED (by W. Smith)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 1774**.

The motion prevailed.

The following resolution was laid before the house:

HR 1774, Recognizing May 15-21, 2011, as National Public Works Week in Texas.

HR 1774 was adopted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Agriculture and Livestock, during lunch recess today, Desk 25, for a formal meeting, to consider pending business.

**HR 1761 - ADOPTED
(by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1761**.

The motion prevailed.

The following resolution was laid before the house:

HR 1761, Designating the grandchildren of house members as honorary mascots.

HR 1761 was adopted.

**HR 1760 - ADOPTED
(by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1760**.

The motion prevailed.

The following resolution was laid before the house:

HR 1760, Electing the children of house members to the office of mascot.

HR 1760 was adopted.

**SCR 25 - ADOPTED
(Geren - House Sponsor)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **SCR 25**.

The motion prevailed.

The following resolution was laid before the house:

SCR 25, Expressing continued support for the construction of a monument on Capitol grounds recognizing Texans who served in the Vietnam War.

SCR 25 was adopted.

**HR 1742 - ADOPTED
(by C. Howard)**

Representative C. Howard moved to suspend all necessary rules to take up and consider at this time **HR 1742**.

The motion prevailed.

The following resolution was laid before the house:

HR 1742, Recognizing the Chinese American Citizens Alliance on the occasion of its 51st Biennial National Convention.

HR 1742 was read and was adopted.

On motion of Representative Button, the names of all the members of the house were added to **HR 1742** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative C. Howard who introduced members of the Chinese American Citizens Alliance.

HR 1950 - ADOPTED

(by Beck)

Representative Beck moved to suspend all necessary rules to take up and consider at this time **HR 1950**.

The motion prevailed.

The following resolution was laid before the house:

HR 1950, Recognizing May 17, 2011, as BEST Robotics Day at the State Capitol.

HR 1950 was adopted.

HR 2045 - ADOPTED

(by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 2045**.

The motion prevailed.

The following resolution was laid before the house:

HR 2045, In memory of Michael Anthony Davis of Lake Jackson.

HR 2045 was unanimously adopted by a rising vote.

On motion of Representative Ritter, the names of all the members of the house were added to **HR 2045** as signers thereof.

HR 1236 - PREVIOUSLY ADOPTED

(by Alonzo)

The chair laid out and had read the following previously adopted resolution:

HR 1236, Congratulating the Mountain View College men's basketball team on winning the National Junior College Athletic Association Division III championship.

On motion of Representative C. Howard, the names of all the members of the house were added to **HR 1236** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Alonzo who introduced players and coaches of the Mountain View College men's basketball team and Felix Zamora, president of Mountain View College.

(Speaker in the chair)

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 420 ON THIRD 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 passed by (Record 1130): 102 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; 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; Patrick; 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; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Burnam; Christian; Elkins; Gutierrez; Johnson; Lozano.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1130. I intended to vote yes.

Anchia

I was shown voting no on Record No. 1130. I intended to vote yes.

Menendez

I was shown voting no on Record No. 1130. I intended to vote yes.

Raymond

I was shown voting no on Record No. 1130. I intended to vote yes.

Strama

SB 1338 ON THIRD READING
(Geren - House Sponsor)

SB 1338, A bill to be entitled An Act relating to the membership, powers, and duties of the State Preservation Board.

Amendment No. 1

Representative Bonnen offered the following amendment to **SB 1338**:

Amend **SB 1338** by adding the following SECTION to the bill and renumbering the remaining SECTIONS accordingly:

SECTION _____. Chapter 443, Government Code, is amended by adding Section 443.0154 to read as follows:

Sec. 443.0154. ACCESS TO "CAPITOL VIEW CORRIDORS". Notwithstanding any other law, the governing body of a municipality may not enact, by ordinance, a parking restriction that requires a permit to park on a public street or alley that lies within 1000 feet of a "capitol view corridor" as described in Section 3151.002, Government Code, without prior written consent of the board. This section is to be applied retroactively.

Amendment No. 1 - Point of Order

Representative Rodriguez 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 speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 1.

SB 1338 was passed by (Record 1131): 144 Yeas, 1 Nays, 1 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; Crownover; Darby; Davis, J.; Davis, S.; 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; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; 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; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Miles.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Eiland; Shelton; Woolley.

STATEMENT OF VOTE

When Record No. 1131 was taken, my vote failed to register. I would have voted yes.

Eiland

SB 118 ON THIRD READING

(Menendez and Naishtat - House Sponsors)

SB 118, A bill to be entitled An Act relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

SB 118 was passed by (Record 1132): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; 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; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Allen; Driver; Johnson; Martinez Fischer.

STATEMENTS OF VOTE

When Record No. 1132 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

When Record No. 1132 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

SB 156 ON THIRD READING (V. Gonzales - House Sponsor)

SB 156, A bill to be entitled An Act relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.

Amendment No. 1

Representative S. King offered the following amendment to **SB 156**:

Amend **SB 156** on third reading as follows:

(1) Strike the recital to the section of the bill amending Section 108.009, Health and Safety Code, as amended by Amendment No. 2 by King on second reading and substitute the following:

SECTION _____. Section 108.009, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (h) to read as follows:

(2) Strike amended Sections 108.009(a) and (c), Health and Safety Code, and added Section 108.009(d-1), Health and Safety Code, as added by Amendment No. 2 by King on second reading.

(3) Strike the SECTION of the bill adding transition language for added Section 108.009(d-1), Health and Safety Code, as added by Amendment No. 2 by King on second reading.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Fletcher offered the following amendment to **SB 156**:

Amend **SB 156** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 103A to read as follows:

CHAPTER 103A. TEXAS BLEEDING DISORDERS ADVISORY COUNCIL

Sec. 103A.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of state health services.

(2) "Council" means the Texas Bleeding Disorders Advisory Council.

(3) "Department" means the Department of State Health Services.

(4) "Hemophilia" has the meaning assigned by Section 41.001.

Sec. 103A.002. COMPOSITION OF COUNCIL. (a) The council is composed of:

(1) the commissioner and the commissioner of insurance, or their designees, serving as nonvoting members; and

(2) 10 voting members jointly appointed by the commissioner and the commissioner of insurance as follows:

(A) one member who is a physician licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code, who at the time of appointment treats individuals with hemophilia or other bleeding or clotting disorders;

(B) one member who is a nurse licensed under Chapter 301, Occupations Code, who at the time of appointment treats individuals with hemophilia or other bleeding or clotting disorders;

(C) one member who is a social worker licensed under Chapter 505, Occupations Code, who at the time of appointment treats individuals with hemophilia or other bleeding or clotting disorders;

(D) one member who is a representative of a hemophilia treatment center in this state that is federally funded;

(E) one member who is a representative of a health insurer or other health benefit plan issuer that holds a certificate of authority issued by the Texas Department of Insurance;

(F) one member who is a representative of a volunteer or nonprofit health organization that serves residents of this state who have hemophilia or another bleeding or clotting disorder;

(G) one member who has hemophilia or is a caregiver of a person with hemophilia;

(H) one member who has a bleeding disorder other than hemophilia or is a caregiver of a person with a bleeding disorder other than hemophilia;

(I) one member who has a clotting disorder or is a caregiver of a person with a clotting disorder; and

(J) one member who is a pharmacist licensed under Subtitle J, Title 3, Occupations Code, with hemophilia therapy experience, who at the time of appointment represents a pharmacy provider that is not a specialty pharmacy provider participating in the Drug Pricing Program under Section 340B, Public Health Service Act (42 U.S.C. Section 256b).

(b) In addition to council members appointed under Subsection (a), the commissioner and the commissioner of insurance may jointly appoint up to five nonvoting members, including:

(1) persons with hemophilia or other bleeding or clotting disorders or caregivers of persons with hemophilia or other bleeding or clotting disorders; and

(2) persons experienced in the diagnosis, treatment, care, and support of persons with hemophilia or other bleeding or clotting disorders.

Sec. 103A.003. VACANCY. If a vacancy occurs on the council, the commissioner and the commissioner of insurance shall jointly appoint a person to serve for the remainder of the unexpired term.

Sec. 103A.004. PRESIDING OFFICER. Council members shall elect from among the voting council members a presiding officer. The presiding officer retains all voting rights.

Sec. 103A.005. COMPENSATION AND REIMBURSEMENT. A council member may not:

(1) receive compensation for service on the council; and

(2) be reimbursed for actual and necessary expenses incurred while performing council business except to the extent that money available under Section 103A.009 is designated for that purpose.

Sec. 103A.006. MEETINGS. The council shall meet at least quarterly and at the call of the commissioner or presiding officer.

Sec. 103A.007. DUTIES OF COUNCIL. The council using existing resources shall conduct studies and advise the department, the Health and Human Services Commission, and the Texas Department of Insurance on:

(1) public use data, outcome data, and other information submitted to or collected by the department under Chapter 108 or other law related to hemophilia or other bleeding or clotting disorders and the department's disclosure and dissemination of that information within and outside the department; and

(2) other issues that affect the health and wellness of persons living with hemophilia or other bleeding or clotting disorders.

Sec. 103A.008. ANNUAL REPORTS BY COUNCIL AND COMMISSIONER. (a) Not later than December 1 of each even-numbered year, the council using existing resources shall submit a report of its findings and recommendations to the governor, the lieutenant governor, and the speaker of the house of representatives. The council's report must be made public and is subject to public review and comment before adoption by the council.

(b) Not later than six months after the date the council's annual report is issued, the commissioner shall report on efforts to implement the recommendations in the report. The commissioner's annual report must:

(1) be made available to the public; and

(2) include any related state or national activities in which the council participates.

Sec. 103A.009. GIFTS, GRANTS, AND DONATIONS. The commissioner may accept for the council gifts, grants, and donations to fulfill the council's purposes and duties under this chapter. The department is not required to perform any fund-raising activities or to solicit donations for the council.

Sec. 103A.010. CERTAIN FUNDING PROHIBITED. The council may not accept any funds that are appropriated by the legislature for the state fiscal biennium beginning September 1, 2011. This section expires September 1, 2013.

Sec. 103A.011. ADMINISTRATIVE SUPPORT. The department using existing resources shall provide reasonably necessary administrative support for council activities.

Sec. 103A.012. EXPIRATION. This chapter expires and the council is abolished September 1, 2015.

SECTION _____. As soon as practicable after the effective date of this Act and not later than December 1, 2011, the commissioner of state health services and the commissioner of insurance shall jointly appoint members to the Texas Bleeding Disorders Advisory Council as required by Section 103A.002, Health and Safety Code, as added by this Act.

Amendment No. 2 was adopted.

SB 156, as amended, was passed by (Record 1133): 112 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Aycock; Bonnen; Branch; Burnam; Callegari; Carter; Castro; Chisum; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, R.; Beck; Berman; Bohac; Brown; Burkett; Button; Cain; Christian; Creighton; Elkins; Flynn; Frullo; Garza; Hancock; Harless; Harper-Brown; Hartnett; Hughes; Landtroop; Laubenberg; Lavender; Legler; Lyne; Paxton; Perry; Phillips; Riddle; Sheets; Simpson; Smith, T.; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Allen; Coleman.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1133. I intended to vote no.

Cook

SB 322 ON THIRD READING (Deshotel - House Sponsor)

SB 322, A bill to be entitled An Act relating to the requirements for reinsurance contracts covering title insurance policies issued in this state.

SB 322 was passed by (Record 1134): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; 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; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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(C).

Absent, Excused — Anderson, C.

Absent — Allen; Deshotel; Hopson; Peña.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1134. I intended to vote present, not voting.

Menendez

SB 328 ON THIRD READING (Deshotel - House Sponsor)

SB 328, A bill to be entitled An Act relating to notice of a hospital lien.

SB 328 was passed by (Record 1135): 145 Yeas, 1 Nays, 1 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; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto;

Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Garza.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Fletcher; Flynn.

RECESS

At 11:34 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

AFTERNOON SESSION

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

COMMITTEE GRANTED PERMISSION TO MEET

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, at 1:10 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, May 19.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 1:10 p.m. today, 3W.9, for a formal meeting, to set a calendar.

HR 2051 - ADOPTED (by Orr)

Representative Orr moved to suspend all necessary rules to take up and consider at this time **HR 2051**.

The motion prevailed.

The following resolution was laid before the house:

HR 2051, In memory of Deputy Clifton Leigh Taylor of the Johnson County Sheriff's Department.

HR 2051 was read and was unanimously adopted by a rising vote.

On motion of Representative S. Miller, the names of all the members of the house were added to **HR 2051** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Orr who introduced family members of Deputy Clifton Leigh Taylor.

POSTPONED BUSINESS

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

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 read second time on May 12, postponed until 7:30 a.m. May 13, and was again postponed until 9 a.m. today.

Representative Bonnen moved to postpone consideration of **CSSB 652** until 1:45 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 read second time on May 12, postponed until 10 a.m. May 13, and was again postponed until 9 a.m. today.

Amendment No. 1

Representative Branch offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 51.003(f), Education Code (page 1, line 17), strike "institution's operations in a foreign country" and substitute "institution's academic and research operations in the foreign country in which the bank is located, provided that no appropriated or tuition funds other than those collected from students enrolled in the affected programs are deposited".

(2) In SECTION 1.05 of the bill, in amended Section 1231.041, Government Code (page 6, lines 16 and 17), strike "unless the general revenue of the state is pledged to the payment of the security." and substitute the following:
if:

(1) the institution or the university system of which the institution is a component has an unenhanced long-term debt rating of at least AA- or its equivalent; and

(2) the general revenue of this state is not pledged to the payment of the security.

(3) In SECTION 4.01 of the bill, in the heading to added Section 61.0573, Education Code (page 15, line 21), strike "PROJECTS EXEMPT FROM BOARD APPROVAL" and substitute "EXPEDITED PROCESS FOR CERTAIN PROJECTS".

(4) In SECTION 4.01 of the bill, in added Section 61.0573(d), Education Code (page 16, line 24), strike "or a new higher education center" and substitute "a new off-campus educational unit, or a new higher education center".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Branch offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) as follows:

(1) In SECTION 1.02 of the bill, in added Section 51.012, Education Code (page 4, line 24), strike "including a payment of salary or wages".

(2) In SECTION 3.01 of the bill, at the end of added Section 51.9611, Education Code (page 13, between lines 26 and 27), add the following subsection:

(e) This section does not authorize a payroll deduction for dues or membership fees payable to a labor union or employees association.

(3) In ARTICLE 3 of the bill, add the following appropriately numbered SECTION to the ARTICLE and renumber the SECTIONS of that ARTICLE appropriately:

SECTION 3.____. Subchapter E, Chapter 1601, Insurance Code, is amended by adding Section 1601.2041 to read as follows:

Sec. 1601.2041. EMPLOYEE DEDUCTION FOR AUTOMATIC COVERAGE. Each individual automatically enrolled in a uniform program under Section 1601.104 is considered to have authorized a deduction from the participant's monthly compensation in an amount equal to the difference between:

(1) the total cost of the employee's basic coverage; and

(2) the amount contributed by the system for the employee's basic coverage.

Amendment No. 2 was adopted.

Amendment No. 3

Representatives Branch and Crownover offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) as follows:

(1) In ARTICLE 6 of the bill, add the following appropriately numbered SECTION to the ARTICLE and renumber the SECTIONS of that ARTICLE appropriately:

SECTION 6.____. Section 51.3062(n), Education Code, is amended to read as follows:

(n) Each institution of higher education, other than a medical and dental unit, shall report annually to the board on the success of its students and the effectiveness of its Success Initiative.

(2) In SECTION 6.02 of the bill, in added Section 51.406(b), Education Code, strike Subdivision (3) (page 23, line 15, referencing Section 51.0051, Education Code), Subdivision (11) (page 23, line 23, referencing Section 2101.011, Government Code), and Subdivision (12) (page 23, line 24, referencing Section 2102.009, Government Code) and renumber the subdivisions of added Section 51.406(b) accordingly.

(3) In SECTION 6.03 of the bill, in added Section 51.914(b), Education Code (page 26, lines 2 and 3), strike "commercialization or research, or that consists of unpublished research results or data" and substitute "commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized".

(4) Strike SECTION 6.04 of the bill (page 26, lines 9-24, amending Section 61.051(h), Education Code) and SECTION 6.05 of the bill (page 26, line 25, through page 27, line 2, adding Section 61.0582(f), Education Code) and renumber the SECTIONS of ARTICLE 6 of the bill accordingly.

(5) In SECTION 7.01 of the bill, in Subsection (a) (page 32, lines 2-17), insert the following appropriately numbered subdivisions:

- () Section 61.9685, Education Code;
- () Section 2056.011, Government Code;

(6) In SECTION 7.01 of the bill, in Subsection (a), strike Subdivision (7) (page 32, line 11, referencing Section 62.098, Education Code) and renumber the other subdivisions accordingly.

(7) In SECTION 7.01 of the bill, in Subsection (b) (page 32, line 18, through page 33, line 10), insert the following appropriately numbered subdivision and renumber the other subdivisions accordingly:

- () Section 61.0582;

Amendment No. 3 was adopted.

Amendment No. 4

Representative Geren offered the following amendment to **SB 5**:

Amend **SB 5** (amended version) as follows:

(1) In Section 2.03 of the bill, in the introductory language (page 10, line 24) strike "Sections 51.9336 and 51.9337" and insert "Section 51.9336"

(2) In Section 2.03 of the bill (page 11, lines 10-19) strike proposed Section 51.9337 in its entirety

Amendment No. 4 was adopted.

Amendment No. 5

Representative Chisum offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) in ARTICLE 3 of the bill, by striking SECTION 3.02 (page 13, line 27, through page 14, line 21), and renumbering subsequent SECTIONS of ARTICLE 3 of the bill appropriately.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Zedler offered the following amendment to **SB 5**:

Amend **SB 5** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9741 to read as follows:

Sec. 51.9741. INTERNET ACCESS TO FINANCIAL TRANSACTIONS.

(a) Each institution of higher education, as defined by Section 61.003, shall post on the institution's Internet website a copy of the institution's financial transactions to the extent necessary to provide, for each payment drawn from money appropriated from the state general revenue fund or received as student tuition or fee payments:

- (1) the amount of the payment;
- (2) the date of the payment;
- (3) a brief description of the purpose of the payment; and
- (4) the name of the payee.

(b) An institution of higher education may comply with this section by providing on the institution's Internet website an easily noticeable direct link, the purpose of which is clearly identifiable, to an Internet website maintained by the comptroller that provides information concerning the institution that is substantially similar to the information required under Subsection (a).

Amendment No. 6 was adopted.

Amendment No. 7

Representative Hughes offered the following amendment to **SB 5**:

Amend **SB 5** by adding the following appropriately numbered SECTION and by renumbering the existing SECTIONS as appropriate

SECTION _____. Subchapter X, Chapter 54, Education Code, is amended by adding Section 54.552 to read as follows:

Sec. 54.552. STUDENT FEES ADVISORY COMMITTEES; OPEN MEETINGS. Any student fee advisory committee established under this chapter shall be subject to Chapter 551, Government Code.

Amendment No. 7 was adopted.

SB 5, as amended, was passed to third reading.

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

CSSB 544 ON SECOND READING (Shelton - House Sponsor)

CSSB 544, A bill to be entitled An Act relating to unlawful acts against and criminal offenses involving the Medicaid program; providing penalties.

CSSB 544 was passed to third reading.

SB 688 ON SECOND READING**(Creighton, Gallego, Carter, Burkett, Coleman, et al. - House Sponsors)**

SB 688, A bill to be entitled An Act relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

SB 688 was passed to third reading.

(Harper-Brown in the chair)

SB 1106 ON SECOND READING**(Madden - House Sponsor)**

SB 1106, A bill to be entitled An Act relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.

Amendment No. 1

Representative Otto offered the following amendment to **SB 1106**:

Amend **SB 1106** (house committee printing) as follows:

(1) Strike the recital to SECTION 3 of the bill (page 9, lines 3 and 4), and substitute the following:

SECTION 3. Section 264.408, Family Code, is amended by amending Subsection (a) and adding Subsection (d-1) as follows:

(2) In SECTION 3 of the bill, in amended Section 264.408, Family Code (page 9, between lines 16 and 17), insert the following:

(d-1) A videotaped interview described by Subsection (d) is subject to production under Article 39.14, Code of Criminal Procedure, and Rule 615, Texas Rules of Evidence. A court shall deny any request by a defendant to copy, photograph, duplicate, or otherwise reproduce a videotape of an interview described by Subsection (d), provided that the prosecuting attorney makes the videotape reasonably available to the defendant in the same manner as property or material may be made available to defendants, attorneys, and expert witnesses under Article 39.15(d), Code of Criminal Procedure.

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

SECTION _____. The changes in law made by Section 264.408, Family Code, as amended by this Act, apply to a criminal action for which the information or indictment was filed on or after the effective date of this Act. A criminal action for which the information or indictment was filed before the effective date of this Act is covered by the law in effect on the date the information or indictment was filed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

SB 1106, as amended, was passed to third reading.

CSSB 1504 ON SECOND READING
(Lewis - House Sponsor)

CSSB 1504, A bill to be entitled An Act relating to the disposal of waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

CSSB 1504 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSSB 1504** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the committee report is incorrect.

The point of order was withdrawn.

Representative Lewis moved to postpone consideration of **CSSB 1504** until 2:20 p.m. today.

The motion prevailed.

SB 683 ON SECOND READING
(Bonnen - House Sponsor)

SB 683, A bill to be entitled An Act relating to the composition of the board of directors of the Gulf Coast Water Authority.

Amendment No. 1

Representative Bonnen offered the following amendment to **SB 683**:

Amend **SB 683** (house committee printing) by striking SECTION 3 of the bill and substituting:

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 683 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE EILAND: Mr. Bonnen, this is basically, it's a water authority that's in my district that was created back in the 40s for industry water needs—bringing water from the port—Brazos River, mostly—down to Texas City, for BP, Valero, all kinds of chemical plants and refineries, right?

REPRESENTATIVE BONNEN: That is absolutely correct.

EILAND: And several years ago—I think it was back in the 90s—they determined that it would be beneficial for them to have Brazoria County cities and municipalities and Fort Bend cities and municipalities as customers. And therefore, they told them if they would enter into option contracts, basically, that they would put a member of each county on the board.

BONNEN: That is correct. And also, I want to point out that Brazoria County industries are also involved.

EILAND: And we thought this early on because we don't want any outsiders on the board. It was created for Galveston County water and industry water; however, the promises are pretty well documented, they're in writing, they're in the board minutes, and it would be pretty not credible to make an argument that this shouldn't be done.

BONNEN: You're exactly right, and I appreciate your saying that.

EILAND: One concern that arose during the committee process is that one of the motivating factors of the Gulf Coast Water Authority not putting Brazos and Fort Bend Counties on this board previously was because, after some kind of Texas A&M water assessment tool came out, they realized that they don't actually have as much water as they thought, and they may not have water to sell to Brazoria or Fort Bend Counties.

BONNEN: That is correct.

EILAND: And, part of the reason of that is because industry, apparently, because it's their original water system, they have the first rights to those waters—senior water rights—and, just as I found out Dow Chemical in your district, as of yesterday I think, gave notice to the TCEQ that they are exercising their senior water rights, and everyone else needs to be notified they're going to take all the water, because they need it all. There may be, at some point in time, where Gulf Coast Water Authority is not able to fulfill the contracts that they currently have with Brazoria County, which is Pearland, and Fort Bend County, which is Sugar Land, right?

BONNEN: That is correct. And also, to be clear, Dow has a facility also in Galveston County, a much smaller facility, but that is correct. There is a great concern as to whether there will be the water resource to meet the contractual obligations to Brazoria and Fort Bend. In those contracts, as you well know, it also states that they do have the ability to refund the money that those communities have paid the Gulf Coast Water Authority and terminate the contract if they're not able to meet their commitment.

EILAND: Right. And so if, in good faith, after the—and I'm going to make sure this is after—if in good faith, after the board members are put on, if they go through the contracts and all the obligations that they have, if they determine that they don't have any water to sell, if in some future legislature, we come back, and after a good faith analysis, and if they terminate the contracts, and according to the contracts, repay the money—the option—payments that have been made, and they refund that money and whatever else the contracts require, there may be a good faith effort in the future that we come back and say, Fort Bend County, Sugar Land, you no longer have the right to buy water from us, we would like you off our board. We all recognize that that might occur?

BONNEN: We recognize that, but we also need to make certain we mention the assets in those counties. Also that they would deal with the fact that Brazoria County, city of Pearland, Ineos has put up bond money for the assets. And those counties—Fort Bend would make a similar argument that all those matters have

been respectfully, and fairly, and agreeably dealt with, that it would be logical that they reconsider having the two board members once the issues of the water contracts and the assets in those communities are resolved.

EILAND: And, I had amendments, and Mr. Taylor had some amendments today that we were going to bring and try to put on the bill in case that happened, so we could provide for trigger mechanism. But rather than involve the rest of the house in a local matter which is just now getting brought together, instead of tearing it apart in the future, we'll just wait until that time to try to come and address it then.

BONNEN: And, I agree. And final point, I want to be clear that you agree with me that it would be needing to resolve the water contracts and the assets that those communities may be a partner in the Gulf Coast with.

EILAND: Correct.

REMARKS ORDERED PRINTED

Representative Eiland moved to print remarks between Representative Bonnen and Representative Eiland.

The motion prevailed.

SB 683, as amended, was passed to third reading.

POSTPONED BUSINESS

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

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 read second time on May 12, postponed until 7:30 a.m. May 13, postponed until 9 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative Bonnen offered the following amendment to **CSSB 652**:

Amend **CSSB 652** (house committee printing) by adding the following ARTICLE to the bill and renumbering subsequent ARTICLES of the bill as appropriate:

ARTICLE _____. ENTITIES GIVEN 2023 SUNSET DATE

SECTION _____. TEXAS INVASIVE SPECIES COORDINATING COMMITTEE. Section 776.007, Government Code, is amended to read as follows:

Sec. 776.007. SUNSET PROVISION. The committee is subject to Chapter 325 (Texas Sunset Act). The committee shall be reviewed during the periods in which the State Soil and Water Conservation Board is reviewed. Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires on the date on which that agency is subject to abolishment [~~September 1, 2013~~].

Amendment No. 1 was adopted.

Amendment No. 2

Representatives L. Taylor and Eiland offered the following amendment to **CSSB 652**:

Amend **CSSB 652** (house committee printing) by striking SECTION 1.09 of the bill (page 4, lines 5-16) and renumbering subsequent SECTIONS of the bill as appropriate.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Weber offered the following amendment to **CSSB 652**:

Amend **CSSB 652** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION 1.____. Chapter 72, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PROCESS SERVER REVIEW BOARD

Sec. 72.091. SUNSET REVIEW. The process server review board established by supreme court order is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the process server review board were scheduled to be abolished September 1, 2013.

AMENDMENT NO. 3 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WEBER: It's true it was set up by the supreme court. Of course, this agency, as it's becoming, will actually be registering, and will take on the job of enrolling, and licensing, and charging a fee for process servers. Is that correct?

REPRESENTATIVE BONNEN: I really don't know, to be candid.

WEBER: It is.

BONNEN: When will that be happening?

WEBER: It's actually going to—it's started happening already.

BONNEN: What do you mean it started happening already? I imagine there was a date by which that occurred.

WEBER: Well, I can't give you the exact date that the—

BONNEN: Was it within a year?

WEBER: Dennis, I'd lie to you if I told you. It was several years back.

BONNEN: Okay.

WEBER: But, they're wanting them to be registered and licensed, okay?

BONNEN: And who's they?

WEBER: That's the supreme court. And what we're dealing with is an agency that affects everybody's lives, because they deliver—it may be divorce papers, it may be legal papers in a whole variety of instances—and so it has a pretty substantial impact. Were you aware that it has a pretty substantial impact?

BONNEN: Well, I'm aware that we have people who every day deliver and serve documents, but I don't fully understand how that's threatening or concerning to us in this process. There are things that happen every single day in our lives, but I'm not sure I'd put them under Sunset.

WEBER: Well, they are an agency, if you will, that will affect the legal process in a great manner.

BONNEN: And, I think your point is well taken, but my concern is I've not heard a single word out of a local judge, I've not heard a word from a regional judge. I've not heard a word from the supreme court, who has the greatest responsibility over this from the little I'm learning here today. And I'd be incredibly hesitant to add someone into Sunset when we're short on staff at Sunset, and when none of those involved in it, from a responsibility of governing and reviewing them, is suggesting there is a problem and they need help with it.

WEBER: Well, I think it's important that, as important a function that they provide, especially when it comes to court papers, that there should be legislative oversight. And that's why I recommend they go under Sunset review.

BONNEN: I understand that, and putting them under Sunset doesn't guarantee legislative oversight. And I would also really recommend that you look at the schedule. A lot of other things happen from a judicial perspective in 2017. And again, we don't want to add agencies that no one has brought to us as being a problem, concern, or an issue when we have a short budget for not only Sunset, but the entire state to be dealing with.

WEBER: Well, is it a possibility that if we get them into the Sunset process and if they have to be moved to a subsequent session they can be?

BONNEN: Absolutely, but I would recommend that you choose to do that.

WEBER: Okay, well, I hope that we will, because it's an important—

BONNEN: Well, your amendment, I want to be clear members, your amendment says that we're going to do it this next interim. Right now.

WEBER: Right, well that's something I think is an important enough agency that it should be looked at. And as they begin to register process servers, the sooner the better, in my opinion.

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Bonnen and Representative Weber.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

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

CSSB 652 - (consideration continued)

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Weber offered the following amendment to **CSSB 652**:

Amend **CSSB 652** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION 1. ____ . Chapter 72, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PROCESS SERVER REVIEW BOARD

Sec. 72.091. SUNSET REVIEW. The process server review board established by supreme court order is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the process server review board were scheduled to be abolished September 1, 2017.

Amendment No. 4 was adopted.

CSSB 652, as amended, was passed to third reading.

**CSSB 1504 ON SECOND READING
(Lewis - House Sponsor)**

CSSB 1504, A bill to be entitled An Act relating to the disposal of waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

CSSB 1504 was read second time earlier today and was postponed until this time.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 2:38 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 2:38 p.m. today, 3W.15, for a formal meeting, to set a calendar.

CSSB 1504 - (consideration continued)

CSSB 1504 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSSB 1504** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the committee report is incorrect.

The chair overruled the point of order.

Amendment No. 1

Representative Lewis offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 401.207(e), Health and Safety Code (page 3, line 17), strike "an average of".

(2) In SECTION 2 of the bill, in added Section 401.207(e), Health and Safety Code (page 3, lines 18-19), strike "annually over the first 10 years of disposal operations, with an annual limit of not more than 220,000 curies" and substitute "annually, except that in the first year the license holder may accept 220,000 curies".

(3) In SECTION 2 of the bill, strike added Sections 401.207(f) and (g), Health and Safety Code (page 4, lines 1-15), and substitute:

(f) Of the total initial licensed capacity of the compact waste disposal facility:

(1) not more than 30 percent of the volume and curie capacity shall be for nonparty compact waste; and

(2) of the remaining capacity, not less than 80 percent of the volume and curie capacity shall be for compact waste generated in the host state and 20 percent of the volume and curie capacity shall be for compact waste generated in Vermont.

(g) The commission shall assess a surcharge for the disposal of nonparty compact waste at the compact waste disposal facility. The surcharge is 20 percent of the total contracted rate under Section 401.2456 and must be assessed in addition to the total contracted rate under that section.

(4) In SECTION 2 of the bill, in amended Section 401.207, Health and Safety Code, between Subsections (h) and (i) of the section (page 4, between lines 17 and 18), insert:

(h-1) The commission shall conduct a study of the surcharge described by Subsection (g) and, not later than December 1, 2016, shall issue the results of the review to the legislature. The commission shall review the operations and expenses of the compact waste disposal facility license holder and shall require the compact waste disposal facility license holder to provide justification of disposal expenses and historical costs associated with the facility through appropriate evidentiary and empirical records, studies, and other applicable

methodologies. The commission shall consider the impact of the surcharge on the overall revenue generated for the state and may request the assistance of the comptroller in conducting the analysis of the impact of the surcharge.

(5) In SECTION 2 of the bill, strike added Sections 401.207(j) and (k), Health and Safety Code (page 4, line 21, through page 5, line 6), and substitute:

(j) An application for the approval of the importation of nonparty compact waste may be submitted to the Texas Low-Level Radioactive Waste Disposal Compact Commission only by the generator of the waste.

(k) The commission, in coordination with the Texas Low-Level Radioactive Waste Disposal Compact Commission, shall adopt rules establishing criteria and thresholds by which incidental commingling of party state compact waste and waste from other sources at a commercial processing facility is considered and reasonably limited. The criteria and thresholds for commingling under this subsection established by commission rule are binding on any criteria and thresholds that may be established by the Texas Low-Level Radioactive Waste Disposal Compact Commission.

(6) In SECTION 3 of the bill, in added Section 401.208(b)(2), Health and Safety Code (page 5, lines 19-20), strike "the result of using decay factors in revising curie capacity limits" and substitute "the calculation of radioactive decay related to the compact waste disposal facility and radiation dose assessments based on the curie capacity".

(7) In SECTION 3 of the bill, in added Section 401.208(b)(3), Health and Safety Code (page 5, line 22), strike "and".

(8) In SECTION 3 of the bill, in added Section 401.208(b)(4), Health and Safety Code (page 5, line 24), between "public" and the underlined period, insert: ; and

(5) the costs and benefits of volume reduction and stabilized waste forms

(9) In SECTION 3 of the bill, strike added Section 401.208(e), Health and Safety Code (page 6, line 5), and substitute:

(e) The commission may conduct a study described by Subsection (a) at any time after December 1, 2012, if the commission determines that a study is necessary.

(10) In SECTION 3 of the bill, strike added Section 401.2085(c), Health and Safety Code (page 6, line 24).

(11) Strike SECTION 4 of the bill (page 6, line 25 through page 7, line 3).

(12) In SECTION 6 of the bill, in added Section 401.245(h), Health and Safety Code (page 8, lines 3-4), strike "case is referred by the commission" and substitute "State Office of Administrative Hearings assumes jurisdiction of the case".

(13) Strike SECTION 7 of the bill (page 8, line 5, through page 11, line 27) and substitute:

SECTION 7. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Sections 401.2455 and 401.2456 to read as follows:

Sec. 401.2455. INTERIM PARTY STATE COMPACT WASTE DISPOSAL FEES. (a) The commission's executive director may establish interim party state compact waste disposal fees effective only for the period beginning on the date the compact waste disposal facility license holder is approved to accept waste at the disposal facility and ending on the effective date of the rules establishing the fees under Section 401.245.

(b) An extension of the period during which interim rates apply may not be granted. If the State Office of Administrative Hearings has not issued a proposal for decision before the expiration of the period under Section 401.245(h), all disposal at the compact waste disposal facility must cease until the fees are adopted.

Sec. 401.2456. CONTRACTS FOR NONPARTY COMPACT WASTE DISPOSAL. (a) At any time after the commission has granted approval to begin operating the compact waste disposal facility, the compact waste disposal facility license holder may contract rates with nonparty compact waste generators for the disposal of nonparty compact waste at the facility in accordance with the compact waste disposal facility license.

(b) Rates and contract terms negotiated under this section are subject to review and approval by the commission's executive director to ensure they meet all of the requirements of this section.

(c) Rates negotiated under this section must be set both by a price per curie and a price per cubic foot. Fees resulting from the negotiated rates must be greater than, as applicable:

(1) the compact waste disposal fees under Section 401.245 as set by the commission that are in effect at the time the rates are negotiated; or

(2) the interim compact waste disposal fees under Section 401.2455 as set by the commission's executive director that are in effect at the time the rates are negotiated.

(d) A contract under this section must:

(1) be negotiated in good faith;

(2) conform to applicable antitrust statutes and regulations; and

(3) be nondiscriminatory.

(e) Rates set under this section must generate fees sufficient to meet the criteria for party state compact waste under Sections 401.246(a) and (c).

(14) In the recital to SECTION 8 of the bill (page 12, lines 1-2), strike "401.246(a), Health and Safety Code, is amended" and substitute "401.246, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c)".

(15) In SECTION 8 of the bill, following amended Section 401.246(a), Health and Safety Code (page 12, between lines 23 and 24), insert:

(c) In determining compact waste disposal fees, the commission shall only consider capital investment in property by the compact waste disposal facility license holder that is used and useful to the compact waste disposal facility as authorized under this chapter. The commission may not consider the capital investment costs or related costs incurred before September 1, 2003, in determining disposal fees.

(16) In SECTION 10 of the bill, strike added Section 401.250(e), Health and Safety Code (page 15, lines 12-14), and substitute:

(e) For the purposes of calculating the amount of a payment required under Section 4.05(5) of the compact, the amount of a payment under this section is considered to be a payment under Article V of the compact.

(17) Add the following appropriately numbered SECTION to the bill:

SECTION ____. Section 401.271, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A holder of a license or permit issued by the commission under this chapter or Chapter 361 that authorizes the storage, other than disposal, of a radioactive waste or elemental mercury from other persons shall remit each quarter to the commission for deposit into the general revenue fund an amount equal to 20 percent of the license or permit holder's gross receipts received from the storage of the substance for any period after the first anniversary of the date the waste or mercury was initially stored. This subsection applies only to the storage of radioactive waste or elemental mercury at or adjacent to the compact waste disposal facility.

(18) Renumber the SECTIONS of the bill appropriately.

Amendment No. 2

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

Amend Amendment No. 1 by Lewis to **CSSB 1504** as follows:

(1) On page 1 of the amendment, between lines 2 and 3, insert the following subdivision and renumber subsequent subdivisions accordingly:

In SECTION 2 of the bill, at the end of added Section 401.207(b), Health and Safety Code (page 2, line 26), add "The license holder may not accept any nonparty compact waste for disposal at the facility until the license has been modified by the commission to specifically authorize the disposal of nonparty compact waste."

(2) On page 4, line 7 of the amendment, after the period insert the following:

"A generator is not entitled to a refund, and may not be charged a surcharge, for the disposal of waste under interim fees once the final fees have been adopted."

(3) On page 4, line 12 of the amendment, strike "fees" and substitute "rates".

(4) On page 6, lines 11-12, strike "after the first anniversary of the date the waste or mercury was initially stored" and substitute "exceeding one year. This subsection applies only to the storage of the substance for any period exceeding one year".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Hilderbran offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** on page ____, line ____, by inserting subsection (h-2) as follows:

(h-2) Upon completion of the study in Sec. 401.207(h-1) the commission shall by rule establish a reasonable rate of return on disposal expenses for the compact facility license holder, not to exceed 30 percent. If the commission finds that the license holder is recouping a return exceeding this amount, the commission shall raise the surcharge under Sec. 401.207(h) to a level sufficient to bring the license holder's return within the limits established under this section. The commission may review the license holder's return and make adjustments to the surcharge periodically, but not more than once in a given year.

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

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

Hunter on motion of Patrick.

CSSB 1504 - (consideration continued)

Representative Lewis moved to table Amendment No. 3.

The motion to table prevailed by (Record 1136): 86 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Eiland; Eissler; Fletcher; Flynn; Geren; Gonzales, L.; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Hughes; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Madden; Mallory Caraway; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Elkins; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Isaac; Johnson; King, S.; Lavender; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Smithee; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Allen; Frullo; Guillen; Huberty; Lyne.

STATEMENTS OF VOTE

When Record No. 1136 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

I was shown voting no on Record No. 1136. I intended to vote yes.

Garza

When Record No. 1136 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting no on Record No. 1136. I intended to vote yes.

Nash

Amendment No. 4

Representative Gallego offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** (house committee printing) as follows:

(1) On page 5, line 8, strike "401.208 and 401.2085" and substitute "401.208, 401.2085, and 401.2086".

(2) Sec. 401.2086. IMPACT STUDY ON TRANSPORTATION. (a) The commission and the Texas Department of Transportation shall conduct a study to determine the impact on transportation, public health, and public safety of importing waste from nonparty state generators.

(b) The commission and the Texas Department of Transportation in consultation with hospitals, first responders, environmental advocacy groups, and the public, shall consider and make recommendations regarding:

(1) the likelihood of accidents or spills along anticipated transportation routes that would be used to bring imported waste to the disposal facility;

(2) the adequacy of emergency preparedness to respond to accidents or spills along the anticipated routes, including training and equipping of first responders; and

(3) the potential costs of health care, cleanup, and compensation of property owners for contaminated property that would result from modeled accidents or spills.

(c) The executive commissioner of the Health and Human Services Commission may adopt rules adjusting the fee provided for by Section 401.052, based on the results of the study provided for by this section.

Representative Lewis moved to table Amendment No. 4.

The motion to table prevailed by (Record 1137): 81 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hopson;

Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Johnson; Keffer; King, S.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Simpson; Smithee; Strama; Turner; Veasey; Villarreal; Vo; Walle; White; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Allen; Deshotel; Harper-Brown; Peña; Thompson.

STATEMENT OF VOTE

When Record No. 1137 was taken, I was in the house but away from my desk. I would have voted no.

Peña

CSSB 1504 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSSB 1504** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect.

The speaker overruled the point of order.

Amendment No. 5

Representative Legler offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** (house committee report) as follows:

(1) In SECTION 9 of the bill, in amended Section 401.248(b)(9), Health and Safety Code (page 14, line 4), strike "and".

(2) In SECTION 9 of the bill, in amended Section 401.248(b)(10), Health and Safety Code (page 14, line 5), between "law" and the period, insert:

; and

(11) for a state that becomes a party state after January 1, 2011, require the other state to accept for disposal or storage low-level radioactive waste generated in this state at any low-level radioactive waste disposal storage or disposal facility operated or authorized for operation in that state

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

SECTION _____. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.251 to read as follows:

Sec. 401.251. ACCEPTANCE OF LOW-LEVEL RADIOACTIVE WASTE BY OTHER STATES REQUIRED. (a) If a state operates or has authorized the operation of a low-level radioactive waste disposal or storage facility but does not accept waste generated in this state:

(1) that state may not become a party state to the compact; and

(2) the compact waste disposal facility license holder may not accept waste from a generator located in that state as nonparty compact waste, regardless of whether this state has previously accepted waste from that state.

(b) The limitations on the participation in the compact and the acceptance of waste under Subsection (a) do not apply to a state in which a storage or disposal facility is operated by the federal government.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Menendez offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** on page 2, line 23, by striking "The" inserting: "Beginning after the completion and analysis of the study under section 401.208, the".

Representative Lewis moved to table Amendment No. 6.

The motion to table prevailed by (Record 1138): 95 Yeas, 48 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Allen; Nash; Paxton; Torres.

STATEMENT OF VOTE

When Record No. 1138 was taken, I was in the house but away from my desk. I would have voted yes.

Nash

Amendment No. 7

Representative Menendez offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** in SECTION ____ of the bill, Section 401.207 of the Health and Safety code (page ____, line ____) by inserting a new subsection (e-1) and making the following changes:

(e-1) Prior to the completion of the study under Section 401.208 the compact waste disposal facility license holder may not contract to receive waste that would arrive at the facility after the completion of that study.

~~(e-1)~~ (e-2) The commission's executive director, on completion of the study under Section 401.208, ~~may~~ will determine whether or not to prohibit the license holder from accepting any additional nonparty compact waste if the commission determines from the study that the capacity of the facility will be limited, regardless of whether the limit under Subsection (f) has been reached.

(f) The compact waste disposal facility license holder may not accept a volume of nonparty compact waste that would exceed 30 percent of the total volume and radioactivity established for the facility by the commission in the compact waste disposal facility license.

Representative Lewis moved to table Amendment No. 7.

The motion to table prevailed by (Record 1139): 95 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; 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; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez;

Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Allen; Oliveira; Torres; Workman.

CSSB 1504, as amended, was passed to third reading by (Record 1140): 108 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Veasey; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Burnam; Cain; Carter; Castro; Davis, Y.; Dukes; Dutton; Farias; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Howard, D.; Isaac; Kolkhorst; Lucio; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Villarreal; Vo; Walle.

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

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Farrar; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1140. I intended to vote no.

Alvarado

I was shown voting no on Record No. 1140. I intended to vote yes.

Cain

CSSB 1504 - STATEMENT OF LEGISLATIVE INTENT

It is the intent of **CSSB 1504** to prescribe what the Texas Commission on Environmental Quality (TCEQ) may and may not consider when adopting the "party state compact waste disposal fees." When adopting the party state compact waste disposal fees, the TCEQ may consider the volume of nonparty compact waste disposal but may not consider the revenues received from the disposal of nonparty compact waste by the compact waste disposal facility license holder.

CSSB 1504 stipulates that the TCEQ, when adopting the party state compact waste disposal fees, cannot consider capital investment costs or related costs incurred by the facility license holder before September 1, 2003. **CSSB 1504** prohibits consideration of capital investment costs incurred before September 1, 2003 in order to reduce disposal rates for party state compact waste generators. It is the intent of **CSSB 1504** that capital investment costs incurred by the facility license holder prior to September 1, 2003 can only be recovered from nonparty waste generators.

Lewis

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).

(Hunter now present)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, at 5 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Energy Resources, 5 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**HB 716 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative S. Miller called up with senate amendments for consideration at this time,

HB 716, A bill to be entitled An Act relating to the taking of certain feral hogs and coyotes using a helicopter.

Representative S. Miller moved to concur in the senate amendments to **HB 716**.

The motion to concur in the senate amendments to **HB 716** prevailed by (Record 1141): 141 Yeas, 1 Nays, 1 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; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Lucio.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Deshotel; Dukes; Peña; Strama; Thompson; Torres.

STATEMENTS OF VOTE

When Record No. 1141 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1141 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

When Record No. 1141 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

Senate Committee Substitute

CSHB 716, A bill to be entitled An Act relating to the taking of certain feral hogs and coyotes using a helicopter.

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

SECTION 1. Subchapter G, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.1075 to read as follows:

Sec. 43.1075. USING HELICOPTERS TO TAKE CERTAIN ANIMALS. A qualified landowner or landowner's agent, as determined by commission rule, may contract to participate as a hunter or observer in using a helicopter to take depredating feral hogs or coyotes under the authority of a permit issued under this subchapter.

SECTION 2. As soon as practicable after the effective date of this Act, the Parks and Wildlife Commission shall adopt rules as necessary to implement Section 43.1075, Parks and Wildlife Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2011.

**HB 2694 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2694, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

Representative Bonnen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2694**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2694**: W. Smith, chair; Bonnen, Burnam, Chisum, and Geren.

FISCAL MATTERS REMARKS

REPRESENTATIVE PITTS: Thank you for giving me a few minutes to talk about the conference committee on the budget. As you know, we passed our budget in **HB 1** on April 3. The senate did not pass a budget to get it back to us until May 5. This has put us in a real time crunch. We've had less than a week so far to meet in conference, but we have made really incredible progress. Your conferees working with the senate have been able to reach consensus on almost all of the budget items except Article III, which is education, and I will talk a little bit more about that in just a minute.

First, I want to thank all of the conferees who are standing with me for their hard work. You know, while you all were home this weekend, we were busy Saturday and Sunday, and we had some guests with us, like the man at the back mic, who helped us with education. As you well know, we had to make some tough choices in order to live within our means, but as we knew it would be when we passed **HB 1** out of this chamber, that was just the beginning of the process, and the budget that we bring back to you will be a better budget. It is better for you and better for your constituents. It will be a budget you can support when you go back home.

Let me tell you a few significant changes your conferees have already made based on the priorities of members of this house. As you know, **HB 1** substantially cut rates to nursing homes and your providers. None of us wanted to do this. If there's one thing that I heard since we passed **HB 1**, it was we cannot close nursing homes, and I know a lot of you wanted to add that funding to the nursing homes and providers. The conference committee has added enough funding to ensure that these providers will remain open and in business for our state's most vulnerable citizens. And I know Dr. Zerwas has spent hours working in the conference committee, and John, I want to thank you for all of your hard work.

We were able to fund transportation bonds. The citizens of Texas voted on Proposition 12 bonds. The conference committee added \$65 million in debt service, so we will be able to fund our transportation projects over the next two years. I want to thank Representative Darby and Representative Turner for their hard work on these projects, and I told Mr. Sheffield yesterday that we added money to help with the congestion on Interstate 35 in the Temple area. I think a lot of you who drive on Interstate 35 know the problems in Temple.

HB 1 underfunded prison capacity and the health care to inmates. The conference committee has added \$120 million to prison capacity and \$150 million to health care to adequately fund that system. I want to thank Representatives Turner and Otto for their hard work on this, and also Representative Madden, who has been involved in, of course, the prison health care, and Representative Shelton for being involved in that also. We were able to fund cancer research in a way that saves a significant amount to general revenue when it left this house.

I know Debbie, you've always been concerned about border security, and it continues to be a significant challenge to the State of Texas. The conference committee was able to boost our presence on the border with an additional \$50 million in general revenue to fund Homeland Security initiatives. Members, that was one area where the introduced bill did not touch, other than one-time capital budget items that was purchased this last biennium, but we gave an additional \$50 million for that effort on Homeland Security.

Members, we are only able to fund these priorities with the savings and the additional non-taxed revenue items that are found in **SB 1811**, which will be on the floor tomorrow. The passage of **SB 1811** is vital to completing the conference committee work, especially on education. Without **SB 1811**, we will not be able to provide the additional funds for the nursing homes, transportation, border security, or our prisons. I have heard concerns on this floor about the tax speed-ups that were in the house bill that was the companion bill to **SB 1811**. Members, there are no tax speed-ups in **SB 1811** as I bring it to the floor tomorrow. All of the tax speed-ups have been removed.

Likewise, some of you have mentioned concerns about the suspension of the sales tax holiday. My perfecting amendment will remove this provision as well, but there is a cost to take these items out. Over \$1 billion of cost that we were depending on for the sales tax holiday and the speed-ups.

That brings me to the pending items still to be considered by the conference committee. I think it's the top priority of the members of this house, and that is public and private education. The house and senate today are nearly \$3.8 billion apart, just on public education, and an additional \$1 billion apart on higher education. Despite these differences, we are still talking, we are still negotiating, and we have not given up that we can find a resolution to these differences. I know the members of this house want to fund our public schools, just as they want their state to live within their means. Just as we, as citizens of the State of Texas, have to live within our means. When we are talking about public education, we are talking about two distinct problems. The first is the amount of money, and the second is how that money should be distributed. Representatives Crownover and Mike Villarreal, Representative Hochberg, and Representative Aycock have worked hours on trying to come up with a solution on our public schools. This morning, with our senate counterparts, they tried to hammer out a solution as to how that money will be distributed. Make no mistake, we are looking for additional revenue in order to fund education, but as you know, our budget must balance. We must, we must live within our means. We need to find additional revenue without raising taxes and without using additional money from the rainy day fund.

Let me give you some examples of what we are doing. **SB 1811**, which comes up tomorrow, which aside has nearly 200 amendments, has \$1.8 billion for public education. Once this bill passes, the difference between the house and the senate will be reduced to \$2 billion. Even at the senate level of funding, we are still reducing public education funding by nearly \$4 billion. We have Representative Orr's bill, which is **HJR 109**, that has passed this house and is now over in the senate. It allows the land commissioner to provide more money directly to the available school fund for our schools, which will generate approximately \$300 million more dollars for public education. Senator Ogden has another bill which allows the state board to allocate \$184 million from the permanent school fund. Today, the comptroller increased her revenue estimate by \$1.2 billion. This is a significant development that reflects the comptroller's faith in the Texas economy. This, along with **SB 1811**, will help us finish up the work of the conference committee and help us close the gap on education funding. I want to assure you that your conferees are doing everything possible to reach an agreement that we live within our means, yet also provide additional funds for public education, nursing homes, prisons, border security, and our highways. Mr. Speaker, I want to thank you for the opportunity to update the members on where we are today, and hopefully, before too long, we'll be able to bring you a conference committee report.

REPRESENTATIVE VILLARREAL: First, I want to say thank you for this update, and thank you for your commitment to improving the budget. I think we still have some important steps forward to make, and a long—more accurately, we still have a long way to go. I just want to ask you a few questions on the education part of the budget. My understanding is that we have not finalized the difference between the senate and the house yet on Article III.

PITTS: That is correct, that is correct.

VILLARREAL: And finalizing that really is going to follow the passage of **SB 1811**?

PITTS: That is correct, and we have to pass **SB 1811** before we know exactly how much money we have to spend for education.

VILLARREAL: If I heard you correctly, we have a gap between the house and the senate of \$1 billion for higher ed?

PITTS: That is correct.

VILLARREAL: And \$3.8 billion for public ed.?

PITTS: That is right.

VILLARREAL: So those combined—nearly \$5 billion—how much does **SB 1811** raise?

PITTS: It raises about \$2.5 billion.

VILLARREAL: Two-point-five—if you add the comptroller's revised revenue estimate, \$3.7.

PITTS: We're getting closer.

VILLARREAL: So there's still a gap, and I guess my question is, will the senate come down even if we pass **SB 1811**?

PITTS: We are negotiating with them.

VILLARREAL: Where will the \$1.2 billion in new revenue be allocated to?

PITTS: Well—

VILLARREAL: Will it all go to Article III, or will it be spread across the other articles?

PITTS: Well, Mike, last night the conferees met and adopted all of the articles except Article III, which is education, and Article IX, which is kind of our clean up article, and so, we have adopted all of the articles before we received the word from the comptroller.

VILLARREAL: But were you anticipating—did you finalize those articles in anticipation of a revised revenue estimate?

PITTS: Yes, we did. We anticipated some money, that she was going to start to revise her revenue estimate.

VILLARREAL: So what is that figure that's going to take away from the \$1.2 billion and not go to Article III?

PITTS: We were estimating that \$700 million would be our figure from the comptroller today.

VILLARREAL: And how much of that is going to go to the non-education articles that allows you to finalize those articles and send them to the printer?

PITTS: We were anticipating using most of that for our—for other articles.

VILLARREAL: For other articles, okay. So about \$700 million, from what I—

PITTS: Kind of throughout the whole budget, we were—

VILLARREAL: So maybe half of the \$1.2 billion in new revenue that the comptroller is estimating is going to be available for Article III—less than half. So that leaves a much wider gap.

PITTS: We have to pass **SB 1811** in order to close that gap.

VILLARREAL: And I want to help you do that.

PITTS: Pardon me?

VILLARREAL: And I want to help you do that, and I think we have a—we need to put on the table, as you know, I've held this opinion for some time, every option to mitigate the cuts to public education, the quality of our children's education from pre-k through college. But this is not—it appears to me we're not moving the needle. We're not even funding the senate's budget.

PITTS: We're not. You know, Mike, there's still cuts. Our revenue in the State of Texas is considerably down. Even with the \$1.2 billion that the comptroller gave us today, is still a huge decrease in the amount of money that we had in the last biennium, and we are making cuts throughout our budget.

VILLARREAL: Are we using any rainy day funds to mitigate the cuts to our children's education over the next two years?

PITTS: We used \$3.1 billion of rainy day funds for our current budget in **HB 275** and also in **HB 4**.

VILLARREAL: And that allows us to not run out of money in this fiscal year?

PITTS: It pays our bills for this fiscal year.

VILLARREAL: It pays our bills for this fiscal year and it prevents us from the embarrassment of not paying our bills this fiscal year.

PITTS: That is correct.

VILLARREAL: Are we using any rainy day funds to finance the next two years?

PITTS: Mike, we are not anticipating the use of any new rainy day funds for the next biennium.

VILLARREAL: Not a single dime?

PITTS: We are not anticipating that.

VILLARREAL: Of this self-replenishing fund?

PITTS: Let me make clear that not only did the comptroller give us \$1.2 billion for available revenue for the next biennium, she also announced she was estimating that the rainy day fund would grow by \$300 million.

VILLARREAL: By \$300 million. So we'll go from about \$600 billion to \$6.3 billion?

PITTS: That is correct.

VILLARREAL: Is it true that part of financing Article II is based on the assumption that the federal government is going to provide us certain waivers to our CHIP program and our Medicaid program that provides health insurance to children?

PITTS: And I would have to call on Dr. Zerwas to speak on this, but the commissioner of Health and Human Services has worked with us so he can apply for certain waivers that would save us money on our Medicaid expenses or the appropriations we have to do for Health and Human Services.

VILLARREAL: I understand some of these waivers we have requested once before. Namely, asking for flexibility on CHIP and Medicaid. Dr. Zerwas, is that accurate?

REPRESENTATIVE ZERWAS: Yeah, these really aren't new waivers. The ideas aren't necessary new, it's just a different time. And it's a time where we think that—as we all know, the federal government is looking at ways to try to let the states create some efficiencies which translates into efficiencies at the federal level.

VILLARREAL: Is it accurate that this particular waiver we have requested of our federal government during the Bush Administration and had been denied?

ZERWAS: I think a couple of things to talk about. I think that one that you are talking about is a block grant waiver, and yes, we were denied that. Rhode Island was given a block grant and has seen a substantial reduction in the cost of their Medicaid program without compromising services. A small pilot project, if you will, about the size of Houston, but it does give you a sense that you can make that work. The Medicaid waiver that perhaps you are referring to is a \$700 million waiver that has multiple facets to it that is intended to enhance the flexibility of the current program that we have in terms of being able to deliver the care.

VILLARREAL: And we've asked the federal government for that waiver once before?

ZERWAS: We've probably asked for parts of that waiver before. Whether we've asked for it as a portfolio of opportunities in order to try to enhance the efficiency of our programs, I don't know if we've actually ever done that. I would also say there are other states that are asking for this exact portfolio of waivers.

VILLARREAL: I also understand we are asking for a waiver that would have the federal government assume financial responsibility for 100 percent of the health care services provided to unauthorized immigrants.

ZERWAS: That's part of that portfolio of initiatives within that flexibility waiver.

VILLARREAL: The LBB is estimating that the federal government will grant us this waiver and giving us credit to balance our budget.

ZERWAS: Well, it's a comment I made the other day, if you don't ask, you're surely not going to get it.

VILLARREAL: Certainly, but it appears that the LBB is assuming that we are going to get that waiver and giving us credit at this time to balance our budget.

ZERWAS: Depends on how you look at it. Chairman Turner and I had this conversation last night as we talked about how does the LBB apportion these savings? They do not use the savings assumed—at least not the full amount of the savings assumed in this bill—in order to determine how far we can fund Medicaid in this biennium. So, when we say how much money do we have to keep the Medicaid program flowing, in terms of dollars, these dollars are not included. These savings are not included in that projection. They are included in the things that we do within the budget to help provide some provider rates reductions and so forth.

VILLARREAL: I have one final question for Chairman Pitts and then I'll let the gentlemen behind me take over. Based on some of the figures that you have offered, it appears if you add—**SB 1811** raises, give me that dollar figure again? How much does **SB 1811** raise?

PITTS: I want to be clear that the way we have this in an amendment to that bill, that will also add some money, but I think at the end of the day, we'll get somewhere around \$2.5 billion.

VILLARREAL: Two-point-five and if you add the unobligated new revenue from the comptroller, that's \$700,000 unobligated balance—

PITTS: That's \$3.2.

REPRESENTATIVE BRANCH: I just want to make sure I understood the math because I thought I heard it differently than I thought. On the rainy day fund, the economic stabilization fund, Chairman?

PITTS: Yes.

BRANCH: The current comptroller's estimate was \$9.4 billion? Before today?

PITTS: It was \$9.4 and then we took out \$3.1.

BRANCH: Right. Right, it was \$9.4 and we were going to use \$3.1?

PITTS: That's correct.

BRANCH: So, that leaves \$6.3 and today we are hearing \$300 million?

PITTS: \$300 additional million.

BRANCH: So, it's \$6.6.

PITTS: That's correct.

REPRESENTATIVE KEFFER: Like others around here, thank you so much for your hard work and the committee's hard work. I mean, I haven't been there, but I've been in situations almost like yours trying to make something good out of something not so good. I've got a concern, though, that has been bothering me. We, along with a lot of other people, have been working with Mr. Hochberg through the session on formulas. On changes, on—we have all heard from our ISDs about the \$4 billion gap, whatever the money is going to be, and also the

problem of not reaching the base and the problem of having to reformulate to meet the criteria there. Whether it's straight out formula or career and technology or bilingual or all these other programs that are there and for whatever reason are important to the different ISDs—in a district like mine that has multiple school districts—Mr. Chisum, Mr. Hardcastle, you know us out in rural Texas. I'm concerned that tomorrow, that we get on the floor and we're taking up this bill, and we're flying fairly blind on what the runs are going to look like, on what the end result on the formulas is going to look like. And not really having the ability to really study anything, as in the past we have been able to do, where we already know we are in a hole, or in a problem, and then we get on a bill like this tomorrow where we have to pass something or feel like the pressure is there to do it, and we have a very sensitive issue on what it's going to mean to our school districts. To make a matter worse is a concern of mine in this situation.

PITTS: I'm going to let Scott visit with you about that.

REPRESENTATIVE HOCHBERG: I was waiting for Mr. Pitts and his Appropriations conferees to finish their discussion, and I had asked the speaker to come up and visit with y'all, as well, but you've raised the question. Members, as an amendment to **SB 1581**—or whatever the education fiscal matters bill is—I have filed essentially a modified version of **HB 2485**, the school finance bill that our public education committee passed and that I was a primary author of. I've made a couple of changes since the bill left committee. One is that we found that we were able, for a very small amount of moving money around, to cap any district's loss at no more than 10 percent versus current law in the first year, and then, for those districts that actually have more loss than 10 percent, no more than a five percent loss—sort of rolling down in future years until they hit whatever the number is.

The second thing I did, Mr. Keffer—that I know is of interest to you—is I restored the career and technology allotments of .35 and made appropriate adjustments elsewhere to take care of that and to fund that. We also added, I think, an amendment from Ms. Kolkhorst that dealt with a situation that one of her districts and one of Mr. Hopson's districts had, and a couple of other districts over the interim. And there's an issue that Mr. Huberty has and a couple of other small things like that. I was asked by the speaker to have that ready to go onto the education fiscal matters bill. I filed it just before two o'clock. It will be available to you. I was just upstairs looking at the final version of the print runs for those changes.

KEFFER: Will we see that before tomorrow?

HOCHBERG: We will see that—we've made arrangements with House Administration to deliver that to everybody's e-mail as soon as we can get them off of the printer and scan them in. But we really tried to make sure that they were right first, which I don't always do, but this time I thought it was important. And so we'll have those to you shortly. Now, I will tell you that, if the amount of money changes, and there have been all sorts of discussions about additional money, different amounts of money, I can guess what that would do, but I

probably can't generate a run that would tell you what that would do. Although we're looking at some other options and if we're able to do that, of course I'll share that with the membership, but I want to make sure it's right before I do that.

KEFFER: And Scott, are these runs based on the assumptions that are in the bill right now? I mean, is that what, if the world is round and we pass it out, then what these runs portray is what is passed, but amended out or whatever, you never know of course, in going through this process. But this is a sum, this is assumed—the runs are assumed on the passing of the bill as is. Is that right?

HOCHBERG: The runs are assumed on the passage of the bill with the modifications, on the passage of the amendment which I've filed, which was the bill plus the modifications that I described to you—10 percent and then stair-step five percent cap on loss—and then the change on career and technology, which helps some of your districts and helps others. But it seemed to be of considerable interest so we went ahead and put it in there so that that wouldn't necessarily need to be a give-and-take floor discussion.

KEFFER: And we will have, what you're saying, we will have those runs tonight or before we start debate on the floor tomorrow?

HOCHBERG: Absolutely. And I just came running down when I heard Mr. Pitts on the microphone because I knew it was a good opportunity to visit with you about that, but I was waiting for the machine to generate the last pages of the runs and put a final eyeball on them and make sure they look like they're right to the best of our ability and put them out to you. And of course, I'm pretty easy to find in terms of discussing those with you. And it will show you the percent losses and the dollars per weighted student losses in each of the next three years under this amendment.

KEFFER: Okay, thank you very much.

REPRESENTATIVE TURNER: With respect to the Foundation School Program, the bill that was initially filed, **HB 1**, I believe the reduction, the reduction to the Foundation School Program was roughly about \$9.8 billion. Is that correct?

HOCHBERG: That is correct as I remember it, yes, sir.

TURNER: Okay. And the Foundation School Program, as I understand it—as long as the law remains as it is today, that is something that we must fund. Is that true?

HOCHBERG: Well, there is a provision in the Foundation School Program language that, as it's currently written, provides for a shortfall in the program and what to do about it. If we don't fully fund the formulas, the current law says that it provides a mechanism for reducing the money to each school district. And it also says that that money that you reduced is then owed to the school districts in the following biennium. So it was designed to kick the can down the road. It really, in this case, would be kicking an oil tanker down the road if we did it that way.

TURNER: Right, so under the current law, the money is owed to the school districts, and if we didn't fully fund it, I think the current law essentially says that the commissioner may have the authority to decompress. Is that true?

HOCHBERG: There's two different pieces in the law, as I read it. One piece was written before 2006, and it was really designed for when your estimates are off and you get to the end. If you don't have enough money, what do you do? And that provided us specific procedure that was intended to reduce each district's revenue so that it would take the same amount of tax increase by each district to bring it back to fill up what they have lost.

TURNER: So, if we did not change the current law, the commissioner could take whatever steps he deems appropriate—well, not deem appropriate—but to decompress—

HOCHBERG: Well, it's two different pieces, and that's where it's confusing. In the first case, the commissioner has the ability to follow the mechanism in the law to reduce payments to all school districts by an amount that would vary depending what their local capacity was to raise this money to replace what was lost.

TURNER: Okay.

HOCHBERG: In the second case, you're talking about language that was put in when we reduced property tax rates, and that language says that to the extent we don't provide enough money for property tax relief, the commissioner—that the commissioner sets the percentage of property tax relief based on the amount of money we provide for property tax relief. Now, what I think is vague is that if we appropriate a certain amount of money to the Foundation School Program, it's sort of—if all the money for the program and tax relief goes to the schools, it's kind of up to how you write the budget bill as to whether you short fund property tax relief or you short fund the schools. Does that make sense to you?

TURNER: That makes sense. With respect to what we did and what's in **HB 1**, right now, if we move forward, we put \$2 billion back—

HOCHBERG: Right.

TURNER: Into the Foundation School Program—

HOCHBERG: And, my bill and the amendments that I've filed, uses the \$7.8 billion reduction that was the 9.8, plus the \$2 billion from the rainy day fund—or the money that moved out of the rainy day fund and was freed up—

TURNER: So, in the house bill, in terms of the Foundation School Program, the house bill, when it left the house, was \$7.8 billion short.

HOCHBERG: Right, and this bill—my bill—does one other thing, and I think it's also in Mr. Pitt's bill, it uses the one—it defers one August payment in the second year of the biennium into September—defers it a few weeks, and you pick up about another 1.8—before the current biennium, you end up six down, but in the future bienniums, as the bill is designed, you can't do that again, so it's designed for 7.8 down.

TURNER: And the reason for your mechanism, what you are doing, is to factor in the reduction in what we may be giving to the local school districts in order to fit within a new formula?

HOCHBERG: That's right, and very specifically, to try to make sure that those districts who have been on the bottom of the target revenue heap are the ones who suffer the least by these additional cuts.

TURNER: But, what I want to make sure that I understand is that the only reason why we are considering this mechanism—what you're putting forth, this new formula—is to factor in the reduction that we are giving to our local school districts. And in your mechanism, assuming that mechanism is adopted, we are saying to the local school districts, that you will get a 10 percent reduction in the first year, and a rolling five percent reduction in the second.

HOCHBERG: Worst case.

TURNER: Right.

HOCHBERG: There are some districts that will lose far less than that, there are some districts that it will take a while to use up those rolling five percents.

TURNER: And the only reason why we are considering this is because of the reduction in funding.

HOCHBERG: Yes, sir, that is correct.

TURNER: Okay, that's—thank you very much. Now, with Chairman Pitts.

PITTS: Yes, Sylvester?

TURNER: With respect to where we are, the house is \$7.8 billion below—

PITTS: That is correct.

TURNER: The current funding for—I mean for the Foundation School Program. The senate proposal is about \$4 billion below?

PITTS: That is correct.

TURNER: Okay, so, whether it is the house version or the senate version, or anywhere in between, neither proposal fully funds the Foundation School Program for our local school districts?

PITTS: That is correct.

TURNER: And, so, what we are being asked to consider, for example, tomorrow with **SB 1811**, or any other bill, is a mechanism in order to provide funding to our local school districts below what they are in—I don't necessarily want to say are entitled to receive, but what they would receive under the existing Foundation School Program allotment.

PITTS: Now, let me make clear—in **SB 1811**, there are some items in that bill that will be able to reduce the cut in our public schools. In the other fiscal matters bills, I think Scott said, was where his bill—his amendment is going—and it is to if we do not fully fund current law on our schools, that his amendment tomorrow is where we would get under current law.

TURNER: So, realistically speaking, from where the Foundation School Program is today, and on the—where it is today to where, likely, it may end up being, what do you foresee the reduction to be?

PITTS: You know, we are somewhere—if we pass **SB 1811**—we will be somewhere between four to \$6 billion reduction to our public schools.

TURNER: Okay, four to \$6 billion short of funding the Foundation School Program as it presently exists?

PITTS: It currently is, yes.

TURNER: What Representative Hochberg, then, is looking at, or proposing, or suggesting is a mechanism to fund that reduction to the Foundation School Program of approximately four to \$6 billion?

PITTS: That is correct.

TURNER: And, so that all of the members fully understand, and I recognize we are doing this because we have made a decision that we're not going to do any more taxes—I accept that, I don't have a problem with that, I don't want to vote for taxes either—but, we've also made a decision that we're not going to use even the rainy day fund to provide funding to our local school districts, based on the Foundation School Program. And it is my understanding—correct me if I'm wrong—that based on the estimate that at least we have looked at for the rainy day fund, by the end of the next biennium, 2013, the rainy day account—the economic stabilization fund—could conservatively be anywhere between nine and \$11 billion.

PITTS: You know, I want to be perfectly clear, when we're talking about our funding of public schools. If we had a \$6 billion cut, we still have to pass 1811 tomorrow.

TURNER: And I fully understand that, and I appreciate the fact that you're taking out—not dealing with the speed-ups—you've made that clear, by not dealing with the sales tax holiday—we're not going to take that away from individuals. I understand that. And, in **SB 1811**, we need that, because that is a payment to the schools of roughly about \$1.8 billion.

PITTS: That is correct.

TURNER: I got that—I got that. I know we need that. I recognize that, but the point that I want to be very clear is regardless with what we're doing with **SB 1811**, or what we're doing with any other bill, we are looking at a reduction to our local school districts. Whether you're in rural Texas, whether you're in suburban, whether you're in urban Texas, whether you're in HISD or the other three school districts that I represent—a reduction to our local school districts, in terms of the Foundation School Program, anywhere between four to \$6 billion.

PITTS: If we pass **SB 1811** it would be somewhere between four and \$6 billion.

TURNER: Now, and I don't want to take up a lot of time, and I'm going to go to my seat. I appreciate what we collectively have done in terms of addressing the provider rates, in terms of addressing nursing homes, but what people also need

to fully understand, because we are not raising taxes, because we are not using the rainy day fund, we are underfunding, we are underfunding Article II, Health and Human Services, Medicaid, which we will have to pay. We are underfunding that by, at a minimum, \$4.8 billion.

PITTS: I started this conversation out today by making it clear that the conferees have not made decisions on Article III. So, it would be hard for me to tell you what the final cuts are going to be, until the conferees do their work.

TURNER: All right, but I'm simply saying, based on the decisions we have already made. Based on the decision we have made last night, we have lowered the provider rates reductions. We've met those needs. We have met the needs for example of the nursing homes. But, we have done it by underfunding Article II, on Medicaid. We have underfunded that by \$4.8 billion.

PITTS: You mean for Article II?

TURNER: For Article II alone. I'm not counting the four to \$6 billion where we are going to underfund the Foundation School Program. I'm not counting—and I just want to be factually correct. I'm not trying to be pro, con, up, or down. But, from a factual point-of-view, the underfunding of Medicaid is \$4.9 billion.

PITTS: Sylvester, we are working on, in Article IX—that I told you last night, that we are working on an Article IX amendment to give more money for Medicaid, and how much that's going to be will also depend on what happens tomorrow. That is still up in the air. One of the things, that I think you remember, from last biennium when we left here June, or May, we thought we were underfunding Medicaid by \$1.8 billion. We thought that when we came back into session this year we would have a supplemental bill of nearly \$2 billion just on Medicaid. You helped pass **HB 4** on this floor, that did not include any amount for Medicaid, because there were certain savings that were made in Medicaid during the biennium. And we have put items in our budget that we feel like we can save money on Medicaid.

TURNER: And I am prepared to do whatever I can to make sure this budget is balanced. But, I'm simply indicating, Mr. Chairman, since we are giving a report to the members, that LBB indicated to us last night that there would be an underfunding of Article II by \$4.9 billion.

PITTS: And that's what LBB tells us on Article II. And, as I visited with you last night, we are anticipating an Article IX amendment.

TURNER: And that is an amount, assuming it remains the same, or any portion thereof, that is an amount that must be eventually paid.

REPRESENTATIVE FARRAR: Mr. Pitts, there's a *Quorum Report* reporting some form of vouchers might present itself, and I believe they call it Taxpayers Savings Grant. Do you plan on accepting that amendment or any other amendment that similarly provides a tax break for those—

PITTS: I've just read what you've read. You know, it's my policy on the house bill, and it's going to be my policy for tomorrow, that any amendment that attempted, in the clerk's office today, that passed a committee, and was in

calendars, and died, I would leave it to the will of the house. If it was not considered in a committee, or it failed to pass out of a committee, I would move to table.

FARRAR: So, if it was considered in a committee, and not passed out, you would move to table?

PITTS: That is correct.

VILLARREAL: Chairman Pitts, you've said that, at most, **SB 1811** would raise \$2.5 billion. That's estimate, ball park.

PITTS: That's right. We'll have that all on a chart tomorrow.

VILLARREAL: My understanding, and correct me if I'm wrong, around \$2 billion in **SB 1811** is represented by a delay in payment to school districts.

PITTS: It's a deferral, yes, that we have done in 2003 and we paid it back the next biennium.

VILLARREAL: So, it's not new revenue, it's a reduction of cost by shifting it into the next budget cycle.

PITTS: Instead of paying the August payment, one month, you pay that payment in September.

VILLARREAL: Thereby increasing, or making more difficult, balancing our boats in the next budget cycle.

PITTS: No, that's not correct. You can continue that deferral until someday you want to pay it off.

VILLARREAL: Okay.

REMARKS ORDERED PRINTED

Representative Villarreal moved to print remarks regarding fiscal matters.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, during bill referral today, in 1W.14, to consider **SB 609**, **SB 635**, **SB 765**, **SB 907**, **SB 987**, **SB 1058**, **SB 1073**, **SB 1225**, **SB 1875**, **SB 1877**, **SB 1880**, **SB 1881**, **SB 1899**, and pending business.

Permission to meet was granted.

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, during bill referral today, in E2.026.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Smithee moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **SB 944** and **SB 1300** during bill referral today in E2.026.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Raymond requested permission for the Committee on Human Services to meet while the house is in session, during bill referral today, in 3W.9, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **SB 1751** and pending business at 9 a.m. tomorrow in E2.036.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, during bill referral today, in JHR 140, to consider **HCR 158**, **SB 899**, **SB 1638**, and pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **SB 1424** and previously posted business at 8 a.m. tomorrow in E2.012.

The motion prevailed.

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider pending business at 8 a.m. tomorrow in 3W.15.

The motion prevailed.

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **HCR 152**, **SB 66**, **SB 290**, **SB 1114**, **SB 1214**, **SB 1328**, and **SB 1511** at 8 a.m. Thursday, May 19 in E2.036.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 28).

FIVE-DAY POSTING RULE SUSPENDED

Representative Smithee moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **SB 1686** during bill referral today in E2.026.

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. 3).

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

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

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 11 a.m. tomorrow, in 1W.14, to consider **SB 31**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Redistricting, 11 a.m. tomorrow, 1W.14, for a formal meeting, to consider **SB 31**.

Criminal Jurisprudence, 8 a.m. tomorrow, 3W.15, for a formal meeting, to consider pending business.

State Affairs, during bill referral today, JHR 140, for a formal meeting, to consider **HCR 158, SB 899, SB 1638**, and pending business.

Judiciary and Civil Jurisprudence, 9 a.m. tomorrow, E2.036, for a public hearing, to consider **SB 1751** and pending business.

Human Services, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

Insurance, during bill referral today, E2.026, for a public hearing, to consider **SB 944, SB 1300, SB 1686**, and the previously posted agenda.

Natural Resources, during bill referral today, 1W.14, for a formal meeting, to consider **SB 609, SB 635, SB 765, SB 907, SB 987, SB 1058, SB 1073, SB 1225, SB 1875, SB 1877, SB 1880, SB 1881, SB 1899**, and pending business.

Public Education, 8 a.m. Thursday, May 19, E2.036, for a public hearing, to consider **HCR 152, SB 66, SB 1114, SB 1214, SB 1328, and SB 1511**.

(L. Taylor in the chair)

ADJOURNMENT

Representative Muñoz moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 5:31 p.m., adjourned until 10 a.m. tomorrow.

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

SB 31 to Redistricting.

SB 856 to Public Health.

SB 1405 to Ways and Means.

SIGNED BY THE SPEAKER

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

Senate List No. 28

SB 248, SB 331, SB 356, SB 403, SB 509, SB 533, SB 564, SB 604, SB 628, SB 816, SB 1121, SB 1140, SB 1150, SB 1165, SB 1217, SB 1229, SB 1241, SB 1242, SB 1327, SB 1356, SB 1357, SB 1385, SB 1433, SB 1492, SB 1496, SB 1608, SB 1806, SB 1886

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 17, 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 35** Menendez SPONSOR: Van de Putte
Relating to extending a local behavioral health intervention pilot project.
- HB 118** McClendon SPONSOR: Uresti
Relating to requiring the provision of notice by certain hospitals regarding patients' medical records.
- HB 184** Johnson SPONSOR: West
Relating to the cancellation of a special election to fill a vacancy in the legislature.
- HB 266** Hilderbran SPONSOR: Duncan
Relating to the use of address-matching software by certain state agencies.
- HB 315** Flynn SPONSOR: Deuell
Relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 345** Kleinschmidt SPONSOR: Wentworth
Relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.
(Committee Substitute)
- HB 434** Parker SPONSOR: West
Relating to the minimum standards for licensed child-care facilities and registered family homes.
- HB 460** White SPONSOR: Ogden
Relating to the board of directors of the Trinity Memorial Hospital District.
- HB 479** Orr SPONSOR: Birdwell
Relating to the location of board meetings of certain economic development corporations.
- HB 591** Miller, Doug SPONSOR: Wentworth
Relating to naming a segment of Interstate Highway 10 in Kendall County the Trooper Kurt David Knapp Memorial Highway.
- HB 625** Solomons SPONSOR: Carona
Relating to notice of staff leasing services company workers' compensation claim and payment information; providing an administrative violation.
- HB 650** Castro SPONSOR: Uresti
Relating to property held by certain junior colleges and presumed abandoned.
- HB 679** Button SPONSOR: Carona
Relating to change order approval requirements for certain political subdivisions of the state.
- HB 726** Sheffield SPONSOR: Huffman

Relating to the electronic distribution of information to legislators by state agencies.

HB 885 Rodriguez, Eddie SPONSOR: Watson
Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

HB 943 Dukes SPONSOR: Nelson
Relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.
(Committee Substitute)

HB 988 Kolkhorst SPONSOR: Whitmire
Relating to compensatory time accrued by a correctional officer employed by the Texas Department of Criminal Justice.

HB 989 Kolkhorst SPONSOR: Hegar
Relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.

HB 993 Rodriguez, Eddie SPONSOR: Watson
Relating to the closure of a road or highway by certain firefighters.

HB 1130 Huberty SPONSOR: Seliger
Relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.

HB 1136 Aycock SPONSOR: Fraser
Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.
(Committee Substitute)

HB 1174 Workman SPONSOR: Wentworth
Relating to the expiration of a county burn ban.

HB 1263 Lucio III SPONSOR: Shapiro
Relating to the powers, duties, and financing of certain facilities finance corporations.

HB 1344 Burkett SPONSOR: Deuell
Relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

HB 1449 Guillen SPONSOR: Zaffirini
Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.

HB 1488 Gutierrez SPONSOR: Van de Putte
Relating to examinations for hiring in certain municipal fire departments.

HB 1503 White SPONSOR: Nichols
Relating to the qualifications to serve as a special peace officer at a polling place.

HB 1545 Lewis SPONSOR: Watson
Relating to the authority of certain political subdivisions to change the date of their general elections.

- HB 1550** Aycok SPONSOR: Seliger
Relating to participation in state travel service contracts by open-enrollment charter schools.
- HB 1566** Coleman SPONSOR: Gallegos
Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.
- HB 1567** Coleman SPONSOR: Gallegos
Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.
- HB 1570** Murphy SPONSOR: Williams
Relating to training for deputy voter registrars.
- HB 1770** Madden SPONSOR: Whitmire
Relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.
- HB 1779** Naishtat SPONSOR: Watson
Relating to an exemption from private security regulation for social workers engaged in the practice of social work.
- HB 1861** Anchia SPONSOR: Whitmire
Relating to the continuation and functions of the Commission on State Emergency Communications.
- HB 1862** Anchia SPONSOR: West
Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.
- HB 1869** Giddings SPONSOR: West
Relating to local governments that may consider a bidder's principal place of business when awarding a contract.
- HB 2033** Hamilton SPONSOR: Eltife
Relating to the separate statement of the mixed beverage tax for informational purposes.
- HB 2144** Garza SPONSOR: Uresti
Relating to the use of uniform election dates by newly incorporated municipalities.
- HB 2154** Eiland SPONSOR: Ellis
Relating to certain continuing education requirements for agents who sell annuities.
(Committee Substitute)
- HB 2251** Bonnen SPONSOR: Whitmire
Relating to the continuation and functions of the Texas Public Finance Authority.
- HB 2351** McClendon SPONSOR: Van de Putte
Relating to the authority of the Bexar County Hospital District to employ physicians.
- HB 2495** Hernandez Luna SPONSOR: Carona
Relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

- HB 2615** Veasey SPONSOR: Rodriguez
Relating to the provision of information on financial literacy resources to the public.
- HB 2631** Branch SPONSOR: Zaffirini
Relating to the advanced research program.
- HB 2670** Miles SPONSOR: Ellis
Relating to validating certain acts and proceedings of Harris County Improvement District No. 5 and to the boundaries of the district.
- HB 2699** Eiland SPONSOR: Carona
Relating to the requirements for an insurance adjuster license.
- HB 2866** Harper-Brown SPONSOR: Ellis
Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.
- HB 2920** Reynolds SPONSOR: Hegar
Relating to the authority of a governing body of a Type C General Law City to adopt an ordinance to determine the manner of when commissioners run for elected office.
- HB 2935** Castro SPONSOR: Zaffirini
Relating to the appointment of a court reporter by a criminal law magistrate in Bexar County.
- HB 3004** Nash SPONSOR: Carona
Relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.
- HB 3141** Hartnett SPONSOR: Carona
Relating to the registration and protection of trademarks.
- HB 3255** Strama SPONSOR: Van de Putte
Relating to the creation of guidelines for the Office of the State Demographer to encourage the inclusion of a broad variety of racial/ethnic groups in estimates and projections.
- HB 3389** Workman SPONSOR: Watson
Relating to a seller's disclosure of natural or liquid propane gas on residential real property.
- HB 3570** Smithee SPONSOR: Carona
Relating to insurance coverage requirements for certain amusement rides.
- HB 3726** Guillen SPONSOR: Van de Putte
Relating to the preservation and maintenance of the Alamo by the General Land Office.
(Committee Substitute)
- HB 3847** Lavender SPONSOR: Eltife
Relating to the Riverbend Water Resources District.
- HCR 33** Raymond SPONSOR: Hinojosa
Authorizing the burial of Susana I. Aleman in the State Cemetery.
- HCR 69** Hopson SPONSOR: Eltife

Directing the Texas Facilities Commission to name the Department of State Health Services Laboratory Services Section building in Austin in honor of former state representative Dr. Bob Glaze.

SB 856 Van de Putte

Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

SB 1358 Lucio

Relating to electronically transmitting a warrant for emergency detention.

SB 1405 Hinojosa

Relating to the right of a person exempt from registration as a property tax consultant who files a protest with the appraisal review board on behalf of a property owner to receive notices from the board regarding the property subject to the protest.

SB 1724 Zaffirini

Relating to conditions on the receipt of tuition and fee exemptions at public institutions of higher education.

SB 1925 Eltife

Relating to the designation of a portion of U.S. Highway 271 as the Sergeant Jay M. Hoskins Memorial Highway.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 17, 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:

HCR 143 Davis, Sarah SPONSOR: Ellis

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.

SCR 55 Seliger

Commemorating the lives of John Clinton Formby and Margaret Clark Formby.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 132 (31 Yeas, 0 Nays)

SB 977 (31 Yeas, 0 Nays)

SB 1125 (31 Yeas, 0 Nays)

SB 1353 (31 Yeas, 0 Nays)

SB 1693 (30 Yeas, 1 Nay)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 316

Senate Conferees: Whitmire - Chair/Carona/Hegar/Hinojosa/Huffman

SB 321

Senate Conferees: Hegar - Chair/Birdwell/Patrick/Wentworth/Whitmire

SB 1087

Senate Conferees: Carona - Chair/Eltife/Lucio/Van de Putte/Watson

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 17, 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 31 Seliger

Relating to the composition of the districts for the election of members of the Texas Senate.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 16

Appropriations - **SB 23, SB 1581**

Business and Industry - **SB 1368**

County Affairs - **SB 1233**

Criminal Jurisprudence - **SB 882**

Defense and Veterans' Affairs - **SB 100, SB 1732**

Human Services - **SB 63, SB 78, SB 222**

Judiciary and Civil Jurisprudence - **SB 283, SB 886**

Natural Resources - **SB 660, SB 728, SB 942, SB 1132, SB 1295, SCR 2**

Pensions, Investments, and Financial Services - **SB 17**

Public Health - **SB 293, SB 594**

Transportation - **SB 548, SJR 13**

Urban Affairs - **SB 173, SB 233, SB 234, SB 759, SB 768, SB 1030, SB 1882**

ENROLLED

May 16 - HB 205, HB 328, HB 1254, HB 1789, HB 1936, HB 2002, HB 2067, HB 2936, HCR 127, HCR 155

SENT TO THE GOVERNOR

May 16 - HB 457, HB 564, HB 994, HB 1147, HB 1251, HB 1753, HB 2012, HB 2375, HB 2991, HB 3287, HCR 131, HCR 157

