

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-THIRD DAY — MONDAY, MAY 23, 2011

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

The roll of the house was called and a quorum was announced present (Record 1262).

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

The invocation was offered by Dr. Ronald W. Scates, senior pastor, Highland Park Presbyterian Church, Dallas, as follows:

Almighty God, our Father and friend, you who love this world, and this nation, and the State of Texas so much that you were willing to die rather than live without us; we pray this day for what we need most as human beings and as legislators: wisdom. Your word—in the letter of James (1:5)—tells us that the only reason we don't have wisdom is because we do not ask. So we ask you now for the wisdom that you so graciously give. At a time when our state is faced with weighty economic and environmental challenges, at a time when these legislators must make difficult and crucial decisions that affect the lives of citizens along with the infrastructure and resources of cities, counties, schools, and businesses, grant wisdom that will lead to the building up of every facet of our state. Grant wisdom that leads us to knowledge of you and of your will for our lives. Don't necessarily make us rich, but make us generous. Don't make us

so much influential as good. Don't make us eloquent as much as truthful and sincere. We can't ask for everything, but we can ask for a good conscience before you, and having that, we will have the courage we need to make those tough decisions that inevitably will come our way.

As legislators working together for the common good of the people and resources of Texas, make this body kind to one another, tender-hearted, forgiving one another even as you, for Christ's sake, have forgiven us. Lord, please bless us and the great State of Texas for your glory and that we might be a blessing to others. All this we ask in Jesus' name. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Geren in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Harper-Brown requested permission for the Committee on Appropriations, Conference Committee on **HB 1**, to meet while the house is in session, at 10 a.m. today, in E1.030, to consider the conference committee report.

Permission to meet was granted.

HR 2191 - ADOPTED (by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 2191**.

The motion prevailed.

The following resolution was laid before the house:

HR 2191, Honoring Dr. Kenneth Cooper for his pioneering work in physical fitness and his dedication to helping others lead healthier lives.

HR 2191 was read and was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Eissler who introduced Dr. Kenneth Cooper.

SB 738 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 11:24 a.m., Representative Gutierrez announced his intention to make the motion to reconsider the vote by which **SB 738**, as amended, was passed to third reading.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

HR 2032 - ADOPTED
(by Kuempel, et al.)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 2032**.

The motion prevailed.

The following resolution was laid before the house:

HR 2032, In memory of renowned industrialist and philanthropist Marvin Selig.

HR 2032 was read and was unanimously adopted by a rising vote.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 2032** as signers thereof.

HR 2117 - ADOPTED
(by J. Davis)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 2117**.

The motion prevailed.

The following resolution was laid before the house:

HR 2117, Commending Captain Eugene A. Cernan for his service as a naval pilot and astronaut.

HR 2117 was read and was adopted.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 2117** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative J. Davis who introduced Captain Eugene A. Cernan.

LEAVE OF ABSENCE GRANTED

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

Brown on motion of Patrick.

HR 2142 - ADOPTED
(by Laubenberg, Madden, Paxton, and V. Taylor)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 2142**.

The motion prevailed.

The following resolution was laid before the house:

HR 2142, Commending Ashley Donaldson, a student at Shepton High School in Plano, for reporting her discovery of an envelope containing \$2,000.

HR 2142 was read and was adopted.

On motion of Representative Paxton, the names of all the members of the house were added to **HR 2142** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Laubenberg who introduced Ashley Donaldson and members of her family.

HR 2060 - ADOPTED (by Anchia and Johnson)

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 2060**.

The motion prevailed.

The following resolution was laid before the house:

HR 2060, Honoring The University of Texas Southwestern Medical Center at Dallas for its contributions in research, education, and health care.

HR 2060 was read and was adopted.

On motion of Representative Johnson, the names of all the members of the house were added to **HR 2060** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Anchia who introduced representatives of The University of Texas Southwestern Medical Center.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR CONSTITUTIONAL RULE SUSPENDED

The chair moved to suspend all necessary rules and the constitutional rule requiring bills to be read on three several days and to place the bills on today's Local, Consent, and Resolutions Calendar on third reading and final passage upon completion of second reading and passage to third reading.

The motion prevailed by (Record 1263): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat;

Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; 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; Geren(C).

Absent, Excused — Brown.

Absent — Murphy; Sheets.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

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

HCR 147 (by Button), Encouraging cities to promote long-term economic development and job growth by working together on the regional level to attract and retain business investment.

HCR 152 (by Torres, White, Quintanilla, Patrick, et al.), Designating the first full week of May as Texas Teacher Appreciation Week for a 10-year period, 2012 to 2021.

HCR 159 (by Hughes), Designating Marshall as the official Birthplace of Boogie Woogie.

HR 1978 (by Zerwas), Requesting the lieutenant governor and the speaker to create a joint interim committee to study the overall economic and systemic impact of Alzheimer's disease through 2017, including an inventory of public and private infrastructure and capacity and funds and systems to support and expand statewide planning and the activities of the Texas Alzheimer's Research Consortium.

SB 32 (Branch - House Sponsor), A bill to be entitled An Act relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations. (Kuempel recorded voting no.)

SB 43 (Raymond - House Sponsor), A bill to be entitled An Act relating to the civil liability of an employer or former employer of a mental health services provider who engages in sexual exploitation of a patient or former patient. (Berman, Chisum, Flynn, Landtroop, Laubenberg, Perry, and Sheets recorded voting no.)

SB 54 (Eissler - House Sponsor), A bill to be entitled An Act relating to certification to teach public school students who have visual impairments.

SB 77 (Raymond - House Sponsor), A bill to be entitled An Act relating to certain requirements for certain sponsoring organizations and other institutions participating in the Child and Adult Care Food Program.

SB 86 (S. Miller - House Sponsor), A bill to be entitled An Act relating to municipal contracts for enforcement of outstanding traffic violation arrest warrants. (Berman, Cain, Flynn, Frullo, Garza, Kuempel, White, Workman, and Zedler recorded voting no.)

SB 89 (Rodriguez - House Sponsor), A bill to be entitled An Act relating to summer nutrition programs provided for by school districts. (Berman, Cain, Chisum, S. Davis, Flynn, Frullo, Keffer, Kolkhorst, Kuempel, Laubenberg, Lavender, Otto, Paxton, Perry, Phillips, Price, Schwertner, Simpson, V. Taylor, Workman, and Zedler recorded voting no.)

Amendment No. 1

Representative Rodriguez offered the following amendment to **SB 89**:

Amend **SB 89** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 12.0029(j), Agriculture Code (page 4, line 5), between "legislature" and "a report", insert "by e-mail".

(2) In SECTION 1 of the bill, immediately following added Section 12.0029(j), Agriculture Code (page 4, between lines 18 and 19), insert the following:

(k) The department shall post and maintain on the department's Internet website the most recent report required by Subsection (j).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Rodriguez offered the following amendment to **SB 89**:

Amend **SB 89** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 12.0029(f)(1)(A), Agriculture Code (page 2, line 23), strike "department" and substitute "district".

(2) In SECTION 1 of the bill, in added Section 12.0029(f), Agriculture Code (page 2, line 18), strike "may" and substitute "shall".

(3) In SECTION 1 of the bill, in added Section 12.0029(f), Agriculture Code (page 2, line 20), strike "only".

(4) In SECTION 1 of the bill, in added Section 12.0029(f)(1)(A)(ii), Agriculture Code (page 3, line 1), strike "insurmountable".

(5) In SECTION 1 of the bill, in added Section 12.0029(f)(1)(A)(ii), Agriculture Code (page 3, lines 3 and 4), strike "despite consultation by the district with public transit providers".

(6) In SECTION 1 of the bill, in added Section 12.0029(f)(1)(A)(iii), Agriculture Code (page 3, lines 7 and 8), strike "and the unavailability of an appropriate alternate provider or site".

(7) In SECTION 1 of the bill, in added Section 12.0029(f)(2), Agriculture Code (page 3, lines 17-18), strike "the department using the criteria and methodology established under Subsection (g)" and substitute "the district".

(8) In SECTION 1 of the bill, strike added Section 12.0029(g), Agriculture Code (page 3, lines 19-23), and reletter subsequent subsections of added Section 12.0029, Agriculture Code, accordingly.

(9) In SECTION 1 of the bill, in added Section 12.0029(h), Agriculture Code (page 3, line 24), strike "one-year" and substitute "two-year".

(10) In SECTION 1 of the bill, in added Section 12.0029(i), Agriculture Code (page 3, line 27, through page 4, line 1), strike "and has been unable to provide to the department a list of possible providers for the summer nutrition program".

(11) In SECTION 1 of the bill, in added Section 12.0029(i), Agriculture Code (page 4, line 3), immediately following "nutrition program.", insert "Each field office shall compile and maintain a list of possible alternate providers."

(12) In SECTION 1 of the bill, in added Section 12.0029(j)(3), Agriculture Code (page 4, lines 17 and 18), between "profit made" and "through", insert "or loss incurred".

(13) Strike SECTION 3 of the bill (page 4, lines 21-25) and renumber SECTION 4 of the bill as SECTION 3.

Amendment No. 2 was adopted.

SB 144 (Thompson, Gallego, Y. Davis, and Aliseda - House Sponsors), A bill to be entitled An Act relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon. (Berman, Chisum, Craddick, Darby, Flynn, Frullo, L. Gonzales, Landtroop, Lavender, Legler, Lewis, Parker, Paxton, Perry, Price, and Shelton recorded voting no.)

Amendment No. 1

Representative Thompson offered the following amendment to **SB 144**:

Amend **SB 144** (house committee report) as follows:

(1) In SECTION 1 of the bill, in amended Article 48.01, Code of Criminal Procedure (page 1, line 8), between the period and "In", insert "(a)".

(2) In SECTION 1 of the bill, in amended Article 48.01, Code of Criminal Procedure (page 1, between lines 21 and 22), insert the following:

(b) The Board of Pardons and Paroles may recommend that the Governor grant a pardon to a person who:

(1) is placed on deferred adjudication community supervision under Section 5, Article 42.12, and subsequently receives a discharge and dismissal under Section 5(c) of that article;

(2) is not, at any time after the date of discharge and dismissal, convicted of or charged with a criminal offense, other than an offense under the Transportation Code punishable by fine only; and

(3) on or after the 10th anniversary of the date of discharge and dismissal, submits a written request to the board for a recommendation under this subsection.

Amendment No. 1 was adopted.

SB 149 was deferred until the end of today's local, consent, and resolutions calendar.

SB 150 was deferred until the end of today's local, consent, and resolutions calendar.

SB 162 (Branch - House Sponsor), A bill to be entitled An Act relating to developing a developmental education plan for students entering public institutions of higher education. (Landtroop, Lavender, and Perry recorded voting no.)

SB 167 (Veasey, Gallego, Aliseda, Rodriguez, and Y. Davis - House Sponsors), A bill to be entitled An Act relating to the automatic expunction of arrest records and files after an individual receives a pardon or a grant of certain other relief with respect to the offense for which the individual was arrested. (Craddick, Darby, Frullo, Legler, Lewis, Parker, and Shelton recorded voting no.)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hartnett, Representative Veasey offered the following committee amendment to **SB 167**:

SECTION _____. Amend **SB 167** (engrossed) to read as follows:

Page 2, line 23 and 24, after "convicted and subsequently" strike "pardoned or otherwise subsequently granted relief" and insert "granted relief or pardoned".

Amendment No. 1 was adopted.

SB 187 (Zerwas - House Sponsor), A bill to be entitled An Act relating to human body and anatomical specimen donation.

SB 189 (Zerwas - House Sponsor), A bill to be entitled An Act relating to the eligibility of certain aliens for a license to practice medicine in this state. (S. Davis, Paxton, and Perry recorded voting no.)

SB 192 (D. Howard and Naishtat - House Sponsors), A bill to be entitled An Act relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.

SB 193 (S. King and Naishtat - House Sponsors), A bill to be entitled An Act relating to the regulation of the practice of nursing.

CSSB 218 (Dukes - House Sponsor), A bill to be entitled An Act relating to procedures in certain suits affecting the parent-child relationship and the operation of the child protective services and foster care systems. (Chisum, S. Davis, Flynn, Landtroop, Paxton, Perry, and Phillips recorded voting no.)

CSSB 218 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE V. TAYLOR: So, Representative Dukes, we put an amendment on this bill, did we not?

REPRESENTATIVE DUKES: Yes.

V. TAYLOR: And, to establish legislative intent, can you talk about what that amendment did and why we put that in there in committee?

DUKES: Yes. The amendment is to ensure that the agency works closely with parents in developing parental plans.

V. TAYLOR: So, this amendment establishes parental rights over their children even when they are working with CPS.

DUKES: Absolutely. We want to make sure that there is not a one-sided dictation from the Department of Family and Protective Services, overly burdening families with an inability to work appropriately to reunite with their children.

V. TAYLOR: Would you agree that this amendment came out of problems with CPS giving inappropriate recommendations in their plan, without parents having input into it?

DUKES: Absolutely, as well as not giving consistent information to parents to ensure that they would know their rights, and that they would know exactly what the agency was attempting to do, and misleading some, and taking their children.

REMARKS ORDERED PRINTED

Representative V. Taylor moved to print remarks between Representative Dukes and Representative V. Taylor.

The motion prevailed.

Amendment No. 1

Representative Dukes offered the following amendment to **CSSB 218**:

Amend **CSSB 218** (house committee printing) as follows:

(1) In SECTION 2 of the bill, strike amended Section 262.010(a)(2), Family Code (page 2, lines 12 through 16), and substitute the following:

(2) file an original suit requesting an emergency order under this chapter for possession of the child unless the department determines, after taking the following actions, that emergency removal is not necessary for the protection of the child:.

Amendment No. 1 was adopted.

CSSB 220 (Naishtat - House Sponsor), A bill to be entitled An Act relating to guardianships, including the assessment of prospective wards for, and the provision of, guardianship services by the Department of Aging and Disability Services.

SB 226 (T. Smith - House Sponsor), A bill to be entitled An Act relating to reporting individual student performance on a physical fitness assessment instrument to the Texas Education Agency. (R. Anderson, Berman, Cain, Chisum, Flynn, Kuempel, Landtroop, Laubenberg, Paxton, Sheets, Simpson, V. Taylor, Weber, White, and Zedler recorded voting no.)

CSSB 229 (S. King and Naishtat - House Sponsors), A bill to be entitled An Act relating to newborn hearing screenings and hearing services for certain children.

SB 266 (Harless - House Sponsor), A bill to be entitled An Act relating to notice required in connection with possessory liens on motor vehicles.

SB 290 (Hernandez Luna - House Sponsor), A bill to be entitled An Act relating to including a personal financial literacy component in public school mathematics instruction. (Cain and White recorded voting no.)

SB 422 (Frullo - House Sponsor), A bill to be entitled An Act relating to the authority of a municipality or county to contract with another entity to collect certain assessments levied by the municipality or county. (Kolkhorst recorded voting no.)

CSSB 438 (Geren - House Sponsor), A bill to be entitled An Act relating to the number of days a winery may sell wine under a winery festival permit. (Berman and Flynn recorded voting no.)

SB 461 (Huberty - House Sponsor), A bill to be entitled An Act relating to the design and issuance of license plates for United States paratroopers.

SB 462 was withdrawn.

CSSB 469 (Patrick - House Sponsor), A bill to be entitled An Act relating to the collection of unpaid tolls by a regional tollway authority. (Cain, Kolkhorst, and White recorded voting no.)

SB 471 (Parker - House Sponsor), A bill to be entitled An Act relating to public school, child-placing agency, and day-care center policies addressing sexual abuse and other maltreatment of children.

SB 480 (Gallego - House Sponsor), A bill to be entitled An Act relating to certain appeals from judgments of municipal courts of record. (Garza, Frullo, Shelton, and Zedler recorded voting no.)

Amendment No. 1 (Committee Amendment No. 1)

Representative Gallego offered the following committee amendment to **SB 480**:

Amend **SB 480** by adding appropriately numbered sections to read as follows:

SECTION _____. Chapter 29, Government Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. RECUSAL OR DISQUALIFICATION OF MUNICIPAL JUDGES

Sec. 29.051. DEFINITIONS. In this chapter:

(1) "Active judge" means a person who holds office as a district court judge or statutory county court judge.

(2) "Presiding judge" means the presiding judge of a municipal court, including a municipal court of record.

(3) "Regional presiding judge" means the presiding judge of the administrative judicial region appointed under Section 74.005.

Sec. 29.052. MOTION FOR RECUSAL OR DISQUALIFICATION. (a) A party in a hearing or trial in a municipal court, including a municipal court of record, may file with the clerk of the court a motion stating grounds for the recusal or disqualification of the municipal judge. The grounds may include any disability of the judge to preside over the case.

(b) A motion for the recusal or disqualification of a municipal judge must:

(1) be filed at least 10 days before the date of the hearing or trial, except as provided by Subsection (c);

(2) be verified; and

(3) state with particularity the alleged grounds for recusal or disqualification of the judge based on:

(A) personal knowledge that is supported by admissible evidence;

or

(B) specifically stated grounds for belief of the allegations.

(c) A motion for recusal or disqualification must be filed at the earliest practicable time before the beginning of the trial or other hearing if a judge is assigned to a case 10 or fewer days before the date set for a trial or hearing.

Sec. 29.053. NOTICE. A party filing a motion for recusal or disqualification under this subchapter shall serve on all other parties or their counsel:

(1) copies of the motion; and

(2) notice that the movant expects the motion to be presented to the judge three days after the filing of the motion unless the judge orders otherwise.

Sec. 29.054. STATEMENT OPPOSING OR CONCURRING WITH MOTION. A party may file with the clerk of the court a statement opposing or concurring with a motion for recusal or disqualification at any time before the motion is heard.

Sec. 29.055. PROCEDURE FOLLOWING FILING OF MOTION; RECUSAL OR DISQUALIFICATION WITHOUT MOTION. (a) Before further proceedings in a case in which a motion for the recusal or disqualification of a municipal judge has been filed, the judge shall:

(1) recuse or disqualify himself or herself; or

(2) request the regional presiding judge to assign a judge to hear the motion.

(b) A municipal judge who with or without a motion recuses or disqualifies himself or herself:

(1) shall enter an order of recusal or disqualification and:

(A) if the municipal judge is not the presiding judge, request the presiding judge to assign any other judge of the municipal court, including the presiding judge, to hear the case;

(B) if the municipal judge is the presiding judge, request the regional presiding judge to assign another judge of the municipal court to hear the case; or

(C) if the municipal judge serves in a municipality with only one municipal judge, request the regional presiding judge to assign a judge of another municipal court in the county to hear the case; and

(2) may not take other action in the case, except that a judge who recuses himself or herself for good cause may take other action as stated in the order in which the action is taken.

(c) A municipal judge who does not recuse or disqualify himself or herself:

(1) shall forward, in original form or certified copy, an order of referral, the motion, and all opposing and concurring statements to the regional presiding judge; and

(2) may not take other action in the case during the time after the filing of the motion for recusal or disqualification and before a hearing on the motion, except for good cause stated in the order in which the action is taken.

Sec. 29.056. HEARING ON MOTION. (a) A regional presiding judge who receives a request for the assignment of a judge to hear a motion to recuse or disqualify shall:

(1) immediately set a hearing before the regional presiding judge, an active judge, or a judge on the list of judges who are eligible to serve on assignment under Section 74.055;

(2) cause notice of the hearing to be given to all parties or their counsel;
and

(3) make any other orders, including orders on interim or ancillary relief in the pending cause as justice may require.

(b) A judge who hears a motion for recusal or disqualification under Subsection (a) may also hear any amended or supplemented motion for recusal or disqualification filed in the case.

(c) If none of the parties to an action object, a hearing under Subsection (a) or (b) may be conducted by telephone.

Sec. 29.057. PROCEDURE FOLLOWING GRANTING OF MOTION. (a) If a motion for recusal or disqualification is granted after a hearing is conducted as provided by Section 29.056, the judge who heard the motion shall enter an order of recusal or disqualification, and:

(1) if the judge who was the subject of the motion is not the presiding judge, request that the presiding judge assign any other judge of the municipality, including the presiding judge, to hear the case;

(2) if the judge who was the subject of the motion is the presiding judge, request the regional presiding judge to assign another judge of the municipality to hear the case; or

(3) if the judge subject to recusal or disqualification is located in a municipality with only one municipal judge, request the regional presiding judge to assign a judge of another municipal court in the county to hear the case.

(b) If the presiding judge is unable to assign a judge of the municipality to hear a case when a municipal judge is recused or disqualified under Section 29.055 or 29.056 because there are not any other municipal judges in the municipality or because all the municipal judges have been recused or disqualified or are otherwise unavailable to hear the case, the presiding judge shall request the regional presiding judge to first assign a municipal judge from another municipality in the county or, if necessary, assign a municipal judge from a municipality in an adjacent county to hear the case.

(c) If the regional presiding judge is unable to assign a judge to hear a case when a municipal judge is recused or disqualified under Section 29.055 or 29.056 because there are not any other municipal judges in the county or because all the municipal judges have been recused or disqualified or are otherwise unavailable to hear the case, the regional presiding judge may assign a municipal judge from a municipality in an adjacent county to hear the case.

Sec. 29.058. APPEAL. (a) After a municipal court of record has rendered a final judgment in a case, a party may appeal an order that denies a motion for recusal or disqualification as an abuse of the court's discretion.

(b) A party may not appeal an order that grants a motion for recusal or disqualification.

Sec. 29.059. CONTEMPT. If a party files a motion to recuse or disqualify under this subchapter and it is determined by the judge hearing the motion, at the hearing and on motion of the opposing party, that the motion to recuse or disqualify is brought solely for the purpose of delay and without sufficient cause, the judge may in the interest of justice find the party filing the motion in contempt under Section 21.002(c).

Sec. 29.060. COMPENSATION. (a) An active judge who is assigned to hear a motion to recuse or disqualify a municipal judge under this subchapter is not entitled to additional compensation other than travel expenses. A judge assigned to hear a motion to recuse or disqualify who is not an active judge is entitled to:

(1) compensation of \$450 per day of service, prorated for any day for which the judge provides less than a full day of service; and

(2) travel expenses.

(b) A municipal judge assigned under this subchapter to hear a case in a court other than the one in which the judge resides or serves is entitled to compensation provided by law for judges in similar cases and travel expenses.

(c) The municipality in which a case subject to this subchapter is pending shall pay the compensation and travel expenses due or incurred under this subchapter.

SECTION _____. Subchapter A, Chapter 29, Government Code, is amended by adding Section 29.013 to read as follows:

Sec. 29.013. REPORT TO TEXAS JUDICIAL COUNCIL. (a) The secretary of the municipality in a municipality with a municipal court, including a municipal court of record, or the employee responsible for maintaining the records of the municipality's governing body shall notify the Texas Judicial Council of the name of:

(1) each person who is elected or appointed as mayor, municipal court judge, or clerk of a municipal court; and

(2) each person who vacates an office described by Subdivision (1).

(b) The secretary or employee shall notify the judicial council not later than the 30th day after the date of the person's election or appointment to office or vacancy from office.

SECTION _____. The following sections are repealed:

(1) Section 29.012, Government Code; and

(2) Section 22.073(c), Local Government Code.

SECTION _____. Subchapter A-1, Chapter 29, Government Code, as added by this Act, applies only to a hearing or trial initially filed in a municipal court on or after the effective date of this Act.

Amendment No. 1 was adopted.

SB 481 (Jackson - House Sponsor), A bill to be entitled An Act relating to the removal of a guardian of an incapacitated person ordered by a court. (Paxton and V. Taylor recorded voting no.)

SB 482 (Jackson - House Sponsor), A bill to be entitled An Act relating to authorization agreements between parents and nonparent relatives of a child.

SB 496 (Hilderbran, Gallego, Fletcher, and Rodriguez - House Sponsors), A bill to be entitled An Act relating to the punishment for the offense of evading arrest or detention.

SB 519 (Hartnett, Gallego, Christian, Y. Davis, Zedler, et al. - House Sponsors), A bill to be entitled An Act relating to the period during which a motion for a new trial in a criminal proceeding in a justice or municipal court must be made.

SB 530 (S. Miller - House Sponsor), A bill to be entitled An Act relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Social Security Administration and to updating certain references related to the grant of that authority to other federal law enforcement personnel. (Simpson recorded voting no.)

SB 548 (Darby and Schwertner - House Sponsors), A bill to be entitled An Act relating to the environmental review process for transportation projects. (Kolkhorst recorded voting no.)

Amendment No. 1

Representative Darby offered the following amendment to **SB 548**:

Amend **SB 548** (house committee printing) as follows:

(1) In SECTION 2 of the bill, following added Section 201.752(d), Transportation Code (page 4, between lines 7 and 8), insert:

(e) For highway projects described in Section 201.753(a), the standards may provide a process and criteria for the prioritization of environmental review documents in the event the department makes a finding that it lacks adequate resources to timely process all documents it receives. Standards established pursuant to this subsection must provide for notification to a local government sponsor if processing of an environmental review document is to be delayed due to prioritization, and must ensure that the environmental review document for each highway project will be completed no later than one year prior to the date planned for publishing notice to let the construction contract for the project, as indicated in a document identifying the project under Section 201.753(a)(1) or a commission order under Section 201.753(a)(2).

(2) In SECTION 2(c) of the bill (page 10, line 20), strike "the effective date of this Act" and substitute "September 1, 2011".

(3) In SECTION 2(c) of the bill (page 10, line 22), strike "the effective date of this Act" and substitute "September 1, 2011,".

(4) In SECTION 5 of the bill (page 12, lines 18-19), strike "the effective date of this Act" and substitute "September 1, 2011".

(5) Strike SECTION 6 of the bill (page 12, line 24) and substitute:

SECTION 6. (a) Section 222.005, Transportation Code, as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 222.005 takes effect September 1, 2011.

(b) Except as provided by Subsection (a) of this section, this Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

SB 563 (Torres - House Sponsor), A bill to be entitled An Act relating to information regarding job matching services provided by the Texas Workforce Commission; providing a criminal penalty.

Amendment No. 1

Representative Torres offered the following amendment to **SB 563**:

Amend **SB 563** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.068 to read as follows:

Sec. 301.068. EFFICIENCY PILOT PROGRAM. (a) The commission shall establish a pilot program to:

(1) improve the efficiency and quality of commission operations while reducing costs; and

(2) adopt a structured approach for identifying the wasteful use of state resources and improving commission processes.

(b) In implementing the pilot program, the commission shall use:

(1) a methodology that includes a define, measure, analyze, improve, and control structure for reviewing project management;

(2) a continuous improvement technique that:

(A) identifies value and a value stream;

(B) creates a flow for activities;

(C) allows consumers to pull products or services through the process; and

(D) allows for the process to be perfected over time; and

(3) a measurement system analysis to evaluate data.

(c) The commission shall conduct an internal performance audit to assess the effectiveness of the pilot program implemented under this section.

(d) Not later than August 1, 2012, the commission shall submit a written report of the results of the performance audit to the:

(1) governor;

(2) lieutenant governor;

- (3) speaker of the house of representatives;
- (4) Senate Committee on Government Organization;
- (5) House Government Efficiency and Reform Committee; and
- (6) house and senate committees with primary jurisdiction over state

affairs.

(e) The commission shall implement the pilot program from available funds that may be used for that purpose.

(f) A state agency, other than the commission, may implement the pilot program established under this section with respect to the agency. An agency that implements the pilot program shall:

(1) conduct the performance audit and submit the written report in the time and manner described by Subsections (c) and (d); and

(2) use available resources to fund the pilot program.

(g) A report required by this section may be submitted electronically.

(h) This section expires September 1, 2013.

Amendment No. 1 was adopted.

SB 578 (Hartnett, Gallego, Christian, Rodriguez, Carter, et al. - House Sponsors), A bill to be entitled An Act relating to the testimony of children in criminal cases.

SB 609 (Gonzalez - House Sponsor), A bill to be entitled An Act relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules. (Simpson recorded voting no.)

SB 626 (Thompson - House Sponsor), A bill to be entitled An Act relating to lottery winnings, including assignment of winnings, periodic payments of winnings, and the deduction of child support delinquency amounts from winnings paid to a prize winner.

SB 627 (Veasey - House Sponsor), A bill to be entitled An Act relating to the participation by certain taxing units in tax increment financing and the payment of tax increments into the tax increment fund for a reinvestment zone. (Berman, Cain, Carter, Craddick, Darby, Flynn, Frullo, Laubenberg, Legler, Lewis, Parker, Price, Schwertner, Shelton, White, and Workman recorded voting no.)

SB 682 (Elkins - House Sponsor), A bill to be entitled An Act relating to access to criminal history record information that relates to a person who is an applicant for appointment to an appraisal review board.

CSSB 701 (Strama, Peña, and Button - House Sponsors), A bill to be entitled An Act relating to high-value data sets of state agencies posted on the Internet.

SB 735 (Smithee - House Sponsor), A bill to be entitled An Act relating to prohibition of certain extra hazardous coverages by title insurance companies.

SB 743 (Kleinschmidt - House Sponsor), A bill to be entitled An Act relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.

CSSB 760 (Turner - House Sponsor), A bill to be entitled An Act relating to the term of interlocal contracts.

SB 767 (Alvarado - House Sponsor), A bill to be entitled An Act relating to the regulation of certain residential mortgage foreclosure consulting services; providing a criminal penalty.

Amendment No. 1

Representative Alvarado offered the following amendment to **SB 767**:

Amend **SB 767** (house committee printing) in SECTION 1 of the bill, by striking added Section 21.152, Business & Commerce Code (page 8, lines 8-10).

Amendment No. 1 was adopted.

SB 789 (Thompson - House Sponsor), A bill to be entitled An Act relating to the duration of a protective order against family violence.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Jackson, Representative Thompson offered the following committee amendment to **SB 789**:

Amend **SB 789** (senate engrossment) in SECTION 2 of the bill, in amended Section 85.025(b), Family Code (page 2, line 15), between "order." and "After", by inserting the following:

A person who is the subject of a protective order under Subsection (a-1) that is effective for a period that exceeds two years may file a subsequent motion requesting that the court review the protective order and determine whether there is a continuing need for the order not earlier than the first anniversary of the date on which the court rendered an order on a previous motion by the person under this subsection.

Amendment No. 1 was adopted.

SB 791 (Jackson - House Sponsor), A bill to be entitled An Act relating to electronic notification of certain state officials and agencies of certain rules and rulemaking filings.

SB 792 (Branch - House Sponsor), A bill to be entitled An Act relating to the duties of the secretary of state.

SB 796 (S. King - House Sponsor), A bill to be entitled An Act relating to reporting on and assessing programs for the prevention and treatment of diabetes in the state.

SB 799 (Geren - House Sponsor), A bill to be entitled An Act relating to the definition of "first sale" for purposes of the taxes imposed on certain liquor. (Berman and Flynn recorded voting no.)

SB 802 (Hunter - House Sponsor), A bill to be entitled An Act relating to allowing the Aransas County Commissioners Court to charge interest on assessments for certain county road improvements. (Berman, Cain, Flynn, Sheets, and White recorded voting no.)

Amendment No. 1

On behalf of Representative Hunter, Representative Scott offered the following amendment to **SB 802**:

Amend **SB 802** in SECTION 2 of the bill by striking added Section 253.008(d), Transportation Code (page 1, lines 16-17, house committee printing), and substituting the following:

(d) Beginning on the second anniversary of the date of an assessment, the Commissioners Court of Aransas County by order may require the payment of interest on the assessment at the rate determined under Section 304.003, Finance Code.

Amendment No. 1 was adopted.

CSSB 804 (Hunter - House Sponsor), A bill to be entitled An Act relating to the use of revenue from the hotel occupancy tax by certain counties. (C. Anderson, Bohac, Cain, Madden, Sheffield, and White recorded voting no.)

SB 811 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the regulation of the practice of veterinary medicine.

CSSB 812 (Raymond - House Sponsor), A bill to be entitled An Act relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System. (Burkett, Cain, Price, Schwertner, and White recorded voting no.)

SB 819 (Thompson - House Sponsor), A bill to be entitled An Act relating to family violence and protective orders.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Jackson, Representative Thompson offered the following committee amendment to **SB 819**:

Amend **SB 819** in SECTION 1 of the bill, in added Section 81.010, Family Code (senate engrossment, page 1, between lines 13 and 14), by inserting the following:

(c) A motion for enforcement of a protective order rendered under this title may be filed in:

(1) any court in the county in which the order was rendered with jurisdiction of proceedings arising under this title;

(2) a county in which the movant or respondent resides; or

(3) a county in which an alleged violation of the order occurs.

Amendment No. 1 was adopted.

SB 851 (Branch - House Sponsor), A bill to be entitled An Act relating to a uniform deadline for student financial assistance for public institutions of higher education other than public junior colleges.

SB 855 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to assistance provided by the Office of Public Utility Counsel to interested parties on certain electricity matters involving certificates of convenience and necessity.

SB 867 (Jackson - House Sponsor), A bill to be entitled An Act relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

SB 886 (Darby - House Sponsor), A bill to be entitled An Act relating to the execution docket and other records of certain court clerks.

SB 899 (Schwertner - House Sponsor), A bill to be entitled An Act relating to the legislature's consent or approval of a settlement of a claim or action against this state. (Flynn recorded voting no.)

CSSB 917 (D. Miller - House Sponsor), A bill to be entitled An Act relating to emergency service districts. (P. King and Kolkhorst recorded voting no.)

SB 957 (C. Anderson - House Sponsor), A bill to be entitled An Act relating to the clarification of terminology relating to the Waco Center for Youth.

SB 959 (Pickett - House Sponsor), A bill to be entitled An Act relating to toll collection and enforcement. (Craddick, Darby, Frullo, Lewis, Price, Shelton, and Workman recorded voting no.)

SB 966 (Pickett - House Sponsor), A bill to be entitled An Act relating to high school diplomas for certain military veterans. (Cain and Garza recorded voting no.)

SB 987 (Kleinschmidt - House Sponsor), A bill to be entitled An Act relating to the term of office and qualifications for a director of the Colorado County Groundwater Conservation District.

SB 993 (Rodriguez - House Sponsor), A bill to be entitled An Act relating to certain arrangements to provide care for a child during an investigation of abuse or neglect.

Amendment No. 1

Representative Thompson offered the following amendment to **SB 993**:

Amend **SB 993** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 262, Family Code, is amended by adding Section 262.1095 to read as follows:

Sec. 262.1095. INFORMATION PROVIDED TO RELATIVES AND CERTAIN INDIVIDUALS; INVESTIGATION. (a) When the Department of Family and Protective Services or another agency takes possession of a child under this chapter, the department:

(1) shall provide information as prescribed by this section to each adult the department is able to identify and locate who:

(A) is related to the child within the third degree by consanguinity as determined under Chapter 573, Government Code, or is an adult relative of the alleged father of the child who the department determines is most likely to be the child's biological father; and

(B) is identified as a potential relative or designated caregiver, as defined by Section 264.751, on the proposed child placement resources form provided under Section 261.307; and

(2) may provide information as prescribed by this section to each adult the department is able to identify and locate who has a long-standing and significant relationship with the child.

(b) The information provided under Subsection (a) must:

(1) state that the child has been removed from the child's home and is in the temporary managing conservatorship of the department;

(2) explain the options available to the individual to participate in the care and placement of the child and the support of the child's family;

(3) state that some options available to the individual may be lost if the individual fails to respond in a timely manner; and

(4) include, if applicable, the date, time, and location of the hearing under Subchapter C, Chapter 263.

(c) The department is not required to provide information to an individual if the individual has received service of citation under Section 102.009 or if the department determines providing information is inappropriate because the individual has a criminal history or a history of family violence.

(d) The department shall use due diligence to identify and locate all individuals described by Subsection (a) not later than the 30th day after the date the department files a suit affecting the parent-child relationship. In order to identify and locate the individuals described by Subsection (a), the department shall seek information from:

(1) each parent, relative, and alleged father of the child; and

(2) the child in an age-appropriate manner.

(e) The failure of a parent or alleged father of the child to complete the proposed child placement resources form does not relieve the department of its duty to seek information about the person under Subsection (d).

SECTION _____. Subchapter A, Chapter 263, Family Code, is amended by adding Section 263.007 to read as follows:

Sec. 263.007. REPORT REGARDING NOTIFICATION OF RELATIVES. Not later than the 10th day before the date set for a hearing under Subchapter C, the department shall file with the court a report regarding:

(1) the efforts the department made to identify, locate, and provide information to the individuals described by Section 262.1095;

(2) the name of each individual the department identified, located, or provided with information; and

(3) if applicable, an explanation of why the department was unable to identify, locate, or provide information to an individual described by Section 262.1095.

SECTION _____. The heading to Section 263.105, Family Code, is amended to read as follows:

Sec. 263.105. REVIEW OF SERVICE PLAN; MODIFICATION.

SECTION _____. Section 263.105, Family Code, is amended by adding Subsection (c) to read as follows:

(c) The court may modify an original or amended service plan at any time.

SECTION _____. Section 263.201(b), Family Code, is amended to read as follows:

(b) A status hearing is not required if the court holds an initial permanency hearing under Section 262.2015 and makes findings required by Section 263.202 before the date a status hearing is required by this section.

SECTION _____. Section 263.202, Family Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (f), (g), and (h) to read as follows:

(a) If all persons ~~[parties]~~ entitled to citation and notice of a status hearing under this chapter were not served, the court shall make findings as to whether:

(1) the department or other agency has exercised due diligence to locate all necessary persons, including an alleged father of the child, regardless of whether the alleged father is registered with the registry of paternity under Section 160.402; and

(2) the child and each [custodial] parent, alleged father, or relative of the child before the court have [has] furnished to the department all available information necessary to locate an [another] absent parent, alleged father, or relative of the child through exercise of due diligence.

(b) Except as otherwise provided by this subchapter [Subsection (c)], a status hearing shall be limited to matters related to the contents and execution of the service plan filed with the court. The court shall review the service plan that the department or other agency filed under this chapter for reasonableness, accuracy, and compliance with requirements of court orders and make findings as to whether:

(1) a plan that has the goal of returning the child to the child's parents adequately ensures that reasonable efforts are made to enable the child's parents to provide a safe environment for the child; ~~and]~~

(2) the child's parents have reviewed and understand the ~~[service]~~ plan and have been advised that unless the parents are willing and able to provide the child with a safe environment, even with the assistance of a service plan, within the reasonable period of time specified in the plan, the parents' parental and custodial duties and rights may be subject to restriction or to termination under this code or the child may not be returned to the parents;

(3) the plan is reasonably tailored to address any specific issues identified by the department or other agency; and

(4) the child's parents and the representative of the department or other agency have signed the plan.

(b-1) After reviewing the service plan and making any necessary modifications, the court shall incorporate the service plan into the orders of the court and may render additional appropriate orders to implement or require compliance with the plan.

(f) The court shall review the report filed by the department under Section 263.007 and inquire into the sufficiency of the department's efforts to identify, locate, and provide information to each adult described by Section 262.1095(a).

The court shall order the department to make further efforts to identify, locate, and provide information to each adult described by Section 262.1095(a) if the court determines that the department's efforts have not been sufficient.

(g) The court shall give the child's parents an opportunity to comment on the service plan.

(h) If a proposed child placement resources form as described by Section 261.307 has not been submitted, the court shall require each parent, alleged father, or other person to whom the department is required to provide a form to submit a completed form.

SECTION _____. Subchapter C, Chapter 263, Family Code, is amended by adding Section 263.203 to read as follows:

Sec. 263.203. APPOINTMENT OF ATTORNEY AD LITEM; ADMONISHMENTS. (a) The court shall advise the parties of the provisions regarding the mandatory appointment of an attorney ad litem under Subchapter A, Chapter 107, and shall appoint an attorney ad litem to represent the interests of any person eligible if the appointment is required by that subchapter.

(b) The court shall advise the parties that progress under the service plan will be reviewed at all subsequent hearings, including a review of whether the parties have acquired or learned any specific skills or knowledge stated in the plan.

SECTION _____. Sections 263.202(c) and (d), Family Code, are repealed.

SECTION _____. The changes in law made by this Act to Chapters 262 and 263, Family Code, apply only to a child taken into possession by the Department of Family and Protective Services or another agency on or after the effective date of this Act. A child taken into possession before that date is governed by the law in effect on the date the child is taken into possession, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

SB 1002 (Menendez - House Sponsor), A bill to be entitled An Act relating to the designation of program costs for providing bill payment assistance to certain military veterans as a necessary operating expense that is a first lien against revenue of certain electric and gas utilities' revenue securing certain public securities or obligations.

SB 1003 was deferred until the end of today's local, consent, and resolutions calendar.

CSSB 1026 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the powers and duties of an attorney ad litem appointed for a parent or an alleged father in certain suits affecting the parent-child relationship.

SB 1043 (Martinez - House Sponsor), A bill to be entitled An Act relating to the criminal penalty for the discarding of certain burning materials. (Berman, Craddick, Darby, Flynn, Frullo, Legler, Lewis, Nash, Price, and Shelton recorded voting no.)

SB 1044 (Ritter - House Sponsor), A bill to be entitled An Act relating to authorizing counties to finance the acquisition of conservation easements. (Cain, Garza, Kolkhorst, Simpson, White, and Zedler recorded voting no.)

SB 1046 (Peña - House Sponsor), A bill to be entitled An Act relating to information regarding deceased registered voters.

CSSB 1068 (Guillen - House Sponsor), A bill to be entitled An Act relating to the lease of certain state parking facilities to other persons. (Kolkhorst recorded voting no.)

SB 1069 (J. Davis - House Sponsor), A bill to be entitled An Act relating to the Texas emerging technology fund reporting requirement.

Representative J. Davis moved to postpone consideration of **SB 1069** until 8 a.m. Wednesday, June 1.

The motion prevailed.

CSSB 1094 (Strama - House Sponsor), A bill to be entitled An Act relating to the availability of online testing for high school equivalency examinations. (Flynn, Landtroop, Laubenberg, Lavender, Paxton, and Perry recorded voting no.)

SB 1098 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Calendars.

SB 1103 (Carter, Y. Davis, Zedler, Rodriguez, Christian, et al. - House Sponsors), A bill to be entitled An Act relating to the venue for prosecution of certain theft offenses.

SB 1114 (T. Smith - House Sponsor), A bill to be entitled An Act relating to the regulation of driver training schools and instructors.

Amendment No. 1

Representative T. Smith offered the following amendment to **SB 1114**:

Amend **SB 1114** (house committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 1001.055(a), Education Code (page 2, lines 2-3), between "enable the school" and "to print", insert "and each approved parent-taught course provider (approved by the Texas Department of Public Safety under Section 521.205 of the Transportation Code)".

(2) In SECTION 3 of the bill, in added Section 1001.055(a-1), Education Code (page 2, line 9), between "school" and "must", insert "or Department of Public Safety approved course provider".

(3) In SECTION 3 of the bill, in added Section 1001.055(a-1)(2), Education Code (page 2, line 13), between "driver education school" and the underlined period, insert "or Department of Public Safety approved course provider".

(4) In SECTION 3 of the bill, in added Section 1001.055(a-2), Education Code (page 2, line 14), between "driver education school" and "that purchases", insert "or Department of Public Safety approved course provider".

(5) In SECTION 3 of the bill, in added Section 1001.055(a-2), Education Code (page 2, line 19), between "school" and "shall electronically", insert "or Department of Public Safety approved course provider".

(6) In SECTION 4 of the bill, in added Section 1001.2511(b), Education Code (page 3, lines 15-17), strike "and who has not previously submitted fingerprints to the Department of Public Safety or been subject to a national criminal history record information review".

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

SECTION _____. Section 1001.253, Education Code, is amended by amending Subsection (d) and adding Subsection (g) to read as follows:

(d) Except as provided by Subsection (g) or Section 1001.254, a driver education instructor license authorizing a person to teach or provide classroom training may not be issued unless the person:

(1) has completed nine semester hours of driver and traffic safety education or a program of study in driver education approved by the commissioner from an approved driver education school; and

(2) holds a teaching certificate and any additional certification required to teach driver education.

(g) A driver education instructor license authorizing a person to teach or provide classroom training may be issued to a person who satisfies the requirements of Subsection (d)(1) but does not satisfy the requirements of Subsection (d)(2), except that such a license may authorize the license holder to teach or provide classroom training only for a driver education school that is located in a county that has a population of at least 275,000 but not more than 285,000 and is operated by a private primary or secondary school or open-enrollment charter school. This section does not affect any law or school policy that requires a review of criminal history record information.

Amendment No. 1 was adopted.

SB 1159 (Jackson - House Sponsor), A bill to be entitled An Act relating to an exception to the residency requirements for filing a suit for dissolution of a marriage in this state for certain spouses of military personnel.

CSSB 1169 (Hamilton - House Sponsor), A bill to be entitled An Act relating to the regulation of providers, administrators, and sellers of service contracts and identity recovery service contracts; providing penalties.

SB 1176 (J. Davis - House Sponsor), A bill to be entitled An Act relating to the definition of a postsecondary program in regard to non-baccalaureate career schools and colleges.

SB 1179 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to the elimination of certain required reports prepared by state agencies and institutions of higher education and other obsolete provisions of law. (Kolkhorst and Morrison recorded voting no.)

Amendment No. 1

Representative Harper-Brown offered the following amendment to **SB 1179**:

Amend **SB 1179** (house committee report) as follows:

(1) Strike Section 20 of the bill, amending Section 122.0095(a), Human Resources Code (page 13, lines 3-13).

(2) In Section 26 of the bill, strike Subdivision (124) of that section repealing Sections 122.0095(b)-(e), Human Resources Code (page 23, lines 12 and 13).

(3) Renumber the SECTIONS of the bill and the subdivisions within those sections accordingly.

Amendment No. 1 was adopted.

CSSB 1185 (Gooden - House Sponsor), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax for the operation and maintenance of a fairground in the county. (C. Anderson, Berman, Bohac, Burkett, Cain, Carter, Flynn, P. King, Lavender, Madden, Sheffield, Weber, and White recorded voting no.)

SB 1196 (Hartnett - House Sponsor), A bill to be entitled An Act relating to guardianships and alternatives to guardianship for persons who have physical disabilities or who are incapacitated.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Madden, Representative Hartnett offered the following committee amendment to **SB 1196**:

Amend **SB 1196** (senate engrossed version) as follows:

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

SECTION _____. Subpart E, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 652 to read as follows:

Sec. 652. LOCATION OF HEARING. (a) Except as provided by Subsection (b) of this section, the judge may hold a hearing on a guardianship matter involving an adult ward or adult proposed ward at any suitable location in the county in which the guardianship matter is pending. The hearing should be held in a physical setting that is not likely to have a harmful effect on the ward or proposed ward.

(b) On the request of the adult proposed ward, the adult ward, or the attorney of the proposed ward or ward, the hearing may not be held under the authority of this section at a place other than the courthouse.

(2) Immediately following SECTION 42(b) of the bill (page 32, between lines 5 and 6), insert the following appropriately lettered subsection and reletter subsequent subsections of SECTION 42 accordingly:

(_____) Section 652, Texas Probate Code, as added by this Act, applies to a guardianship matter that is pending or commenced on or after the effective date of this Act.

Amendment No. 1 was adopted.

SB 1198 (Hartnett - House Sponsor), A bill to be entitled An Act relating to decedents' estates.

Amendment No. 1 (Committee Amendment No. 1)

Representative Hartnett offered the following committee amendment to **SB 1198**:

Amend **SB 1198** (senate engrossed version) as follows:

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

SECTION 1. _____. Section 83(a), Texas Probate Code, is amended to read as follows:

(a) Where Original Application Has Not Been Heard. If, after an application for the probate of a will or for the appointment of a general personal representative has been filed, and before such application has been heard, an application for the probate of a will of the decedent, not theretofore presented for probate, is filed, the court shall hear both applications together and determine what instrument, if any, should be admitted to probate, or whether the decedent died intestate. The court may not sever or bifurcate the proceeding on the applications.

(2) In SECTION 1.24 of the bill, strike Subdivisions (5) and (6) in amended Section 149C(a), Texas Probate Code (page 42, line 24, through page 43, line 3), and substitute the following:

(5) the independent executor is proved to have been guilty of gross misconduct or gross mismanagement in the performance of the independent executor's duties; [~~or~~]

(6) the independent executor becomes an incapacitated person, or is sentenced to the penitentiary, or from any other cause becomes legally incapacitated from properly performing the independent executor's fiduciary duties; or

(7) the independent executor becomes incapable of properly performing the independent executor's fiduciary duties due to a material conflict of interest.

(3) In SECTION 1.42 of the bill, between Subsections (d) and (e) of that section (page 61, between lines 4 and 5), insert the following:

(d-1) The changes in law made by this article to Section 83(a), Texas Probate Code, apply only to an application for the probate of a will or administration of the estate of a decedent that is pending or filed on or after the effective date of this Act.

(4) Add the following appropriately numbered SECTION to Article 2 of the bill and renumber subsequent SECTIONS of Article 2 as appropriate:

SECTION 2. _____. Section 256.101, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 256.101. PROCEDURE ON FILING OF SECOND APPLICATION WHEN ORIGINAL APPLICATION HAS NOT BEEN HEARD. (a) If, after an application for the probate of a decedent's will or the appointment of a personal

representative for the decedent's estate has been filed but before the application is heard, an application is filed for the probate of a will of the same decedent that has not previously been presented for probate, the court shall:

(1) hear both applications together; and

(2) determine:

(A) if both applications are for the probate of a will, which will should be admitted to probate, if either, or whether the decedent died intestate; or

(B) if only one application is for the probate of a will, whether the will should be admitted to probate or whether the decedent died intestate.

(b) The court may not sever or bifurcate the proceeding on the applications described in Subsection (a).

(5) In SECTION 2.52 of the bill, strike added Sections 404.003(a)(5) and (6), Estates Code (page 121, lines 12 through 18), and substitute the following:

(5) the independent executor is proved to have been guilty of gross misconduct or gross mismanagement in the performance of the independent executor's duties;

(6) the independent executor becomes an incapacitated person, or is sentenced to the penitentiary, or from any other cause becomes legally incapacitated from properly performing the independent executor's fiduciary duties; or

(7) the independent executor becomes incapable of properly performing the independent executor's fiduciary duties due to a material conflict of interest.

(6) In SECTION 2.53(b) of the bill, strike Subdivisions (1), (2), and (3) (page 136, lines 18-23) and substitute the following:

(1) Sections 4D, 4H, 48, 49, 59, 64, 67, 83(a), 84, 250, 260, 436, 439, 452, 471, 472, and 473, as amended by Article 1 of this Act; and

(2) Sections 6A, 6B, 6C, 6D, 8A, 8B, 145A, 145B, and 145C, as added by Article 1 of this Act.

Amendment No. 1 was adopted.

SB 1209 (Marquez, Madden, Allen, Perry, Workman, et al. - House Sponsors), A bill to be entitled An Act relating to the detention of certain juvenile offenders. (Carter recorded voting no.)

Amendment No. 1

Representative Marquez offered the following amendment to **SB 1209**:

Amend **SB 1209** (house committee printing) as follows:

(1) Strike SECTION 3 of the bill, adding Section 152.0007(c), Human Resources Code (page 2, lines 20 through 25) and substitute the following:

SECTION 3. Subchapter A, Chapter 152, Human Resources Code, is amended by adding Section 152.0015 to read as follows:

Sec. 152.0015. PRETRIAL DETENTION POLICY FOR CERTAIN JUVENILES. A juvenile board shall establish a policy that specifies whether a person who has been transferred for criminal prosecution under Section 54.02, Family Code, and is younger than 17 years of age may be detained in a juvenile facility pending trial as provided by Section 51.12, Family Code.

(2) In SECTION 4 of the bill, in amended Section 54.02(h), Family Code (page 3, lines 11 through 12), strike "Section 152.0007(c)" and substitute "Section 152.0015".

Amendment No. 1 was adopted.

SB 1216 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1220 (V. Gonzales - House Sponsor), A bill to be entitled An Act relating to the advisory committee on Medicaid and child health plan program rate and expenditure disparities between the Texas-Mexico border region and other areas of the state. (C. Anderson, Berman, Bohac, Cain, Carter, S. Davis, Flynn, Landtroop, Laubenberg, Lavender, Madden, Paxton, Perry, Price, Schwertner, Sheffield, Simpson, V. Taylor, Weber, White, and Zedler recorded voting no.)

SB 1228 (Jackson - House Sponsor), A bill to be entitled An Act relating to the duties of district clerks regarding certain electronic filing systems.

SB 1231 was deferred until the end of today's local, consent, and resolutions calendar.

CSSB 1233 (Coleman - House Sponsor), A bill to be entitled An Act relating to the promotion of efficiencies in and the administration of certain district court and county services and functions. (Burkett and Carter recorded voting no.)

Amendment No. 1

Representative Coleman offered the following amendment to **CSSB 1233**:

Amend **CSSB 1233** (house committee report) by striking SECTION 10 of the bill, amending Section 43.007(i), Election Code (page 5, lines 15 through 20), and renumbering the remaining SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

CSSB 1234 (Dutton - House Sponsor), A bill to be entitled An Act relating to municipal management districts. (Bohac, Carter, Craddick, Darby, Frullo, Lewis, Madden, Price, Sheffield, Shelton, Simpson, and Workman recorded voting no.)

CSSB 1271 (Perry - House Sponsor), A bill to be entitled An Act relating to alternative dispute resolution systems established by counties.

SB 1273 (Hamilton, Gallego, Coleman, Hartnett, Christian, et al. - House Sponsors), A bill to be entitled An Act relating to the lawful manufacture, distribution, and possession of and prescriptions for controlled substances under the Texas Controlled Substances Act.

SB 1292 (Fletcher, Peña, and S. Miller - House Sponsors), A bill to be entitled An Act relating to the issuance of a driver's license to a peace officer that includes an alternative to the officer's residence address.

SB 1308 (McClendon, Gallego, Rodriguez, Hartnett, and Zedler - House Sponsors), A bill to be entitled An Act relating to the standards for attorneys representing indigent defendants in capital cases.

SB 1322 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to the operation of the Kimble County, McCulloch County, Mason County, and Menard County Juvenile Boards.

SB 1330 (Naishtat - House Sponsor), A bill to be entitled An Act relating to driving safety courses for individuals younger than 25 years of age receiving deferred disposition for certain traffic offenses. (Craddick, Darby, Frullo, Lewis, Price, Shelton, and Simpson recorded voting no.)

SB 1361 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1404 (Y. Davis - House Sponsor), A bill to be entitled An Act relating to the deadline for filing a suit to compel an appraisal review board to change an appraisal roll.

CSSB 1413 (Kleinschmidt - House Sponsor), A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax. (C. Anderson, Berman, Bohac, Burkett, Cain, Flynn, Madden, Sheffield, Simpson, V. Taylor, Weber, and White recorded voting no.)

SB 1421 (Schwertner and S. Davis - House Sponsors), A bill to be entitled An Act relating to the awarding of grants provided by the Cancer Prevention and Research Institute of Texas.

SB 1438 (Hopson - House Sponsor), A bill to be entitled An Act relating to the program for impaired pharmacists and disciplinary proceedings conducted by the Texas State Board of Pharmacy.

SB 1441 (Y. Davis - House Sponsor), A bill to be entitled An Act relating to the correction of an ad valorem tax appraisal roll. (Berman recorded voting no.)

CSSB 1449 (Raymond - House Sponsor), A bill to be entitled An Act relating to an alternative method of satisfying certain licensing requirements for chemical dependency treatment facilities.

SB 1480 (Darby - House Sponsor), A bill to be entitled An Act relating to the regulation of exotic aquatic species by the Parks and Wildlife Department; providing penalties.

SB 1493 (Farias - House Sponsor), A bill to be entitled An Act relating to the directors of a defense base management authority and to a study on the effectiveness of the authority.

SB 1521 (Gallego, Castro, Hartnett, Aliseda, and Rodriguez - House Sponsors), A bill to be entitled An Act relating to the distribution of money appropriated from a municipal court building security fund.

SB 1521 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Gallego, Representative Garza was authorized as a house sponsor to **SB 1521**.

SB 1522 (Madden, Gallego, Carter, Burkett, and Aliseda - House Sponsors), A bill to be entitled An Act relating to the entering of a plea in a criminal case by a defendant confined in a penal institution.

SB 1557 (Strama - House Sponsor), A bill to be entitled An Act relating to the Texas High Performance Schools Consortium. (Cain, Paxton, and White recorded voting no.)

CSSB 1600 (P. King and S. Miller - House Sponsors), A bill to be entitled An Act relating to the registration of peace officers as private security officers.

SB 1610 (Hamilton - House Sponsor), A bill to be entitled An Act relating to seat belt requirements for certain vehicles.

SB 1613 (Brown - House Sponsor), A bill to be entitled An Act relating to the application of the public meetings and public information laws to public power utilities.

SB 1616 (Gallego, Anchia, Hartnett, Christian, and Zedler - House Sponsors), A bill to be entitled An Act relating to the collection, storage, preservation, analysis, retrieval, and destruction of biological evidence.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hartnett, Representative Gallego offered the following committee amendment to **SB 1616**:

SECTION _____. Amend **SB 1616** (engrossed version) with the following:

- (1) Section 1 Article 38.43, Code of Criminal Procedure (page 3, line 20 and 21) unstrike "~~described by Subsection (b)~~"
- (2) On page 3, line 21, replace "~~(b)~~" with "(a)".
- (3) On page 3, line 21 and 22, strike "after expiration of the retention period specified by Subsection (c)".
- (4) On page 3, line 22, unstrike "~~, but only~~".

Amendment No. 1 was adopted.

CSSB 1636 (McClendon - House Sponsor), A bill to be entitled An Act relating to the collection, analysis, and preservation of sexual assault or DNA evidence. (Berman, Craddick, Darby, Flynn, Frullo, Lewis, Nash, and Shelton recorded voting no.)

SB 1638 (Geren - House Sponsor), A bill to be entitled An Act relating to the exception of certain personal information from required disclosure under the public information law.

SB 1649 (Margo - House Sponsor), A bill to be entitled An Act relating to a grant program to support the prosecution of certain crimes. (Simpson recorded voting no.)

Amendment No. 1

Representative Margo offered the following amendment to **SB 1649**:

Amend **SB 1649** (house committee report) in SECTION 1 of the bill by striking proposed Section 772.0071(a)(2), Government Code (page 2, lines 1 through 12), and substituting the following:

(2) "Border region" means the portion of this state that is located in a county that is adjacent to:

(A) an international border; or

(B) a county described by Paragraph (A).

Amendment No. 1 was adopted.

SB 1686 (Anchia - House Sponsor), A bill to be entitled An Act relating to group health benefits coverage for persons wrongfully imprisoned. (Price and Workman recorded voting no.)

Amendment No. 1

Representative Anchia offered the following amendment to **SB 1686**:

Amend **SB 1686** (house committee printing), in SECTION 6 of the bill, on page 3, line 8, by striking "2012" and substituting "2011".

Amendment No. 1 was adopted.

SB 1698 (Callegari - House Sponsor), A bill to be entitled An Act relating to reporting concerning inmates who are confined in county jails and subject to federal immigration detainers.

SB 1726 (Branch - House Sponsor), A bill to be entitled An Act relating to the development of measurable learning outcomes for undergraduate courses at public institutions of higher education. (Cain, Schwertner, and White recorded voting no.)

CSSB 1733 (Menendez - House Sponsor), A bill to be entitled An Act relating to the occupational licensing of spouses of members of the military.

SB 1737 (Flynn - House Sponsor), A bill to be entitled An Act relating to accrual and use of leave of absence for certain training or duty, including military training or duty, by public employees and officers.

SB 1751 (Thompson - House Sponsor), A bill to be entitled An Act relating to calculation of the net resources of a person ordered to pay child support.

SB 1760 (Oliveira - House Sponsor), A bill to be entitled An Act relating to notice of water and wastewater requirements before certain sales of certain residential properties. (Berman, Flynn, Landtroop, Laubenberg, Lavender, Paxton, Perry, Simpson, and V. Taylor recorded voting no.)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Oliveira, Representative Lozano offered the following committee amendment to **SB 1760**:

Amend **SB 1760** (engrossed), on page 1, lines 19 and 20 by striking "THE (NAME OF COUNTY) AND THE SHERIFF'S DEPARTMENT ARE ACTING ONLY AS CONDUITS OF INFORMATION.".

Amendment No. 1 was adopted.

SB 1787 (Martinez Fischer - House Sponsor), A bill to be entitled An Act relating to the information provided by a peace officer before requesting a specimen to determine intoxication.

SB 1789 (Bohac - House Sponsor), A bill to be entitled An Act relating to platting requirements affecting subdivision golf courses in certain counties.

SB 1796 was withdrawn.

SB 1807 (Lozano - House Sponsor), A bill to be entitled An Act relating to the composition of the 444th Judicial District.

SB 1812 (Hamilton - House Sponsor), A bill to be entitled An Act relating to criminal history record information of certain applicants for a certificate of registration issued by the Texas Real Estate Commission.

SB 1816 (Raymond - House Sponsor), A bill to be entitled An Act relating to county and municipal land development regulation.

Representative Raymond moved to postpone consideration of **SB 1816** until 3 p.m. today.

The motion prevailed.

SB 1857 (Truitt - House Sponsor), A bill to be entitled An Act relating to the administration of medication for persons with intellectual and developmental disabilities. (Simpson recorded voting no.)

SB 1875 (Muñoz - House Sponsor), A bill to be entitled An Act relating to the governing body and the powers of the Agua Special Utility District.

SB 1880 (C. Howard - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds. (Berman and P. King recorded voting no.)

SB 1887 (T. Smith - House Sponsor), A bill to be entitled An Act relating to the appointment of bailiffs in certain county criminal courts of Tarrant County.

SB 1907 (Geren - House Sponsor), A bill to be entitled An Act relating to access to certain archaic information. (Simpson recorded voting no.)

SB 1914 (Rodriguez - House Sponsor), A bill to be entitled An Act relating to the creation of the Southeast Travis County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds. (Berman, Flynn, and P. King recorded voting no.)

SB 1915 (Rodriguez - House Sponsor), A bill to be entitled An Act relating to the creation of the Southeast Travis County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds. (Berman, Flynn, and P. King recorded voting no.)

SB 1927 (Garza - House Sponsor), A bill to be entitled An Act relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

SB 1928 (Allen - House Sponsor), A bill to be entitled An Act relating to an African American Texans memorial monument on the Capitol grounds. (S. Davis, Landtroop, Perry, and Sheffield recorded voting no.)

SCR 35 (D. Miller - House Sponsor), Designating western swing as the official State Music of Texas.

SCR 51 (Allen - House Sponsor), Expressing the legislature's support for the construction of a monument to African American Texans on the grounds of the State Capitol at the location approved by the State Preservation Board for a Juneteenth monument. (S. Davis, Fletcher, Flynn, Landtroop, Perry, Riddle, and Sheffield recorded voting no.)

SCR 51 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE DUKES: Representative Allen, could you—for many years, it seems like almost every session, we have discussed a monument to commemorate African Americans, and at one point in time there was a monument that had some design to it that was sort of placed on hold. So tell me, what does your bill do?

REPRESENTATIVE ALLEN: This just continues it. This simply—

DUKES: And will it be the same design, same faces, same characters?

ALLEN: No. No, I don't think the intent is that.

DUKES: No, I don't want to know if you think the intent is that, I want to know absolutely what the intent is.

ALLEN: This just continues the process.

DUKES: To create a different design of the statue?

ALLEN: I don't think it has anything to do with the design of the statue, but this just continues the process.

DUKES: Well, if it doesn't have anything to do with the design of the statue, I intend to talk for 10 minutes.

ALLEN: Okay, I understand there's a new design, and it is nothing like the previous one. I understand what you're talking about.

DUKES: It is going to be a new design?

ALLEN: Yes.

REMARKS ORDERED PRINTED

Representative Dukes moved to print remarks between Representative Allen and Representative Dukes.

The motion prevailed.

SB 149 (Castro - House Sponsor), A bill to be entitled An Act relating to rules adopted and reporting required under the school district college credit program. (Paxton recorded voting no.)

SB 150 (S. Miller - House Sponsor), A bill to be entitled An Act relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Department of Veterans Affairs and to updating certain references related to the grant of that authority to other federal law enforcement personnel. (Simpson recorded voting no.)

SB 150 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Earlier when we were visiting about this, I was a little incredulous that this was let out on local and consent, but it is on local and consent. Could you explain the four, or answer the four following questions? Which vital officers are we authorizing to arrest for state criminal offenses under this bill?

REPRESENTATIVE S. MILLER: The only one under this bill is the Veterans Affairs Office of Inspector General. It's very specific, very limited.

BURNAM: Does the authority apply to commission of any state criminal offense, or only to certain types of offenses?

S. MILLER: Only felony offenses.

BURNAM: Can you explain to me what change with regard to that authority is a result of the federal Homeland Security Act of 2002?

S. MILLER: Well, the OIG previously had law enforcement authority under the U.S. Marshals Service through being deputized. That changed in '03 with the Homeland Security Act and granted separate law enforcement authority to them.

BURNAM: How does the bill affect the arrest powers of border patrol agents in Texas?

S. MILLER: It doesn't. They're not in it. They're not a part of it.

BURNAM: It doesn't affect that at all?

S. MILLER: No.

BURNAM: We are not increasing the risk of people returning from Mexico and being arrested for public intoxication, or anything like that?

S. MILLER: No, it's limited just to the Veterans Affairs Office of the Inspector General.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative S. Miller and Representative Burnam.

The motion prevailed.

SB 1003 was withdrawn.

CSSB 1216 (Hartnett - House Sponsor), A bill to be entitled An Act relating to determination of the validity and enforceability of a contract containing an arbitration agreement in suits for dissolution of marriage and certain suits affecting the parent-child relationship.

SB 1231 (Laubenberg - House Sponsor), A bill to be entitled An Act relating to the regulation of health spas by the secretary of state. (Berman, Flynn, and Simpson recorded voting no.)

SB 1361 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the audit report exemption for certain general and special law districts. (L. Gonzales recorded voting no.)

RECESS

At 1:46 p.m., the chair announced that the house would stand recessed until 2:50 p.m. today.

AFTERNOON SESSION

The house met at 2:50 p.m. and was called to order by the speaker pro tempore.

OBJECTIONS WITHDRAWN

Objections were withdrawn to **SB 304**, **SB 335**, **SB 489**, and **SB 494** which were withdrawn from the previous third reading local, consent, and resolutions calendar on May 20.

RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered earlier today and **SB 304**, **SB 335**, **SB 489**, and **SB 494** which were considered on the local, consent, and resolutions calendar on May 20.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

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).

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

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

(Record 1264): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; 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; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; 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(C); Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown.

Absent — Creighton; Legler; Martinez; Martinez Fischer; Miller, S.; Pitts.

STATEMENTS OF VOTE

When Record No. 1264 was taken, my vote failed to register. I would have voted yes.

Creighton

When Record No. 1264 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1264 was taken, my vote failed to register. I would have voted yes.

Pitts

SB 32 (Kuempel - no) (141 - 1 - 1)

SB 43 (Berman, Chisum, Flynn, Landtroop, Laubenberg, Perry, and Sheets - no) (135 - 7 - 1)

SB 54

SB 77

SB 86 (Berman, Cain, Flynn, Frullo, Garza, Kuempel, White, Workman, and Zedler - no) (133 - 9 - 1)

SB 89 (Berman, Cain, Chisum, S. Davis, Flynn, Frullo, Keffer, Kolkhorst, Kuempel, Laubenberg, Lavender, Otto, Paxton, Perry, Phillips, Price, Schwertner, Simpson, V. Taylor, Workman, and Zedler - no) (121 - 21 - 1)

SB 144 (Berman, Chisum, Craddick, Darby, Flynn, Frullo, L. Gonzales, Landtroop, Lavender, Legler, Lewis, Parker, Paxton, Perry, Price, and Shelton - no) (126 - 16 - 1)

SB 149 (Paxton - no) (141 - 1 - 1)

SB 150 (Simpson - no) (141 - 1 - 1)

SB 162 (Landtroop, Lavender, and Perry - no) (139 - 3 - 1)

SB 167 (Craddick, Darby, Frullo, Legler, Lewis, Parker, and Shelton - no) (135 - 7 - 1)

SB 187

SB 189 (S. Davis, Paxton, and Perry - no) (139 - 3 - 1)

SB 192

SB 193

SB 218 (Chisum, S. Davis, Flynn, Landtroop, Paxton, Perry, and Phillips - no) (135 - 7 - 1)

SB 220

SB 226 (R. Anderson, Berman, Cain, Chisum, Flynn, Kuempel, Landtroop, Laubenberg, Paxton, Sheets, Simpson, V. Taylor, Weber, White, and Zedler - no) (127 - 15 - 1)

SB 229

SB 266

SB 290 (Cain and White - no) (140 - 2 - 1)

SB 422 (Kolkhorst - no) (141 - 1 - 1)

SB 438 (Berman and Flynn - no) (140 - 2 - 1)

SB 461

SB 469 (Cain, Kolkhorst, and White - no) (139 - 3 - 1)

SB 471

SB 480 (Garza, Frullo, Shelton, and Zedler - no) (138 - 4 - 1)

SB 481 (Paxton and V. Taylor - no) (140 - 2 - 1)

SB 482

SB 496

SB 519

SB 530 (Simpson - no) (141 - 1 - 1)

SB 548 (Kolkhorst - no) (141 - 1 - 1)

SB 563

SB 578

SB 609 (Simpson - no) (141 - 1 - 1)

SB 626

SB 627 (Berman, Cain, Carter, Craddick, Darby, Flynn, Frullo, Laubenberg, Legler, Lewis, Parker, Price, Schwertner, Shelton, White, and Workman - no) (126 - 16 - 1)

SB 682

SB 701

SB 735

SB 743

SB 760

SB 767

SB 789

SB 791

SB 792

SB 796

SB 799 (Berman and Flynn - no) (140 - 2 - 1)

SB 802 (Berman, Cain, Flynn, Sheets, and White - no) (137 - 5 - 1)

SB 804 (C. Anderson, Bohac, Cain, Madden, Sheffield, and White - no) (136 - 6 - 1)

SB 811

SB 812 (Burkett, Cain, Price, Schwertner, and White - no) (137 - 5 - 1)

SB 819

SB 851

SB 855

SB 867

SB 886

SB 899 (Flynn - no) (141 - 1 - 1)

SB 917 (P. King and Kolkhorst - no) (140 - 2 - 1)

SB 957

SB 959 (Craddick, Darby, Frullo, Lewis, Price, Shelton, and Workman - no) (135 - 7 - 1)

SB 966 (Cain and Garza - no) (140 - 2 - 1)

SB 987

SB 993

SB 1002

SB 1026

SB 1043 (Berman, Craddick, Darby, Flynn, Frullo, Legler, Lewis, Nash, Price, and Shelton - no) (132 - 10 - 1)

SB 1044 (Cain, Garza, Kolkhorst, Simpson, White, and Zedler - no) (136 - 6 - 1)

SB 1046

SB 1068 (Kolkhorst - no) (141 - 1 - 1)

SB 1094 (Flynn, Landtroop, Laubenberg, Lavender, Paxton, and Perry - no) (136 - 6 - 1)

SB 1103

SB 1114

SB 1159

SB 1169

SB 1176

SB 1179 (Kolkhorst and Morrison - no) (140 - 2 - 1)

SB 1185 (C. Anderson, Berman, Bohac, Burkett, Cain, Carter, Flynn, P. King, Lavender, Madden, Sheffield, Weber, and White - no) (129 - 13 - 1)

SB 1196

SB 1198

SB 1209 (Carter - no) (141 - 1 - 1)

SB 1216

SB 1220 (C. Anderson, Berman, Bohac, Cain, Carter, S. Davis, Flynn, Landtroop, Laubenberg, Lavender, Madden, Paxton, Perry, Price, Schwertner, Sheffield, Simpson, V. Taylor, Weber, White, and Zedler - no) (121 - 21 - 1)

SB 1228

SB 1231 (Berman, Flynn, and Simpson - no) (139 - 3 - 1)

SB 1233 (Burkett and Carter - no) (140 - 2 - 1)

SB 1234 (Bohac, Carter, Craddick, Darby, Frullo, Lewis, Madden, Price, Sheffield, Shelton, Simpson, and Workman - no) (130 - 12 - 1)

SB 1271

SB 1273

SB 1292

SB 1308

SB 1322

SB 1330 (Craddick, Darby, Frullo, Lewis, Price, Shelton, and Simpson - no) (135 - 7 - 1)

SB 1361 (L. Gonzales - no) (141 - 1 - 1)

SB 1404

SB 1413 (C. Anderson, Berman, Bohac, Burkett, Cain, Flynn, Madden, Sheffield, Simpson, V. Taylor, Weber, and White - no) (130 - 12 - 1)

SB 1421

SB 1438

SB 1441 (Berman - no) (141 - 1 - 1)

SB 1449

SB 1480

SB 1493

SB 1521

SB 1522

SB 1557 (Cain, Paxton, and White - no) (139 - 3 - 1)

SB 1600

SB 1610

SB 1613

SB 1616

SB 1636 (Berman, Craddick, Darby, Flynn, Frullo, Lewis, Nash, and Shelton - no) (134 - 8 - 1)

SB 1638

SB 1649 (Simpson - no) (141 - 1 - 1)

SB 1686 (Price and Workman - no) (140 - 2 - 1)

SB 1698

SB 1726 (Cain, Schwertner, and White - no) (139 - 3 - 1)

SB 1733

SB 1737

SB 1751

SB 1760 (Berman, Flynn, Landtroop, Laubenberg, Lavender, Paxton, Perry, Simpson, and V. Taylor - no) (133 - 9 - 1)

SB 1787

SB 1789

SB 1807

SB 1812

SB 1857 (Simpson - no) (141 - 1 - 1)

SB 1875

SB 1880 (Berman and P. King - no) (140 - 2 - 1)

SB 1887

SB 1907 (Simpson - no) (141 - 1 - 1)

SB 1914 (Berman, Flynn, and P. King - no) (139 - 3 - 1)

SB 1915 (Berman, Flynn, and P. King - no) (139 - 3 - 1)

SB 1927

SB 1928 (S. Davis, Landtroop, Perry, and Sheffield - no) (138 - 4 - 1)

SB 304

SB 335

SB 489

SB 494

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 1264): 142 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

HCR 147

HCR 152

HCR 159

HR 1978

SCR 35

SCR 51 (S. Davis, Fletcher, Flynn, Landtroop, Perry, Riddle, and Sheffield - no) (135 - 7 - 1)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 35).

POSTPONED BUSINESS

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

SB 1816 (Raymond - House Sponsor), A bill to be entitled An Act relating to county and municipal land development regulation.

SB 1816 was read second time earlier today and was postponed until this time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Kleinschmidt, Representative Raymond offered the following committee amendment to **SB 1816**:

Amend **SB 1816** (engrossed version) as follows:

(1) Strike SECTION 5 of the bill, adding Section 233.902, Local Government Code, and renumber subsequent SECTIONS of the bill accordingly.

(2) In SECTION 6 of the bill, strike added Section 16.343(f), Water Code (page 3, line 21, through page 4, line 1) and substitute the following:

(f) To augment regulatory compliance by political subdivisions, the model rules may impose requirements for platting, replatting, or any other method authorized by law. Notwithstanding any other law to the contrary and except as may be required by an agreement developed under Chapter 242, Local Government Code, a municipality that has adopted the model rules under this section may impose the platting requirements of Chapter 212, Local Government Code, and a county that has adopted the model rules under this section may impose the applicable platting requirements of Chapter 232, Local Government Code, to a division of real property that is required to be platted or replatted by the provisions of the model rules.

Amendment No. 1 was adopted.

SB 1816, as amended, was passed to third reading. (Berman, Cain, S. Davis, Flynn, Landtroop, Lavender, Paxton, Perry, Simpson, V. Taylor, and White recorded voting no.)

(Marquez in the chair)

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 20 ON THIRD READING (Strama, Keffer, Chisum, C. Howard, and Anchia - House Sponsors)

SB 20, A bill to be entitled An Act relating to a grant program for certain natural gas motor vehicles.

SB 20 was passed by (Record 1265): 133 Yeas, 6 Nays, 5 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; Branch; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Laubenberg; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; 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.; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Beck; Harper-Brown; Landtroop; Lavender; Paxton; Perry.

Present, not voting — Mr. Speaker; Huberty; Kolkhorst; Marquez(C); Thompson.

Absent, Excused — Brown.

Absent — Eiland; Giddings; Miller, S.; Morrison; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1265. I intended to vote no.

Laubenberg

When Record No. 1265 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Miller

When Record No. 1265 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

I was shown voting yes on Record No. 1265. I intended to vote no.

Simpson

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 350 ON THIRD READING
(Truitt - House Sponsor)

SB 350, A bill to be entitled An Act relating to the restructuring of fund obligations and accounts of the Texas Municipal Retirement System and related actuarial and accounting procedures.

SB 350 was passed by (Record 1266): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; 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; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Brown.

Absent — Deshotel; Eiland; Miller, S.; Walle.

STATEMENTS OF VOTE

When Record No. 1266 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1266 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Miller

SB 889 ON THIRD READING
(S. Davis - House Sponsor)

SB 889, A bill to be entitled An Act relating to assignment of rents to holders of certain security interests in real property.

SB 889 was passed by (Record 1267): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown.

Absent — Johnson.

SB 181 ON THIRD READING

(Laubenberg, Creighton, and Branch - House Sponsors)

SB 181, A bill to be entitled An Act relating to the calculation and reporting of water usage by municipalities and water utilities for state water planning and other purposes.

Amendment No. 1

Representatives Laubenberg and Ritter offered the following amendment to **SB 181**:

Amend **SB 181** on third reading by striking the SECTION of the bill amending Water Code Section 16.053(c), as added on second reading by House Floor Amendment No. 1, and renumbering the remaining sections appropriately.

Amendment No. 1 was adopted.

SB 181, as amended, was passed by (Record 1268): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless;

Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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; Marquez(C).

Absent, Excused — Brown.

Absent — Paxton.

SB 267 ON THIRD READING
(Elkins - House Sponsor)

SB 267, A bill to be entitled An Act relating to a joint statement regarding the transfer of a motor vehicle as the result of a gift.

SB 267 was passed by (Record 1269): 142 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; 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; 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; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; 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 — Landtroop; Perry.

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

Absent, Excused — Brown.

Absent — Eiland; Hancock; Mallory Caraway.

STATEMENT OF VOTE

When Record No. 1269 was taken, I was in the house but away from my desk. I would have voted yes.

Hancock

SB 367 ON THIRD READING (Cook - House Sponsor)

SB 367, A bill to be entitled An Act relating to the review by the attorney general of invoices related to legal services provided to state agencies by outside counsel.

SB 367 was passed by (Record 1270): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; 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; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Brown.

Absent — Eiland; Villarreal.

SB 859 ON THIRD READING (Smithee - House Sponsor)

SB 859, A bill to be entitled An Act relating to small and large employer health group cooperatives.

Amendment No. 1

Representative Chisum offered the following amendment to **SB 859**:

Amend **SB 859** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 1501, Insurance Code, is amended by adding Section 1501.068 to read as follows:

Sec. 1501.068. EMPLOYER CONTRIBUTIONS TO CERTAIN HEALTH BENEFIT PLANS. The commissioner may adopt rules and procedures to allow an employer participating in a cooperative to make financial contributions to an employee's or retiree's individual consumer directed health benefit plan offered through the cooperative in a manner that does not jeopardize the employer's state or federal tax benefit status.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representatives Hughes and Phillips offered the following amendment to **SB 859**:

Amend **SB 859** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 8, Insurance Code, is amended by adding Subtitle K to read as follows:

SUBTITLE K. FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT
CHAPTER 1671. COVERAGE FOR ABORTION; PROHIBITIONS AND REQUIREMENTS

Sec. 1671.001. DEFINITIONS. In this chapter:

(1) "Abortion" has the meaning assigned by Section 171.002, Health and Safety Code.

(2) "Qualified health plan" has the meaning assigned by Section 1301(a) of the Patient Protection and Affordable Care Act (Pub. L. No. 111-148). The term includes a health plan offered through a health group cooperative in accordance with Subchapter B, Chapter 1501.

Sec. 1671.002. PROHIBITED COVERAGE. (a) A qualified health plan may not provide coverage for an abortion other than coverage for an abortion performed when a life-threatening physical condition is aggravated by, caused by, or arises from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

(b) Subsection (a) does not authorize coverage for an abortion based on a potential future medical condition that may result from a voluntary act of the woman or minor after the abortion is performed.

(c) Except as provided by Subsection (a), the issuer of a qualified health plan may provide coverage for an abortion only if:

(1) the coverage is provided to an enrollee separate from other health benefit plan coverage provided by the qualified health plan issuer;

(2) the enrollee pays for coverage for abortion separate from, and in addition to, the premium for coverage under the qualified health plan; and

(3) the enrollee provides a signature for coverage for abortion, separate and distinct from the signature required for coverage under the qualified health plan.

SECTION _____. The change in law made by Chapter 1671, Insurance Code, as added by this Act, applies only to a qualified health plan that is delivered, issued for delivery, or renewed on or after January 1, 2012. A qualified health plan offered that is delivered, issued for delivery, or renewed before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 2 - Point of Order

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

The point of order was withdrawn.

Amendment No. 2 was withdrawn.

Representative Smithee moved to postpone consideration of **SB 859** until 4:30 p.m. today.

The motion prevailed.

SB 1167 ON THIRD READING (Hernandez Luna - House Sponsor)

SB 1167, A bill to be entitled An Act relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

SB 1167 was passed by (Record 1271): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; 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; 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 — Simpson.

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

Absent, Excused — Brown.

Absent — Miller, S.

STATEMENT OF VOTE

When Record No. 1271 was taken, my vote failed to register. I would have voted yes.

S. Miller

SB 29 ON THIRD READING (Branch - House Sponsor)

SB 29, A bill to be entitled An Act relating to the eligibility of certain postdoctoral fellows and graduate students to participate in health benefit programs at public institutions of higher education.

SB 29 was passed by (Record 1272): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; 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; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Weber.

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

Absent, Excused — Brown.

Absent — Hochberg.

SB 385 ON THIRD READING**(Otto, W. Smith, Chisum, Anchia, and Burkett - House Sponsors)**

SB 385, A bill to be entitled An Act relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

Amendment No. 1

Representative Strama offered the following amendment to **SB 385**:

Amend **SB 385** on third reading as follows:

(1) In SECTION 1 of the bill, strike added Paragraphs (D) and (E) in amended Section 386.252(a)(1), Health and Safety Code (page 1, line 22, through page 2, line 1), and substitute the following:

(D) five percent shall be used for the clean fleet program;

(E) two percent may be used for the Texas alternative fueling facilities program;

(F) not less than 16 percent shall be used for the natural gas vehicle grant program; and

(G) not more than four percent may be used to provide grants for natural gas fueling stations under Section 394.010;

(2) In the recital to SECTION 2 of the bill, amending Section 386.252, Health and Safety Code (page 3, line 2), strike "Subsection (e)" and substitute "Subsections (e), (f), and (g)".

(3) In SECTION 2 of the bill, immediately following added Section 386.252(e), Health and Safety Code (page 3, between lines 7 and 8), add the following:

(f) Notwithstanding Subsection (a), the commission may reallocate money in the fund if:

(1) the commission, in consultation with the governor and the advisory board, determines that the use of the money in the fund for the program established under Chapter 394 will cause the state to be in noncompliance with the state implementation plan to the extent that federal action is likely; and

(2) the commission finds that the reallocation of some or all of the funding for the program established under Chapter 394 would resolve the noncompliance.

(g) Under Subsection (f), the commission may not reallocate more than the minimum amount of money necessary to resolve the noncompliance.

(4) In the recital to SECTION 3 of the bill, adding Chapter 393 to Subtitle C, Title 5, Health and Safety Code (page 3, line 9), strike "Chapter 393" and substitute "Chapters 393 and 394".

(5) In SECTION 3 of the bill, immediately following added Chapter 393, Health and Safety Code (page 5, between lines 12 and 13), add the following:

CHAPTER 394. TEXAS NATURAL GAS VEHICLE GRANT PROGRAM

Sec. 394.001. DEFINITIONS. In this chapter:

(1) "Advisory board" means the Texas Emissions Reduction Plan Advisory Board.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Executive director" means the executive director of the Texas Commission on Environmental Quality.

(4) "Heavy-duty motor vehicle" means a motor vehicle with:

(A) a gross vehicle weight rating of more than 8,500 pounds; and

(B) an engine certified to the United States Environmental Protection Agency's standards for heavy-duty engines.

(5) "Incremental cost" means the difference between the manufacturer's suggested retail price of a baseline vehicle, the documented dealer price of a baseline vehicle, cost to lease or otherwise commercially finance a baseline vehicle, cost to repower with a baseline engine, or other appropriate baseline cost established by the commission, and the actual cost of the natural gas vehicle purchase, lease, or other commercial financing, or repower.

(6) "Medium-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating of more than 8,500 pounds that:

(A) is certified to the United States Environmental Protection Agency's light-duty emissions standard; or

(B) has an engine certified to the United States Environmental Protection Agency's light-duty emissions standard.

(7) "Motor vehicle" has the meaning assigned by Section 386.151.

(8) "Natural gas vehicle" means a motor vehicle that receives not less than 75 percent of its power from compressed or liquefied natural gas.

(9) "Program" means the Texas natural gas vehicle grant program established under this chapter.

Sec. 394.002. PROGRAM. The commission shall establish and administer the Texas natural gas vehicle grant program to encourage an entity that has a heavy-duty or medium-duty motor vehicle to repower the vehicle with a natural gas engine or replace the vehicle with a natural gas vehicle. Under the program, the commission shall provide grants for eligible heavy-duty motor vehicles and medium-duty motor vehicles to offset the incremental cost for the entity of repowering or replacing the heavy-duty or medium-duty motor vehicle.

Sec. 394.003. QUALIFYING VEHICLES. (a) A vehicle is a qualifying vehicle that may be considered for a grant under the program if during the calendar year the entity:

(1) purchased, leased, or otherwise commercially financed the vehicle as a new on-road heavy-duty or medium-duty motor vehicle that:

(A) is a natural gas vehicle;

(B) is certified to current federal emissions standards;

(C) replaces an on-road heavy-duty or medium-duty motor vehicle of the same weight classification and use; and

(D) is powered by an engine certified to:

(i) emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or

(ii) meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light-duty engines when powering the vehicle; or

(2) repowered the on-road motor vehicle to a natural gas vehicle powered by a natural gas engine that:

(A) is certified to current federal emissions standards; and

(B) is:

(i) a heavy-duty engine that is certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or

(ii) certified to meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light-duty engines when powering the vehicle.

(b) A heavy-duty or medium-duty motor vehicle is not a qualifying vehicle if the vehicle or the natural gas engine powering the vehicle:

(1) has been awarded a grant under this chapter for a previous reporting period; or

(2) has received a similar grant or tax credit in another jurisdiction if that grant or tax credit program is relied on for credit in the state implementation plan.

Sec. 394.004. APPLICATION FOR GRANT. (a) Only an entity operating in this state that operates a heavy-duty or medium-duty motor vehicle may apply for and receive a grant under this chapter.

(b) An application for a grant under this chapter must be made on a form provided by the commission and must contain the information required by the commission.

(c) The commission, after consulting stakeholders, shall:

(1) simplify the application form; and

(2) minimize, to the maximum extent possible, documentation required for an application.

Sec. 394.005. ELIGIBILITY FOR GRANTS. (a) The commission by rule shall establish criteria for prioritizing qualifying vehicles eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate after consultation with the advisory board.

(b) To be eligible for a grant under the program:

(1) the use of the qualifying vehicle must be projected to result in a reduction in emissions of nitrogen oxides of at least 25 percent as compared to the motor vehicle or engine being replaced, based on:

(A) the baseline emission level set by the commission under Subsection (g); and

(B) the certified emission rate of the new vehicle; and

(2) the qualifying vehicle must:

(A) replace a heavy-duty or medium-duty motor vehicle that:

(i) is an on-road vehicle that has been owned, leased, or otherwise commercially financed and registered and operated by the applicant in Texas for at least the two years immediately preceding the submission of a grant application;

(ii) satisfies any minimum average annual mileage or fuel usage requirements established by the commission;

(iii) satisfies any minimum percentage of annual usage requirements established by the commission; and

(iv) is in operating condition and has at least two years of remaining useful life, as determined in accordance with criteria established by the commission; or

(B) be a heavy-duty or medium-duty motor vehicle repowered with a natural gas engine that:

(i) is installed in an on-road vehicle that has been owned, leased, or otherwise commercially financed and registered and operated by the applicant in Texas for at least the two years immediately preceding the submission of a grant application;

(ii) satisfies any minimum average annual mileage or fuel usage requirements established by the commission;

(iii) satisfies any minimum percentage of annual usage requirements established by the commission; and

(iv) is installed in an on-road vehicle that, at the time of the vehicle's repowering, was in operating condition and had at least two years of remaining useful life, as determined in accordance with criteria established by the commission.

(c) As a condition of receiving a grant, the qualifying vehicle must be continuously owned, leased, or otherwise commercially financed and registered and operated in the state by the grant recipient until the earlier of the fourth anniversary of the date of reimbursement of the grant-funded expenses or until the date the vehicle has been in operation for 400,000 miles after the date of reimbursement. Not less than 75 percent of the annual use of the qualifying vehicle, either mileage or fuel use as determined by the commission, must occur in:

(1) the counties any part of which are included in the area described by Section 394.010(a); or

(2) counties designated as nonattainment areas within the meaning of Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407).

(d) The commission shall include and enforce the usage provisions in the grant contracts. The commission shall monitor compliance with the ownership, leasing, and usage requirements, including submission of reports on at least an annual basis, or more frequently as determined by the commission.

(e) The commission by contract may require the return of all or a portion of grant funds for a grant recipient's noncompliance with the usage and percentage of use requirements under this section.

(f) A heavy-duty or medium-duty motor vehicle replaced under this program must be rendered permanently inoperable by crushing the vehicle, by making a hole in the engine block and permanently destroying the frame of the vehicle, or by another method approved by the commission that permanently removes the vehicle from operation in this state. The commission shall establish criteria for ensuring the permanent destruction of the engine or vehicle. The commission shall enforce the destruction requirements.

(g) The commission shall establish baseline emission levels for emissions of nitrogen oxides for on-road heavy-duty or medium-duty motor vehicles being replaced by using the emission certification for the engine or vehicle being

replaced. The commission may consider deterioration of the emission performance of the engine of the vehicle being replaced in establishing the baseline emission level. The commission may consider and establish baseline emission rates for additional pollutants of concern, as determined by the commission after consultation with the advisory board.

(h) Mileage or fuel use requirements established by the commission under Subsection (b)(2)(A)(ii) may differ by vehicle weight categories and type of use.

(i) The executive director shall waive the requirements of Subsection (b)(2)(A)(i) on a finding of good cause, which may include short lapses in registration or operation due to economic conditions, seasonal work, or other circumstances.

Sec. 394.006. RESTRICTION ON USE OF GRANT. A recipient of a grant under this chapter shall use the grant to pay the incremental costs of the replacement for which the grant is made, which may include the initial cost of the natural gas vehicle or natural gas engine and the reasonable and necessary expenses incurred for the labor needed to install emissions-reducing equipment. The recipient may not use the grant to pay the recipient's administrative expenses.

Sec. 394.007. AMOUNT OF GRANT. (a) The commission shall develop a grant schedule that:

(1) assigns a standardized grant in an amount between 60 and 90 percent of the incremental cost of a natural gas vehicle purchase, lease, other commercial finance, or repowering;

(2) is based on:

(A) the certified emission level of nitrogen oxides, or other pollutants as determined by the commission, of the engine powering the natural gas vehicle; and

(B) the usage of the natural gas vehicle; and

(3) may take into account the overall emissions reduction achieved by the natural gas vehicle.

(b) Not less than 60 percent of the total amount of grants awarded under this chapter for the purchase and repowering of motor vehicles must be awarded to motor vehicles with a gross vehicle weight rating of at least 33,001 pounds. The minimum grant requirement under this subsection does not apply if the commission does not receive enough grant applications to satisfy the requirement for motor vehicles described by this subsection that are eligible to receive a grant under this chapter.

(c) A person may not receive a grant under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle for which the grant is awarded. A person shall return to the commission the amount of a grant awarded under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle for which the grant is awarded.

(d) The commission shall reduce the amount of a grant awarded under this chapter as necessary to keep the combined incentive total at or below the incremental cost of the vehicle for which the grant is awarded if the grant recipient is eligible to receive an automatic incentive at or before the time a grant is awarded under this chapter.

Sec. 394.008. GRANT PROCEDURES. (a) The commission shall adopt procedures for:

(1) awarding grants under this chapter in the form of rebates; and
(2) streamlining the grant application, contracting, reimbursement, and reporting process for qualifying natural gas vehicle purchases or repowers.

(b) Procedures adopted under this section must:

(1) provide for the commission to compile and regularly update a listing of preapproved natural gas vehicles:

(A) powered by natural gas engines certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or

(B) certified to the United States Environmental Protection Agency's light-duty Bin 5 standard or better;

(2) if a federal standard for the calculation of emissions reductions exists, provide a method to calculate the reduction in emissions of nitrogen oxides, volatile organic compounds, carbon monoxide, particulate matter, and sulfur compounds for each replacement or repowering;

(3) assign a standardized rebate amount for each qualifying vehicle under Section 394.007;

(4) allow for processing rebates on an ongoing first-come, first-served basis;

(5) provide for contracts between the commission and participating dealers under Section 394.009;

(6) allow grant recipients to assign their grant funds to participating dealers to offset the purchase or lease price;

(7) require grant applicants to identify natural gas fueling stations that are available to fuel the qualifying vehicle in the area of its use;

(8) provide for payment not later than the 30th day after the date the request for reimbursement for an approved grant is received;

(9) provide for application submission and application status checks to be made over the Internet; and

(10) consolidate, simplify, and reduce the administrative work for applicants and the commission associated with grant application, contracting, reimbursement, and reporting requirements.

(c) The commission, or its designee, shall oversee the grant process and is responsible for final approval of any grant.

(d) Grant recipients are responsible for meeting all grant conditions, including reporting and monitoring as required by the commission through the grant contract.

Sec. 394.009. PARTICIPATING DEALERS. (a) In this section, "participating dealer" means a person who:

(1) sells, leases, or otherwise commercially finances on-road heavy-duty or medium-duty natural gas vehicles or heavy-duty or medium-duty natural gas engines; and

(2) has satisfied all requirements established by the commission for participation in the program as a dealer.

(b) A participating dealer must agree to the terms and conditions of a standardized contract developed by the commission.

(c) A participating dealer shall:

(1) provide information regarding natural gas vehicle grants to fleet operators;

(2) assist an applicant who purchases, leases, or otherwise commercially finances a natural gas vehicle or engine from the dealer with the completion of the application; and

(3) submit completed applications and documentation to the commission on behalf of an applicant who purchases, leases, or otherwise commercially finances a natural gas vehicle or engine from the dealer.

(d) A participating dealer may not approve a grant.

(e) The commission shall:

(1) maintain and make available to the public online a list of all qualified dealers; and

(2) establish requirements for participation in the program by sellers of on-road heavy-duty or medium-duty natural gas vehicles and heavy-duty or medium-duty natural gas engines.

Sec. 394.010. CLEAN TRANSPORTATION TRIANGLE. (a) To ensure that natural gas vehicles purchased, leased, or otherwise commercially financed or repowered under the program have access to fuel, and to build the foundation for a self-sustaining market for natural gas vehicles in Texas, the commission shall award grants to support the development of a network of natural gas vehicle fueling stations along the interstate highways connecting Houston, San Antonio, Dallas, and Fort Worth. In awarding the grants, the commission shall provide for:

(1) strategically placed natural gas vehicle fueling stations in and between the Houston, San Antonio, and Dallas-Fort Worth areas to enable a natural gas vehicle to travel along that triangular area relying solely on natural gas fuel;

(2) grants to be dispersed through a competitive bidding process to offset a portion of the cost of installation of the natural gas dispensing equipment;

(3) contracts that require the recipient stations to meet operational, maintenance, and reporting requirements as specified by the commission; and

(4) a listing, to be maintained by the commission and made available to the public online, of all natural gas vehicle fueling stations that have received grant funding, including location and hours of operation.

(b) The commission may not award more than:

(1) three station grants to any entity; or

(2) one grant for each station.

(c) Grants awarded under this section may not exceed:

(1) \$100,000 for a compressed natural gas station;

(2) \$250,000 for a liquefied natural gas station; or

(3) \$400,000 for a station providing both liquefied and compressed natural gas.

(d) Stations funded by grants under this section must be publicly accessible and located not more than three miles from an interstate highway system. The commission shall give preference to:

(1) stations providing both liquefied natural gas and compressed natural gas at a single location; and

(2) stations located not more than one mile from an interstate highway system.

(e) To meet the goals of this section, the commission may solicit grant applications under this section for a new fueling station in a specific area or location.

(f) Grants made under this section are not subject to the requirements of Sections 394.002 through 394.008. The commission shall develop an application package and review applications in accordance with Sections 386.110 and 386.111.

(g) The commission, in consultation with the natural gas industry, shall determine the most efficient use of funding for the station grants under this section to maximize the availability of natural gas fueling stations.

Sec. 394.011. ADMINISTRATION OF PROGRAM. The commission may contract with one or more entities for administration of the program.

Sec. 394.012. EXPIRATION. This chapter expires August 31, 2017.

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

SECTION _____. The Texas Commission on Environmental Quality shall adopt rules and establish procedures under Chapter 394, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 1 was adopted.

SB 385 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: On Saturday, with regard to both bills, and again today, we just want to have this clarifying conversation. It is intended that biodiesel fuels are included and considered as an alternative fuel, contrary to what the HRO reported.

REPRESENTATIVE OTTO: That is correct.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Otto and Representative Burnam.

The motion prevailed.

SB 385, as amended, was passed by (Record 1273): 112 Yeas, 27 Nays, 4 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Branch; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Torres; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, R.; Beck; Bonnen; Cain; Cook; Craddick; Creighton; Fletcher; Flynn; Harper-Brown; Hartnett; Landtroop; Laubenberg; Lavender; Lyne; Parker; Paxton; Perry; Riddle; Sheffield; Simpson; Smith, T.; Solomons; Truitt; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Huberty; Kolkhorst; Marquez(C).

Absent, Excused — Brown.

Absent — Anderson, C.; Coleman; Hughes; King, P.; Murphy; Thompson.

STATEMENTS OF VOTE

When Record No. 1273 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1273 was taken, I was temporarily out of the house chamber. I would have voted no.

P. King

When Record No. 1273 was taken, I was in the house but away from my desk. I would have voted yes.

Murphy

SB 1000 ON THIRD READING

(Geren, Thompson, Hamilton, Darby, Otto, et al. - House Sponsors)

SB 1000, A bill to be entitled An Act relating to self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

SB 1000 was passed by (Record 1274): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown.

The chair stated that **SB 1000** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

SB 1030 ON THIRD READING
(Anchia - House Sponsor)

SB 1030, A bill to be entitled An Act relating to notice by sign requirement for sexually oriented businesses.

SB 1030 was passed by (Record 1275): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; 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; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; 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; Marquez(C).

Absent, Excused — Brown.

Absent — Burnam; Creighton; Larson; Nash.

SB 1035 ON THIRD READING
(Harless - House Sponsor)

SB 1035, A bill to be entitled An Act relating to motor vehicle title services; providing penalties.

SB 1035 was passed by (Record 1276): 134 Yeas, 11 Nays, 2 Present, not voting.

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

Nays — Bonnen; Cain; Carter; Hughes; Kolkhorst; Landtroop; Perry; Simpson; Weber; White; Zedler.

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

Absent, Excused — Brown.

Absent — Creighton; Dukes.

STATEMENTS OF VOTE

When Record No. 1276 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting yes on Record No. 1276. I intended to vote no.

Flynn

SB 1124 ON THIRD READING
(Truitt and Solomons - House Sponsors)

SB 1124, A bill to be entitled An Act relating to licensing and regulation of certain persons involved in residential mortgage lending pursuant to the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; providing penalties.

Amendment No. 1

Representative Truitt offered the following amendment to **SB 1124**:

Amend **SB 1124** on third reading as follows:

(1) Strike the recital to SECTION 14 of the bill, as amended by Amendment No. 1 by Truitt on second reading, and substitute the following:

SECTION 14. Section 156.202, Finance Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (c) to read as follows:

(2) In SECTION 14 of the bill, between added Section 156.202(a-1), Finance Code, and added Section 156.202(c), Finance Code, as added by Amendment No. 1 by Truitt on second reading, insert the following:

(a-2) A person is not required to obtain a license or registration under this chapter to originate a loan subject to Chapter 342 or a loan governed by Section 50(a)(6), Article XVI, Texas Constitution, if the person:

(1) is enrolled in the Nationwide Mortgage Licensing System and Registry;

(2) is licensed under Chapter 342; and

(3) makes consumer loans subject to:

(A) Subchapter G, Chapter 342; and

(B) Subchapter E or F, Chapter 342.

Amendment No. 1 was adopted.

SB 1124, as amended, was passed by (Record 1277): 146 Yeas, 0 Nays, 2 Present, not voting.

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

Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Brown.

Absent — Geren.

STATEMENT OF VOTE

When Record No. 1277 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

SB 1534 ON THIRD READING (J. Davis - House Sponsor)

SB 1534, A bill to be entitled An Act relating to the operation and certification of career schools or colleges.

Amendment No. 1

Representative J. Davis offered the following amendment to **SB 1534**:

Amend **SB 1534** on third reading as follows:

1. In SECTION 1 of the bill (page 2, line 2), after "by a", strike "national" and substitute "regional".

Amendment No. 1 was adopted.

SB 1534, as amended, was passed by (Record 1278): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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; Keffner; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Brown.

Absent — Coleman; Weber.

SB 1732 ON THIRD READING
(Guillen - House Sponsor)

SB 1732, A bill to be entitled An Act relating to authorizing the adjutant general to operate post exchanges on state military property.

SB 1732 was passed by (Record 1279): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown.

Absent — Coleman.

SB 1010 ON THIRD READING
(Workman, Lucio, and Gallego - House Sponsors)

SB 1010, A bill to be entitled An Act relating to providing a victim, guardian of a victim, or close relative of a deceased victim with notice of a plea bargain agreement in certain criminal cases.

SB 1010 was passed by (Record 1280): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver;

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

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

Absent, Excused — Brown.

Absent — Coleman; Crownover.

SB 1596 ON THIRD READING
(Isaac - House Sponsor)

SB 1596, A bill to be entitled An Act relating to changes in participation in public utility agencies.

SB 1596 was passed by (Record 1281): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown.

Absent — Coleman; Shelton; Torres.

SB 1134 ON THIRD READING
(Craddick - House Sponsor)

SB 1134, A bill to be entitled An Act relating to the issuance of permits for certain facilities regulated by the Texas Commission on Environmental Quality.

Amendment No. 1

Representative Craddick offered the following amendment to **SB 1134**:

Amend **SB 1134** on third reading in added Section 382.051964, Health and Safety Code, as added by Amendment No. 1 by Wayne Smith, as follows:

(1) In added Section 382.051964(2), Health and Safety Code, between "same" and "two-digit", insert "first".

(2) In added Section 382.051964(4), Health and Safety Code, strike "tank battery, separator, or combustion facility" and substitute "condensate tank, oil tank, produced water storage tank, or combustion facility that:

(A) is under the control of the same person who controls the facilities being aggregated or is under the control of persons under common control;

(B) belongs to the same first two-digit major grouping of Standard Industrial Classification Codes as the facilitates being aggregated; and

(C) is operationally dependant on the facilities being aggregated".

Amendment No. 1 was adopted.

SB 1134, as amended, was passed by (Record 1282): 129 Yeas, 17 Nays, 2 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Dukes; Dutton; Farrar; Giddings; Gutierrez; Johnson; Mallory Caraway; McClendon; Reynolds; Turner; Villarreal.

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

Absent, Excused — Brown.

Absent — Coleman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1282. I intended to vote no.

Naishtat

I was shown voting yes on Record No. 1282. I intended to vote no.

Rodriguez

SB 449 ON THIRD READING (Ritter - House Sponsor)

SB 449, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

SB 449 was passed by (Record 1283): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Brown.

Absent — Coleman; King, T.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1283. I intended to vote no.

Garza

SB 479 ON THIRD READING
(S. Miller - House Sponsor)

SB 479, A bill to be entitled An Act relating to limiting the liability of certain persons for farm animal activities.

Amendment No. 1

Representative S. Miller offered the following amendment to **SB 479**:

Amend **SB 479** on third reading as follows:

(1) In SECTION 2 of the bill, in amended Section 87.001(1), Civil Practice and Remedies Code, strike "transporting".

(2) In SECTION 2 of the bill, in amended Section 87.001(3)(D), Civil Practice and Remedies Code, strike "unloading, or transporting" and substitute "or unloading".

(3) In SECTION 2 of the bill, in amended Section 87.001(3)(D), Civil Practice and Remedies Code, strike "unload, or transport" and substitute "or unload".

Amendment No. 1 was adopted.

SB 479, as amended, was passed by (Record 1284): 137 Yeas, 7 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown.

Absent — Coleman; Deshotel; Ritter.

SB 554 ON THIRD READING
(Lozano - House Sponsor)

SB 554, A bill to be entitled An Act relating to contracts between dentists and health maintenance organizations or insurers.

SB 554 was passed by (Record 1285): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; 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; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Brown.

Absent — Coleman; Eiland; Martinez Fischer; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 1285 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1285 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

SB 577 ON THIRD READING
(Frullo - House Sponsor)

SB 577, A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

SB 577 was passed by (Record 1286): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; 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; Marquez(C).

Absent, Excused — Brown.

Absent — Coleman; Lyne; Rodriguez.

SB 1489 ON THIRD READING
(Madden - House Sponsor)

SB 1489, A bill to be entitled An Act relating to educational, juvenile justice, and criminal justice responses to truancy.

SB 1489 was passed by (Record 1287): 139 Yeas, 0 Nays, 3 Present, not voting.

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

Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Brown.

Absent — Coleman; Hochberg; Larson; Lyne; Scott; Thompson; Veasey.

STATEMENT OF VOTE

When Record No. 1287 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

SB 958 ON THIRD READING

(Larson - House Sponsor)

SB 958, A bill to be entitled An Act relating to the regulation of dangerous wild animals.

SB 958 was passed by (Record 1288): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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; 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; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Brown.

Absent — Coleman; Margo; Thompson.

STATEMENT OF VOTE

When Record No. 1288 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

SB 1020 ON THIRD READING (Marquez - House Sponsor)

SB 1020, A bill to be entitled An Act relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.

SB 1020 was passed by (Record 1289): 138 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crossover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Aycock; Cain; Davis, S.; Geren; Isaac; Simpson; White.

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

Absent, Excused — Brown.

Absent — Allen; Coleman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1289. I intended to vote no.

Callegari

I was shown voting present, not voting on Record No. 1289. I intended to vote yes.

Marquez

I was shown voting yes on Record No. 1289. I intended to vote no.

Paxton

I was shown voting yes on Record No. 1289. I intended to vote no.

Schwertner

I was shown voting no on Record No. 1289. I intended to vote yes.

White

I was shown voting yes on Record No. 1289. I intended to vote no.

Zedler

SB 249 ON THIRD READING
(Orr - House Sponsor)

SB 249, A bill to be entitled An Act relating to the composition of the Finance Commission of Texas.

Amendment No. 1

Representative Harless offered the following amendment to **SB 249**:

Amend **SB 249** on third reading as follows:

(1) In the recital to SECTION 2 of the bill, strike "Subsections (b) and (c), Section 11.102, Finance Code, are" and substitute "Subsection (b), Section 11.102, Finance Code, is".

(2) In SECTION 2 of the bill, in amended Section 11.102(b), Finance Code, between "consumer credit executive," and "and one member of", insert "one member of the finance commission must be a motor vehicle seller finance licensee.".

(3) In SECTION 2 of the bill, strike amended Subsection (c), Section 11.102, Finance Code.

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

SECTION _____. Subsection (e), Section 11.102, Finance Code, is amended by adding Subdivision (5) to read as follows:

(5) "Motor vehicle seller finance licensee" means a person who:

(A) holds a license issued under Chapter 348;

(B) has had five years' or more experience as a Texas automobile dealer retailing motor vehicles during the seven-year period preceding the person's appointment; and

(C) is a dealer as defined by Section 503.001, Transportation Code.

Amendment No. 1 was adopted.

SB 249, as amended, was passed by (Record 1290): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver;

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

Nays — Castro.

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

Absent, Excused — Brown.

Absent — Coleman; Garza; Quintanilla; Thompson; White; Zedler.

STATEMENT OF VOTE

When Record No. 1290 was taken, I was in the house but away from my desk. I would have voted yes.

White

SB 594 ON THIRD READING (Zerwas - House Sponsor)

SB 594, A bill to be entitled An Act relating to certain procedures applicable to electronic prescriptions for Schedule II controlled substances.

SB 594 was passed by (Record 1291): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla;

Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Brown.

Absent — Berman; Coleman.

SB 762 ON THIRD READING
(Paxton - House Sponsor)

SB 762, A bill to be entitled An Act relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

SB 762 was passed by (Record 1292): 140 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Castro.

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

Absent, Excused — Brown.

Absent — Coleman; Howard, C.; King, S.; Lewis; Murphy; Pitts.

SB 898 ON THIRD READING
(Cook - House Sponsor)

SB 898, A bill to be entitled An Act relating to energy efficiency programs in institutions of higher education and certain governmental entities.

SB 898 was passed by (Record 1293): 139 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Larson; Laubenberg; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; 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.; Thompson; Torres; Truit; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Cain; Garza; Landtroop; Lavender; Perry; Taylor, V.; White.

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

Absent, Excused — Brown.

Absent — Coleman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1293. I intended to vote no.

Paxton

I was shown voting yes on Record No. 1293. I intended to vote no.

Zedler

SB 924 ON THIRD READING (Keffer - House Sponsor)

SB 924, A bill to be entitled An Act relating to energy efficiency reports by municipally owned utilities and electric cooperatives.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 924**:

Amend **SB 924** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.192 to read as follows:

Sec. 418.192. COMMUNICATIONS BY PUBLIC SERVICE PROVIDERS DURING DISASTERS AND EMERGENCIES. (a) In this section:

(1) "Emergency" means a temporary, sudden, and unforeseen occurrence that requires action by a public service provider to correct the occurrence, inform others of the occurrence, protect lives or property, or temporarily reduce demand for or allocate supply of the provider's products or services to ensure public safety or preserve the integrity of service delivery mechanisms.

(2) "Public service provider" means any person or entity that provides essential products or services to the public that are regulated under the Natural Resources Code, Utilities Code, or Water Code, including:

(A) common carriers under Section 111.002, Natural Resources Code;

(B) telecommunications providers as defined by Section 51.002, Utilities Code; and

(C) any other person or entity providing or producing heat, light, power, or water.

(b) A public service provider may enter into a contract for an emergency notification system described by this section for use in informing the provider's customers, governmental entities, and other affected persons regarding:

(1) notice of a disaster or emergency; and

(2) any actions a recipient is required to take during a disaster or emergency.

(c) The emergency notification system for which a contract is entered into under Subsection (b) must rely on a dynamic information database that:

(1) is capable of simultaneous transmission of emergency messages to all recipients through at least two industry-standard gateways to one or more telephones or electronic devices owned by a recipient in a manner that does not negatively impact the existing communications infrastructure;

(2) allows the public service provider to:

(A) store prewritten emergency messages in the dynamic information database for subsequent use; and

(B) generate emergency messages in real time based on provider inputs;

(3) allows a recipient to select the language in which the recipient would prefer to receive messages;

(4) transmits the message in the recipient's language of choice to that recipient;

(5) converts text messages to sound files and transmits those sound files to the appropriate device;

(6) assigns recipients to priority groups for notification;

(7) allows for the collection and verification of responses by recipients of emergency messages; and

(8) reads or receives alerts from a commercial mobile alert system established by the Federal Communications Commission or complies with standards adopted for a commercial mobile alert system established by the Federal Communications Commission.

(d) The dynamic information database must comply with:

(1) the Telecommunications Service Priority program established by the Federal Communications Commission; and

(2) the Federal Information Processing Standard 140-2 governing compliant cryptographic modules for encryption and security issued by the National Institute of Standards and Technology.

(e) Before sending a notice described by Subsection (b), a public service provider must:

(1) provide a copy of the notice to the emergency management director designated under Section 418.1015, for each political subdivision for which the public service provider provides services at the time of the notice; and

(2) during a disaster declared by the governor or United States government, obtain approval of the notice from the emergency management director designated under Section 418.1015, for each political subdivision for which the public service provider provides services during the disaster.

(f) A customer of a public service provider may decline to receive the notices described by Subsection (b) by providing written notice of that decision to the public service provider.

(g) A public service provider shall cooperate with emergency management officials of each political subdivision in which the public service provider provides services to survey the number of notification systems in place.

(h) The requirements of this section do not apply to an emergency notification system that is in use by a public service provider on June 1, 2011.

(b) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2011.

Amendment No. 1 was adopted.

SB 924, as amended, was passed by (Record 1294): 143 Yeas, 2 Nays, 2 Present, not voting.

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

Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Garza; Hartnett.

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

Absent, Excused — Brown.

Absent — Coleman; Flynn.

STATEMENT OF VOTE

When Record No. 1294 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

SB 1681 ON THIRD READING

(Thompson, Gallego, and Alonzo - House Sponsors)

SB 1681, A bill to be entitled An Act relating to the appointment of counsel and the rights of an accused and other requirements for the purposes of appellate proceedings or community supervision revocation proceedings.

SB 1681 was passed by (Record 1295): 145 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Brown.

Absent — Coleman.

SB 901 ON THIRD READING
(Kolkhorst - House Sponsor)

SB 901, A bill to be entitled An Act relating to approval from the Department of State Health Services for disposal of ambulances purchased with certain grant funds.

SB 901 was passed by (Record 1296): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown.

Absent — Coleman; Deshotel; Keffer; Taylor, V.

SB 1133 ON THIRD READING
(Harless - House Sponsor)

SB 1133, A bill to be entitled An Act relating to a report by the Public Utility Commission of Texas on the ability of electric generators to respond to abnormal weather conditions.

SB 1133 was passed by (Record 1297): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Brown.

Absent — Alonzo.

SB 19 ON THIRD READING
(W. Smith - House Sponsor)

SB 19, A bill to be entitled An Act relating to the development, financing, construction, and operation of certain toll projects.

SB 19 was passed by (Record 1298): 135 Yeas, 10 Nays, 3 Present, not voting.

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

Nays — Carter; Castro; Farias; Garza; Isaac; Landtroop; Paxton; Perry; Simpson; Weber.

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

Absent, Excused — Brown.

Absent — Quintanilla.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1298. I intended to vote no.

Bohac

I was shown voting yes on Record No. 1298. I intended to vote no.

Christian

I was shown voting yes on Record No. 1298. I intended to vote no.

Frullo

I was shown voting yes on Record No. 1298. I intended to vote no.

Kleinschmidt

I was shown voting yes on Record No. 1298. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 1298. I intended to vote no.

Larson

I was shown voting yes on Record No. 1298. I intended to vote no.

Schwertner

SB 1484 ON THIRD READING
(Strama - House Sponsor)

SB 1484, A bill to be entitled An Act relating to authorizing open-enrollment charter schools to be awarded academic distinction designations.

SB 1484 was passed by (Record 1299): 139 Yeas, 8 Nays, 2 Present, not voting.

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

Nays — Christian; Creighton; Flynn; Hardcastle; Paxton; Sheffield; Torres; Weber.

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

Absent, Excused — Brown.

SB 1342 ON THIRD READING
(Geren - House Sponsor)

SB 1342, A bill to be entitled An Act relating to the use of bingo proceeds by licensed authorized organizations, including the use of proceeds to provide health insurance or health insurance benefits to certain employees.

SB 1342 was passed by (Record 1300): 145 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; White; Woolley; Workman; Zedler; Zerwas.

Nays — Carter; Weber.

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

Absent, Excused — Brown.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1300. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1300. I intended to vote no.

Schwertner

SB 1368 ON THIRD READING
(Deshotel - House Sponsor)

SB 1368, A bill to be entitled An Act relating to the authority of a co-owner of residential property to encumber the property.

SB 1368 was passed by (Record 1301): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; 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 — Burkett.

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

Absent, Excused — Brown.

Absent — Davis, S.; Menendez.

SB 738 - VOTE RECONSIDERED

Representative Villarreal moved to reconsider the vote by which **SB 738**, as amended, was passed to third reading on May 21.

The motion to reconsider prevailed by (Record 1302): 118 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Berman; Bonnen; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Margo; Martinez; Martinez Fischer; McClendon;

Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Beck; Bohac; Branch; Carter; Cook; Creighton; Driver; Fletcher; Gonzales, L.; Hardcastle; Harper-Brown; Hartnett; Hunter; Jackson; Landtroop; Laubenberg; Lyne; Madden; Paxton; Peña; Perry; Schwertner; Sheffield; Simpson; Weber; White.

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

Absent, Excused — Brown.

Absent — Gonzalez; Mallory Caraway.

SB 738 ON SECOND READING
(Villarreal - House Sponsor)

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

SB 738, A bill to be entitled An Act relating to a parental role in determining sanctions applied to a public school campus under certain circumstances.

SB 738 was read second time on May 21 and was passed to third reading, as amended.

Representative Villarreal moved to postpone consideration of **SB 738** until 5:40 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR
(consideration continued)

SB 425 ON THIRD READING
(Hancock - House Sponsor)

SB 425, A bill to be entitled An Act relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

Amendment No. 1

Representative Hancock offered the following amendment to **SB 425**:

Amend **SB 425** as follows:

On page 11, line 23, strike "shall" and insert "may"

Amendment No. 1 was adopted.

SB 425, as amended, was passed by (Record 1303): 143 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Castro.

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

Absent, Excused — Brown.

Absent — Eissler; Scott; Smith, T.

STATEMENT OF VOTE

When Record No. 1303 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

HR 2293 - ADOPTED

(by T. King)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 2293**.

The motion prevailed.

The following resolution was laid before the house:

HR 2293, Congratulating Adolfo Alvarez, Sr., of Pearsall on his 80th birthday.

HR 2293 was adopted.

SB 341 ON THIRD READING

(Menendez and Larson - House Sponsors)

SB 341, A bill to be entitled An Act relating to authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.

SB 341 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GARZA: Representative Menendez, I just had a couple of questions. In your opinion, do you agree this bill, as amended, was a fair bill?

REPRESENTATIVE MENENDEZ: I do believe the bill is a fair bill. I believe some of the amendments we took, we did in order to save this body over two hours on Saturday afternoon, and I don't know if it will stay on the bill when it comes back.

GARZA: Well, do you agree that the amendments that were added provided adequate protection for rural and suburban ratepayers?

MENENDEZ: I'll repeat what I said. Some of the amendments will survive. Some of them will not survive.

GARZA: Okay. So, do you agree then that the amendments—such as the bifurcated election, the permanent rural advisory committee, the rural infrastructure fund, the declared valuation on the election, the TCEQ complaint process to honor all current contracts, and to have a contract review board—that all of those amendments that were accepted would strengthen the position of rural ratepayers who may lose their right to vote under this bill?

MENENDEZ: Representative Garza, every single ratepayer, whether they live inside the city limits, outside the city limits, in the county, or whichever part you deem to define rural—or not rural—every one of them has an equal vote. Therefore, I believe that this bill, in whatever form it comes back—it's going to go to conference, the senate's going to appoint five conferees, the house will appoint five conferees. We'll debate the value and the worth of the amendments, and we'll bring it back to the body so that the body as a whole can determine its value, up or down.

GARZA: So, in your opinion, do you agree with me that stripping these amendments will weaken the bill?

MENENDEZ: No. You know, representative, I do not believe that we're going to weaken the bill by removing any one amendment, or any two amendments, or any three amendments. There were 11 amendments left on the table when I chose to accept all the amendments because it was Saturday afternoon at 2:15, and I did not want to waste two hours of the membership's, of the body's, time.

GARZA: So do you, in your opinion, agree to support this bill, as amended, in conference committee, if we should have one?

MENENDEZ: Well, I do believe that this will have a conference committee, and I plan to bring this bill back. So I will support this bill in whatever shape the conferees choose as the best form of this bill. I don't make any commitments to any of the amendments that were made.

REMARKS ORDERED PRINTED

Representative Garza moved to print remarks between Representative Menendez and Representative Garza.

The motion prevailed.

REPRESENTATIVE MARTINEZ FISCHER: Representative Menendez, I know that this is a big bill that we've dealt with many sessions, and there's been draft, after draft, after draft, after draft. And would you agree with me that the bill that you brought to the floor un-amended represents the best work product that the delegation has been able to bring together, only bringing some finality to the ratepayers—Bexar Metropolitan Water District?

MENENDEZ: I definitely would agree that after hours and hours of having input from the public at large, from every one of our colleagues, that we have brought together a bill that represents good protections for all the ratepayers, and I do believe it was a good work product. There was an amendment by Representative Larson that was going to take into consideration some protections that we accepted early on in the process, and I had an amendment that was also made in order to provide all protections, as far as voting rights are concerned. And I do plan to make sure that those two amendments remain on the bill.

MARTINEZ FISCHER: At the committee level, I offered language concerning voting rights and it was adopted, and it was adopted in the committee substitute.

MENENDEZ: Correct.

MARTINEZ FISCHER: And so, I guess my point is, I mean, anybody that wanted to have meaningful input on this bill had the opportunity to do that at the member level, dealing with you directly, at the committee level in both the house and the senate. And so the amendments that were left on the table weren't the last resort. I mean, anybody could have talked to you in good faith about making the bill better. You taking those amendments is not your commitment to accepting those amendments. It was really a courtesy to the body that's had to deal with this issue, not just this session, but the last three or four.

MENENDEZ: Without a doubt. And as you know, Representative Martinez Fischer, we took a vote on the first amendment, and the first amendment that we took a vote on that was not acceptable went down with over 80 votes against it. But instead of having a two-hour debate on every single one of the amendments, I made the decision to take every amendment in order to save this body over two hours on a Saturday afternoon.

MARTINEZ FISCHER: That's my recollection. I just wanted to make sure that we're clear on that.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Menendez and Representative Martinez Fischer.

The motion prevailed.

SB 341 was passed by (Record 1304): 129 Yeas, 11 Nays, 5 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; 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; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Aycock; Beck; Cain; Fletcher; Garza; Hardcastle; Kleinschmidt; Miller, S.; White; Zedler.

Present, not voting — Mr. Speaker; Marquez(C); Otto; Reynolds; Sheffield.

Absent, Excused — Brown.

Absent — Callegari; Hernandez Luna; King, P.; Lucio.

STATEMENTS OF VOTE

When Record No. 1304 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez Luna

When Record No. 1304 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

SB 377 ON THIRD READING

(Riddle, Gallego, Burkett, Hartnett, and Carter - House Sponsors)

SB 377, A bill to be entitled An Act relating to the murder of a child as a capital offense.

SB 377 was passed by (Record 1305): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Martinez Fischer; McClendon;

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

Nays — Howard, D.

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

Absent, Excused — Brown.

Absent — Castro; Coleman; Hernandez Luna; Lucio; Mallory Caraway.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1305. I intended to vote no.

Burnam

When Record No. 1305 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Castro

When Record No. 1305 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez Luna

When Record No. 1305 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

I was shown voting present, not voting on Record No. 1305. I intended to vote no.

Marquez

REASON FOR VOTE

I was present, not voting on **SB 377** because I cannot support a measure that would expand the death penalty in Texas prior to a thorough examination of our current conviction and exoneration processes.

Castro

POSTPONED BUSINESS

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

SB 859 ON THIRD READING (Smithee - House Sponsor)

SB 859, A bill to be entitled An Act relating to small and large employer health group cooperatives.

SB 859 was read third time earlier today, amendments were offered and disposed of, and **SB 859** was postponed until this time.

Amendment No. 3

Representative Chisum offered the following amendment to **SB 859**:

Amend **SB 859** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE _____. EMPLOYER CONTRIBUTIONS TO INDIVIDUAL HEALTH INSURANCE POLICIES

SECTION _____.01. Subtitle A, Title 8, Insurance Code, is amended by adding Chapter 1221 to read as follows:

CHAPTER 1221. EMPLOYER CONTRIBUTIONS TO INDIVIDUAL HEALTH INSURANCE POLICIES

Sec. 1221.001. RULES; EMPLOYER CONTRIBUTIONS. The commissioner by rule, unless it would violate state or federal law, may develop procedures to allow an employer to make financial contributions to or premium payments for an employee or retiree's individual consumer directed health insurance policy in a manner that eliminates or minimizes the state or federal tax consequences, or provides positive state or federal tax consequences, to the employer.

Amendment No. 3 was adopted.

SB 859, as amended, was passed by (Record 1306): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown.

Absent — Anderson, C.

SB 303 ON SECOND READING
(Scott and White - House Sponsors)

SB 303, A bill to be entitled An Act relating to health care services provided or paid by a hospital district.

SB 303 was read second time on May 20 and was postponed until 8 a.m. today.

Amendment No. 1

Representative Scott offered the following amendment to **SB 303**:

Amend **SB 303** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 281, Health and Safety Code, is amended by adding Section 281.0286 to read as follows:

Sec. 281.0286. TARRANT COUNTY HOSPITAL DISTRICT; EMPLOYMENT OF PHYSICIANS. (a) The board of the Tarrant County Hospital District may appoint, contract for, or employ physicians as the board considers necessary for the efficient operation of the district.

(b) The term of an employment contract entered into under this section may not exceed four years.

(c) This section may not be construed as authorizing the board of the Tarrant County Hospital District to supervise or control the practice of medicine, as prohibited by Subtitle B, Title 3, Occupations Code.

(d) The authority granted to the board of the Tarrant County Hospital District under Subsection (a) to employ physicians shall apply as necessary for the district to fulfill the district's statutory mandate to provide medical care for the indigent and needy residents of the district as provided by Section 281.046.

(e) The medical executive committee of the Tarrant County Hospital District shall adopt, maintain, and enforce policies to ensure that a physician employed by the district exercises the physician's independent medical judgment in providing care to patients.

(f) The policies adopted by the medical executive committee under this section must include:

(1) policies relating to:

(A) governance of the medical executive committee;

(B) credentialing;

(C) quality assurance;

(D) utilization review;

(E) peer review;

(F) medical decision-making; and

(G) due process; and

(2) rules requiring the disclosure of financial conflicts of interest by a member of the medical executive committee.

(g) The medical executive committee and the board of the Tarrant County Hospital District shall jointly develop and implement a conflict management process to resolve any conflict between a policy adopted by the medical executive committee under this section and a policy of the Tarrant County Hospital District.

(h) A member of the medical executive committee who is a physician shall provide biennially to the chair of the medical executive committee a signed, verified statement indicating that the member of the medical executive committee:

(1) is licensed by the Texas Medical Board;

(2) will exercise independent medical judgment in all medical executive committee matters, including matters relating to:

(A) credentialing;

(B) quality assurance;

(C) utilization review;

(D) peer review;

(E) medical decision-making; and

(F) due process;

(3) will exercise the committee member's best efforts to ensure compliance with the policies that are adopted or established by the medical executive committee; and

(4) will report immediately to the Texas Medical Board any action or event that the committee member reasonably and in good faith believes constitutes a compromise of the independent medical judgment of a physician in caring for a patient.

(i) For all matters relating to the practice of medicine, each physician employed by the Tarrant County Hospital District shall ultimately report to the chair of the medical executive committee for the district.

Amendment No. 1 was adopted. (Berman recorded voting no.)

SB 303, as amended, was passed to third reading. (Truitt recorded voting present, not voting.)

SB 499 ON SECOND READING (Guillen - House Sponsor)

SB 499, A bill to be entitled An Act relating to the identification of breeder deer by microchips.

SB 499 was read second time on May 20 and was postponed until 8 a.m. today.

Representative Guillen moved to postpone consideration of **SB 499** until 5:30 p.m. today.

The motion prevailed.

SB 1543 ON SECOND READING (Larson - House Sponsor)

SB 1543, A bill to be entitled An Act relating to the authority of an independent school district to invest in corporate bonds.

SB 1543 was read second time on May 20, an amendment was offered and disposed of, and **SB 1543** was postponed until 8 a.m. today.

Representative Larson moved to postpone consideration of **SB 1543** until 6 p.m. today.

The motion prevailed.

SB 271 ON SECOND READING
(Menendez and Larson - House Sponsors)

SB 271, A bill to be entitled An Act relating to the board of directors of the Bexar Metropolitan Water District.

SB 271 was read second time on May 21 and was postponed until 8 a.m. today.

SB 271 was passed to third reading.

SB 680 ON SECOND READING
(Woolley - House Sponsor)

SB 680, A bill to be entitled An Act relating to a fee collected by a district clerk for certain certified copies.

SB 680 was read second time on May 21 and was passed to third reading. The vote was reconsidered later that day, and **SB 680** was postponed until 10 a.m. today.

Representative Woolley moved to postpone consideration of **SB 680** until 12 a.m. Sunday, June 5.

The motion prevailed.

(Speaker in the chair)

MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING

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

CSSB 1581 ON SECOND READING
(Aycock - House Sponsor)

CSSB 1581, A bill to be entitled An Act relating to state fiscal matters, and certain administrative and business matters, related to public and higher education.

Representative Aycock moved to postpone consideration of **CSSB 1581** until 8 p.m. today.

The motion prevailed.

CSSB 1717 ON SECOND READING
(Lewis and Jackson - House Sponsors)

CSSB 1717, A bill to be entitled An Act relating to the operation and administration of the judicial branch of state government.

Amendment No. 1

Representative Lewis offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) as follows:

(1) Strike SECTION 4.01 of the bill (page 46, line 22, through page 47, line 21) and substitute the following:

SECTION 4.01. (a) Section 27.005(a), Government Code, is amended to read as follows:

(a) For purposes of removal under Chapter 87, Local Government Code, "incompetency" in the case of a justice of the peace includes the failure of the justice to successfully complete:

(1) within one year after the date the justice is first elected, an 80-hour course in the performance of the justice's duties; and

(2) each following year, a 20-hour course in the performance of the justice's duties, including not less than 10 hours of instruction regarding substantive, procedural, and evidentiary law in civil matters.

(b) Section 27.005(a), Government Code, as amended by this section, applies to a justice of the peace serving on or after the effective date of this article, regardless of the date the justice was elected or appointed.

(2) Strike Section 6.02 of the bill (page 102, line 8, through page 104, line 5) and substitute the following:

SECTION 6.02. Section 74.050, Government Code, is amended to read as follows:

Sec. 74.050. SUPPORT STAFF [~~ADMINISTRATIVE ASSISTANT~~]. (a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant.

(b) An administrative assistant [~~must have the qualifications established by rule of the supreme court.~~

~~(c) An administrative assistant~~] shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;

(3) under the direction of the presiding judge, make an annual report of the activities of the administrative region and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

(4) attend to other matters that are prescribed by the council of judges.

(c) [~~(d)~~] An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the presiding judge.

(d) [~~(e)~~] An administrative assistant is entitled to receive the compensation from the state provided by the General Appropriations Act, from county funds, or from any public or private grant.

(3) In SECTION 7.01 of the bill, in added Section 72.029, Government Code (page 110, following line 27), add a new Subsection (e) to read as follows:

(e) The office may accept gifts, grants, and donations for purposes of this section. The office may not use state funds to provide a grant under this section or to administer the grant program.

(4) In SECTION 7.02 of the bill, in added Section 22.017, Government Code (page 111, between lines 21 and 22), add a new Subsection (e) to read as follows:

(e) The commission may accept gifts, grants, and donations for purposes of this section. The commission may not use state funds to provide a grant under this section or to administer the grant program.

(5) In SECTION 9.02 of the bill (page 114, between lines 23 and 24) add a new Subsection (c) to read as follows:

(c) The office of court administration may accept gifts, grants, and donations to conduct the study under this section. The office of court administration may not use state funds to conduct the study and, notwithstanding Subsection (a) of this section, is required to conduct the study only to the extent gifts, grants, and donations are available for that purpose.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Lewis and Naishtat offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

SECTION ____ .01. Section 263.601, Family Code, is amended by amending Subdivision (1) and adding Subdivision (3-a) to read as follows:

(1) "Foster care" means a voluntary residential living arrangement with a foster parent or other residential child-care provider that is:

(A) licensed or approved by the department or verified by a licensed child-placing agency; and

(B) paid under a contract with the department.

(3-a) "Trial independence period" means a period of not less than six months, or a longer period as a court may order not to exceed 12 months, during which a young adult exits foster care with the option to return to foster care under the continuing extended jurisdiction of the court.

SECTION ____ .02. Section 263.602, Family Code, is amended to read as follows:

Sec. 263.602. EXTENDED JURISDICTION. (a) A court that had continuing, exclusive jurisdiction over a young adult on the day before [may, at] the young adult's 18th birthday continues to have extended [request, render an order that extends the court's] jurisdiction over the young adult and shall retain the case on the court's docket while the young adult remains in extended foster care and during a trial independence period described [as provided] by this section [subchapter].

(b) A court with extended jurisdiction over a young adult who remains in extended foster care shall conduct extended foster care review hearings every six months for the purpose of reviewing and making findings regarding:

(1) whether the young adult's living arrangement is safe and appropriate and whether the department has made reasonable efforts to place the young adult in the least restrictive environment necessary to meet the young adult's needs;

(2) whether the department is making reasonable efforts to finalize the permanency plan that is in effect for the young adult, including a permanency plan for independent living;

(3) whether, for a young adult whose permanency plan is independent living:

(A) the young adult participated in the development of the plan of service;

(B) the young adult's plan of service reflects the independent living skills and appropriate services needed to achieve independence by the projected date; and

(C) the young adult continues to make reasonable progress in developing the skills needed to achieve independence by the projected date; and

(4) whether additional services that the department is authorized to provide are needed to meet the needs of the young adult [~~The extended jurisdiction of the court terminates on the earlier of:~~

~~(1) the young adult's 21st birthday; or~~

~~(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court].~~

(c) Not later than the 10th day before the date set for a hearing under this section, the department shall file with the court a copy of the young adult's plan of service and a report that addresses the issues described by Subsection (b).

(d) Notice of an extended foster care review hearing shall be given as provided by Rule 21a, Texas Rules of Civil Procedure, to the following persons, each of whom has a right to present evidence and be heard at the hearing:

(1) the young adult who is the subject of the suit;

(2) the department;

(3) the foster parent with whom the young adult is placed and the administrator of a child-placing agency responsible for placing the young adult, if applicable;

(4) the director of the residential child-care facility or other approved provider with whom the young adult is placed, if applicable;

(5) each parent of the young adult whose parental rights have not been terminated and who is still actively involved in the life of the young adult;

(6) a legal guardian of the young adult, if applicable; and

(7) the young adult's attorney ad litem, guardian ad litem, and volunteer advocate, the appointment of which has not been previously dismissed by the court.

(e) If, after reviewing the young adult's plan of service and the report filed under Subsection (c), and any additional testimony and evidence presented at the review hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

(f) A court with extended jurisdiction over a young adult as described in Subsection (a) shall continue to have jurisdiction over the young adult and shall retain the case on the court's docket until the earlier of:

(1) the last day of the:

(A) sixth month after the date the young adult leaves foster care; or

(B) 12th month after the date the young adult leaves foster care if specified in a court order, for the purpose of allowing the young adult to pursue a trial independence period; or

(2) the young adult's 21st birthday.

(g) A court with extended jurisdiction described by this section is not required to conduct periodic hearings for a young adult during a trial independence period and may not compel a young adult who has exited foster care to attend a court hearing.

SECTION ____ .03. Subchapter G, Chapter 263, Family Code, is amended by adding Section 263.6021 to read as follows:

Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG ADULT RECEIVING TRANSITIONAL LIVING SERVICES.

(a) Notwithstanding Section 263.602, a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday may, at the young adult's request, render an order that extends the court's jurisdiction beyond the end of a trial independence period if the young adult receives transitional living services from the department.

(b) The extended jurisdiction of the court under this section terminates on the earlier of:

(1) the young adult's 21st birthday; or

(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court.

(c) At the request of a young adult who is receiving transitional living services from the department and who consents to voluntary extension of the court's jurisdiction under this section, the court may hold a hearing to review the services the young adult is receiving.

(d) Before a review hearing scheduled under this section, the department must file with the court a report summarizing the young adult's transitional living services plan, services being provided to the young adult under that plan, and the young adult's progress in achieving independence.

(e) If, after reviewing the report and any additional testimony and evidence presented at the hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

SECTION ____ .04. Subsections (a) and (c), Section 263.603, Family Code, are amended to read as follows:

(a) Notwithstanding Section ~~263.6021~~ [263.602], if the court believes that a young adult may be incapacitated as defined by Section 601(14)(B), Texas Probate Code, the court may extend its jurisdiction on its own motion without the young adult's consent to allow the department to refer the young adult to the Department of Aging and Disability Services for guardianship services as required by Section 48.209, Human Resources Code.

(c) If the Department of Aging and Disability Services determines a guardianship is not appropriate, or the court with probate jurisdiction denies the application to appoint a guardian, the court under Subsection (a) may continue to extend its jurisdiction over the young adult only as provided by Section 263.602 or ~~263.6021~~.

SECTION _____.05. Section 263.609, Family Code, is repealed.

SECTION _____.06. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Fletcher offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee report) as follows:

(1) In the recital to SECTION 4.05 of the bill (page 49, line 12), between "by" and "adding", insert "amending Subsection (a) and".

(2) In SECTION 4.05 of the bill, before proposed Article 4.12(e), Code of Criminal Procedure (page 49, between lines 12 and 13), insert the following:

(a) Except as otherwise provided by this article, a misdemeanor case to be tried in justice court shall be tried:

(1) in the precinct in which the offense was committed;

(2) in the precinct in which the defendant or any of the defendants reside; ~~or~~

(3) with the written consent of the state and each defendant or the defendant's attorney, in any other precinct within the county; or

(4) if the offense was committed in a county with a population of 3.3 million or more, in any precinct in the county that is adjacent to the precinct in which the offense was committed.

(3) Add the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. Article 4.12(a), Code of Criminal Procedure, as amended by this article, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Alonzo offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PRETRIAL HEARINGS IN CRIMINAL CASES

SECTION ____ .01. Article 28.01, Code of Criminal Procedure, is amended by adding Section 4 to read as follows:

Sec. 4. A court shall set a pre-trial hearing in a criminal case other than a case involving only an offense punishable as a Class C misdemeanor, if not later than the 60th day before the date on which trial commences, the state or the defendant requests the hearing. The court must:

(1) hold the requested hearing not later than the 30th day before the date on which trial commences; and

(2) to the extent feasible, rule at the hearing on all pre-trial motions filed in the case.

SECTION ____ .02 The change in law made by this article applies only to a criminal case in which the indictment or information is presented to the court on or after the effective date of this Act. A criminal case in which the indictment or information is presented to the court before the effective date of this Act is governed by the law in effect when the indictment or information is presented, and the former law is continued in effect for that purpose.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Weber offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** as follows:

(1) In Article 4 of the bill, strike SECTION 4.02 (page 47 line 22 through line 27) and (page 48 line 1 through line 25).

(2) In Article 4 of the bill, strike SECTION 4.03 (page 48 line 26 through line 27) and (page 49 line 1 through line 3).

(3) In Article 4 of the bill, strike SECTION 4.04 (page 49 line 4 through line 10).

(4) In Article 4 of the bill, strike SECTION 4.05 (page 49 line 11 through line 16).

(5) In Article 4 of the bill, strike SECTION 4.06 (page 49 line 17 through line 20).

(6) In Article 4 of the bill, strike SECTION 4.07 (page 49 line 21 through line 27) and (page 50 line 1).

(7) In Article 4 of the bill, strike SECTION 4.08 (page 50 line 2 through line 15).

(8) In Article 4 of the bill, strike SECTION 4.09 (page 50 line 16 through line 17).

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Alonzo offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MANAGED ASSIGNED COUNSEL PROGRAMS

SECTION ____ .01. Article 26.04, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (f-1) to read as follows:

(a) The judges of the county courts, statutory county courts, and district courts trying criminal cases in each county, by local rule, shall adopt and publish written countywide procedures for timely and fairly appointing counsel for an indigent defendant in the county arrested for or charged with a misdemeanor punishable by confinement or a felony. The procedures must be consistent with this article and Articles 1.051, 15.17, 26.05, and 26.052. A court shall appoint an attorney from a public appointment list using a system of rotation, unless the court appoints an attorney under Subsection (f), (f-1), (h), or (i). The court shall appoint attorneys from among the next five names on the appointment list in the order in which the attorneys' names appear on the list, unless the court makes a finding of good cause on the record for appointing an attorney out of order. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in order on the list.

(f-1) In a county in which a managed assigned counsel program is operated in accordance with Article 26.047, the managed assigned counsel program may appoint counsel to represent the defendant in accordance with guidelines established for the program.

SECTION ____ .02. Chapter 26, Code of Criminal Procedure, is amended by adding Article 26.047 to read as follows:

Art. 26.047. MANAGED ASSIGNED COUNSEL PROGRAM. (a) In this article:

(1) "Governmental entity" has the meaning assigned by Article 26.044.

(2) "Managed assigned counsel program" or "program" means a program operated with public funds:

(A) by a governmental entity, nonprofit corporation, or bar association under a written agreement with a governmental entity, other than an individual judge or court; and

(B) for the purpose of appointing counsel under Article 26.04 or Section 51.10, Family Code.

(b) The commissioners court of any county, on written approval of a judge of the juvenile court of a county or a county court, statutory county court, or district court trying criminal cases in the county, may appoint a governmental entity, nonprofit corporation, or bar association to operate a managed assigned counsel program. The commissioners courts of two or more counties may enter

into a written agreement to jointly appoint and fund a governmental entity, nonprofit corporation, or bar association to operate a managed assigned counsel program. In appointing an entity to operate a managed assigned counsel program under this subsection, the commissioners court shall specify or the commissioners courts shall jointly specify:

(1) the types of cases in which the program may appoint counsel under Article 26.04 or Section 51.10, Family Code, and the courts in which the counsel appointed by the program may be required to appear; and

(2) the term of any agreement establishing a program and how the agreement may be terminated or renewed.

(c) The commissioners court or commissioners courts shall require a written plan of operation from an entity operating a program under this article. The plan of operation must include:

(1) a budget for the program, including salaries;

(2) a description of each personnel position, including the program's director;

(3) the maximum allowable caseload for each attorney appointed by the program;

(4) provisions for training personnel of the program and attorneys appointed under the program;

(5) a description of anticipated overhead costs for the program;

(6) a policy regarding licensed investigators and expert witnesses used by attorneys appointed under the program;

(7) a policy to ensure that appointments are reasonably and impartially allocated among qualified attorneys; and

(8) a policy to ensure that an attorney appointed under the program does not accept appointment in a case that involves a conflict of interest for the attorney that has not been waived by all affected clients.

(d) A program under this article must have a director. Unless the program uses a review committee appointed under Subsection (e), a program under this article must be directed by a person who:

(1) is a member of the State Bar of Texas;

(2) has practiced law for at least three years; and

(3) has substantial experience in the practice of criminal law.

(e) The governmental entity, nonprofit corporation, or bar association appointed under Subsection (b) may appoint a review committee of three or more individuals to appoint attorneys to the program's public appointment list described by Subsection (f). Each member of the committee:

(1) must meet the requirements described by Subsection (d);

(2) may not be employed as a prosecutor; and

(3) may not be included on or apply for inclusion on the public appointment list described by Subsection (f).

(f) The program's public appointment list from which an attorney is appointed must contain the names of qualified attorneys, each of whom:

(1) applies to be included on the list;

(2) meets any applicable requirements specified by the procedure for appointing counsel adopted under Article 26.04(a) and the Task Force on Indigent Defense; and

(3) is approved by the program director or review committee, as applicable.

(g) A court may replace an attorney appointed by the program for the same reasons and in the same manner described by Article 26.04(k).

(h) A managed assigned counsel program is entitled to receive funds for personnel costs and expenses incurred in amounts fixed by the commissioners court and paid out of the appropriate county fund, or jointly fixed by the commissioners courts and proportionately paid out of each appropriate county fund if the program serves more than one county.

(i) A managed assigned counsel program may employ personnel and enter into contracts necessary to perform the program's duties as specified by the commissioners court or commissioners courts under this article.

SECTION ____ .03. Article 26.05(c), Code of Criminal Procedure, is amended to read as follows:

(c) Each fee schedule adopted shall state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and shall provide a form for the appointed counsel to itemize the types of services performed. No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, the director of the program, and the judge or director, as applicable, approves the payment. If the judge or director disapproves the requested amount of payment, the judge or director shall make written findings stating the amount of payment that the judge or director approves and each reason for approving an amount different from the requested amount. An attorney whose request for payment is disapproved or is not otherwise acted on by the 60th day after the date the request for payment is submitted may appeal the disapproval or failure to act by filing a motion with the presiding judge of the administrative judicial region. On the filing of a motion, the presiding judge of the administrative judicial region shall review the disapproval of payment or failure to act and determine the appropriate amount of payment. In reviewing the disapproval or failure to act, the presiding judge of the administrative judicial region may conduct a hearing. Not later than the 45th day after the date an application for payment of a fee is submitted under this article, the commissioners court shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the fee schedule for that county.

SECTION ____ .04. Section 71.001, Government Code, is amended by adding Subdivision (8-a) to read as follows:

(8-a) "Managed assigned counsel program" has the meaning assigned by Article 26.047, Code of Criminal Procedure.

SECTION _____.05. Section 71.060(a), Government Code, is amended to read as follows:

(a) The Task Force on Indigent Defense shall develop policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in postconviction proceedings. The policies and standards may include:

(1) performance standards for counsel appointed to represent indigent defendants;

(2) qualification standards under which attorneys may qualify for appointment to represent indigent defendants, including:

(A) qualifications commensurate with the seriousness of the nature of the proceeding;

(B) qualifications appropriate for representation of mentally ill defendants and noncitizen defendants;

(C) successful completion of relevant continuing legal education programs approved by the council; and

(D) testing and certification standards;

(3) standards for ensuring appropriate appointed caseloads for counsel appointed to represent indigent defendants;

(4) standards for determining whether a person accused of a crime or juvenile offense is indigent;

(5) policies and standards governing the organization and operation of an assigned counsel program;

(6) policies and standards governing the organization and operation of a public defender consistent with recognized national policies and standards;

(7) standards for providing indigent defense services under a contract defender program consistent with recognized national policies and standards;

(8) standards governing the reasonable compensation of counsel appointed to represent indigent defendants;

(9) standards governing the availability and reasonable compensation of providers of indigent defense support services for counsel appointed to represent indigent defendants;

(10) standards governing the operation of a legal clinic or program that provides legal services to indigent defendants and is sponsored by a law school approved by the supreme court;

(11) policies and standards governing the appointment of attorneys to represent children in proceedings under Title 3, Family Code; ~~and~~

(12) policies and standards governing the organization and operation of a managed assigned counsel program consistent with nationally recognized policies and standards; and

(13) other policies and standards for providing indigent defense services as determined by the task force to be appropriate.

Amendment No. 6 was adopted.

Amendment No. 7

Representative P. King offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . STATE COSTS FOR ATTORNEYS AD LITEM AND
GUARDIANS AD LITEM APPOINTED TO REPRESENT MINORS IN
JUDICIAL BYPASS ABORTION PROCEEDINGS

SECTION ____ .01. (a) Not later than December 1, 2011, the supreme court by rule shall establish procedures for the supreme court and each county court at law, court having probate jurisdiction, district court, and court of appeals in this state to conduct a financial audit to determine for the state fiscal year beginning September 1, 2011, the amount of state funds used to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

(b) In the procedures adopted under Subsection (a) of this section, the supreme court must require each state court to submit to the supreme court a report on the results of the financial audit conducted by the court not later than November 1, 2012.

(c) Not later than January 1, 2013, the supreme court shall submit to the lieutenant governor and the speaker of the house of representatives a report that summarizes the results of financial audits conducted in the state courts and includes the total amount of state funds used in the state fiscal year beginning September 1, 2011, to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

SECTION ____ . Section 33.003(e), Family Code, is amended to read as follows:

(e) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. ~~The [If the guardian ad litem is an attorney admitted to the practice of law in this state, the]~~ court may not appoint the guardian ad litem to serve as the minor's attorney. The court may not appoint the minor's attorney to be the guardian ad litem for the minor.

SECTION ____ . The change in law made by this Act to Section 33.003(e), Family Code, applies only to an application for a court order authorizing a minor to consent to an abortion filed under Section 33.003, Family Code, as amended by this Act, on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect at the time the application was filed, and that law is continued in effect for that purpose.

AMENDMENT NO. 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CASTRO: For purposes of legislative intent, is it correct to say that it's not your intent, once we get this accounting of how much state money is spent on judicial bypass issues, to ask that those funds be terminated in the future?

REPRESENTATIVE P. KING: Absolutely, because if you don't have those appointments and those funds paid then the law becomes unconstitutional. It would be stricken.

CASTRO: Okay. So, that's not your intent?

P. KING: That is not my intent. I actually believe if you struck those dollars, the judicial bypass would then be unconstitutional and would be struck.

CASTRO: Okay.

P. KING: So it is certainly not my intent by any measure.

REMARKS ORDERED PRINTED

Representative Castro moved to print remarks between Representative P. King and Representative Castro.

The motion prevailed.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Hartnett offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION _____. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.018 to read as follows:

Sec. 22.018. PUBLIC INFORMATION REGARDING CERTAIN PETITIONS AND MOTIONS. (a) The supreme court shall adopt rules governing the collection of statistical information relating to applications and appeals granted under Sections 33.003(h) and 33.004(b), Family Code. The information collected by the supreme court must include:

(1) the number of judicial bypass cases in which the court appointed a guardian ad litem;

(2) the number of judicial bypass cases in which the court appointed counsel;

(3) whether or not the guardian ad litem and counsel are the same individual;

(4) the number of judicial bypass cases in which the judge issued an order authorizing an abortion without notification; and

(5) the number of judicial bypass cases in which the judge denied an order, the number of appeals filed as a result of a denial, the number of denials that were affirmed, and the number of denials that were reversed.

(b) The information collected under this section must be available to the public in aggregate form on an administrative judicial region basis, as determined by the court.

(c) Statistical information collected under this section may not include the minor's name or any other confidential information of the minor.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Hartnett offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 6 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 6. _____. (a) Section 74.141, Government Code, is amended to read as follows:

Sec. 74.141. DEFENSE OF JUDGES. The attorney general shall defend a state district judge, a presiding judge of an administrative region, the presiding judge of the statutory probate courts, or an active, retired, or former judge assigned under this chapter in any action or suit in any court in which the judge is a defendant because of his office as judge if the judge requests the attorney general's assistance in the defense of the suit.

(b) Section 74.141, Government Code, as amended by this Act, applies to a cause of action filed on or after the effective date of this Act. A cause of action filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Hughes offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. COURT REPORTERS

SECTION _____.01. Section 52.047, Government Code, is amended by adding Subsection (h) to read as follows:

(h) A court reporter may not be required to file an official transcript of a trial before the 60th day after the date a notice of appeal is filed. To the extent this subsection conflicts with the Texas Rules of Appellate Procedure or other rules of procedure, this subsection controls. Notwithstanding Sections 22.003, 22.004, and 22.108, the supreme court or the court of criminal appeals may not amend or adopt a rule in conflict with this section. This subsection does not apply to an official transcript required for an accelerated appeal or an interlocutory appeal.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Hughes offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. JUDICIAL BYPASS PROCEDURE FOR MINORS REQUESTING ABORTION

SECTION _____.01. Sections 33.003(b) and (i), Family Code, are amended to read as follows:

(b) If the minor resides in a county with a population of less than 50,000, the [The] application may be filed in any county court at law, court having probate jurisdiction, or district court, including a family district court, in this state. If the minor resides in a county with a population of 50,000 or more, the application must be filed in a county court at law, court having probate jurisdiction, or district court, including a family district court, in the county in which the minor resides.

(i) The court shall determine by clear and convincing ~~[a preponderance of the]~~ evidence whether the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

SECTION _____.02. Section 33.003, Family Code, as amended by this article, applies only to an application filed under Section 33.003, Family Code, on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

(Brown now present)

Amendment No. 11 - Point of Order

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

The point of order was withdrawn.

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Hughes offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering ARTICLES of the bill accordingly:

ARTICLE _____. INMATE LITIGATION

SECTION _____.01. Section 14.002(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) This chapter applies only to an action, including an appeal or original proceeding, [a suit] brought by an inmate in a district, county, justice of the peace, or small claims court or an appellate court, including the supreme court or the court of criminal appeals, in which an affidavit or unsworn declaration of inability to pay costs is filed by the inmate.

SECTION _____.02. Sections 14.004(a) and (b), Civil Practice and Remedies Code, are amended to read as follows:

(a) An inmate who files an affidavit or unsworn declaration of inability to pay costs shall file a separate affidavit or declaration:

(1) identifying each action [~~suit~~], other than an action [~~a suit~~] under the Family Code, previously brought by the person and in which the person was not represented by an attorney, without regard to whether the person was an inmate at the time the action [~~suit~~] was brought; and

(2) describing each action [~~suit~~] that was previously brought by:

(A) stating the operative facts for which relief was sought;

(B) listing the case name, cause number, and the court in which the action [~~suit~~] was brought;

(C) identifying each party named in the action [~~suit~~]; and

(D) stating the result of the action [~~suit~~], including whether the action or a claim that was a basis for the action [~~suit~~] was dismissed as frivolous or malicious under Section 13.001 or Section 14.003 or otherwise.

(b) If the affidavit or unsworn declaration filed under this section states that a previous action or claim [~~suit~~] was dismissed as frivolous or malicious, the affidavit or unsworn declaration must state the date of the final order affirming the dismissal.

SECTION _____.03. Section 14.007(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) An order of a court under Section 14.006(a) shall include the costs described by Subsection (b) if the court finds that:

(1) the inmate has previously filed an action to which this chapter applies [~~in a district, county, justice of the peace, or small claims court~~]; and

(2) a final order has been issued that affirms that the action was dismissed as frivolous or malicious under Section 13.001 or Section 14.003 or otherwise.

SECTION _____.04. The change in law made by this article applies only to an action brought on or after the effective date of this Act. An action brought before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Hughes offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. PROVISIONS RELATED TO EXEMPTING CERTAIN
JUDICIAL OFFICERS FROM CERTAIN CONCEALED HANDGUN
LICENSING REQUIREMENTS

SECTION _____. Section 411.201(a)(1), Government Code, is amended to read as follows:

(1) "Active judicial officer" means:

(A) a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court; ~~or~~

(B) a federal judge who is a resident of this state; or

(C) a person appointed and serving as an associate judge under Chapter 201, Family Code.

SECTION _____. Section 46.15(a), Penal Code, is amended to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) authorized to carry a weapon under Section 76.0051, Government Code;

(4) an active judicial officer as defined by Section 411.201, Government Code, ~~[a judge or justice of a federal court, the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court]~~ who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(5) an honorably retired peace officer or federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that:

(A) verifies that the officer honorably retired after not less than 15 years of service as a commissioned officer; and

(B) is issued by a state or local law enforcement agency;

(6) a district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a concealed handgun under Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer; or

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code.

SECTION _____. The change in law made by this article to Section 46.15, Penal Code, applies only to an offense committed on or after the effective date of this article. An offense committed before the effective date of this article is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this article if any element of the offense occurred before that date.

SECTION _____. This article takes effect September 1, 2011.

Amendment No. 13 was adopted.

Amendment No. 14

Representative Eiland offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately number SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. _____. (a) Sections 22.201(b), (j), and (o), Government Code, are amended to read as follows:

(b) The First Court of Appeals District is composed of the counties of Austin, Brazoria, Chambers, Colorado, Fort Bend, ~~[Galveston,]~~ Grimes, Harris, Waller, and Washington.

(j) The Ninth Court of Appeals District is composed of the counties of Chambers, Galveston, Hardin, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto, and Tyler.

(o) The Fourteenth Court of Appeals District is composed of the counties of Austin, Brazoria, ~~[Chambers,]~~ Colorado, Fort Bend, ~~[Galveston,]~~ Grimes, Harris, Waller, and Washington.

(b) Section 22.201, Government Code, as amended by this section, does not affect the jurisdiction on appeal of any case from a county that is transferred by this section to a different court of appeals district if the transcripts for the case were filed before September 1, 2011, in the appropriate court of appeals district.

Amendment No. 14 was withdrawn.

Amendment No. 15

Representative Kolkhorst offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. _____. (a) Sections 22.201(b), (k), and (o), Government Code, are amended to read as follows:

(b) The First Court of Appeals District is composed of the counties of Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Walker, Waller, and Washington.

(k) The Tenth Court of Appeals District is composed of the counties of Bosque, Burleson, Brazos, Coryell, Ellis, Falls, Freestone, Hamilton, Hill, Johnson, Leon, Limestone, Madison, McLennan, Navarro, Robertson, and Somervell, ~~and Walker~~.

(o) The Fourteenth Court of Appeals District is composed of the counties of Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Walker, Waller, and Washington.

(b) Section 22.201, Government Code, as amended by this article, does not affect the jurisdiction on appeal of any case from a county that is transferred by this article to a different court of appeals district if the transcripts for the case were filed before September 1, 2011, in the appropriate court of appeals district.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Chisum offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. PROFESSIONAL PROSECUTORS

SECTION _____.01. Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Lubbock, McLennan,

Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltrie, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

SECTION _____.02. This article takes effect September 1, 2011.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Paxton offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 3.____. (a) Section 25.0453, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The judge of a statutory probate court may, unless a party objects, provide that a proceeding be recorded by a good quality electronic recording device instead of by a court reporter. A stenographic record of an electronically recorded proceeding is not required except on order of the judge or request of a party. If a recording device is used, the court reporter is not required to be present to certify the record. The judge may designate one or more persons to act as the court recorder and shall assign to a court recorder the duties and responsibilities necessary to act in that capacity.

(b) Section 25.0453(g), Government Code, as added by this article, applies only to a proceeding commenced on or after the effective date of this Act. A proceeding commenced before the effective date of this Act is covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 17 was adopted.

Amendment No. 18

Representative Rodriguez offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. COST-BENEFIT ANALYSIS OF SUPREME COURT
RULES AND RULE AMENDMENTS

SECTION _____.01. Chapter 22, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. COST-BENEFIT ANALYSIS OF
SUPREME COURT RULES AND RULE AMENDMENTS

Sec. 22.351. APPLICABILITY. (a) This subchapter applies only to rules and rule amendments adopted by the supreme court.

(b) This subchapter does not apply to emergency rules and rule amendments adopted by the supreme court.

Sec. 22.352. LIMITATION ON ADOPTION OF RULES AND RULE AMENDMENTS. The supreme court may not adopt or amend a rule under Section 81.024 or under other law authorizing the court to adopt disciplinary rules unless the court complies with the requirements of this subchapter.

Sec. 22.353. COST-BENEFIT ANALYSIS. (a) Not later than the 90th day before the proposed effective date of a proposed rule or rule amendment subject to this subchapter, the supreme court using existing resources, including state bar resources, shall conduct a cost-benefit analysis that:

(1) identifies the problem the proposed rule or rule amendment is intended to address;

(2) determines whether a new rule or rule amendment is necessary to address the problem; and

(3) considers the benefits and costs of the proposed rule or rule amendment in relation to this state's legal profession, attorney disciplinary system, and court system and to the public.

(b) State money may not be used in the conduct of any cost-benefit analysis under this subchapter.

SECTION _____.02. Subchapter E, Chapter 22, Government Code, as added by this article, applies only to a rule amended or adopted by the Texas Supreme Court on or after the effective date of this Act.

(Ritter in the chair)

Representative Lewis moved to table Amendment No. 18.

The motion to table prevailed.

Amendment No. 19

Representatives Berman, Chisum, Hilderbran, Simpson, Isaac, Weber, R. Anderson, and Aliseda offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately number ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. APPLICATION OF FOREIGN LAWS

SECTION _____.01. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 148 to read as follows:

CHAPTER 148. APPLICATION OF FOREIGN LAWS; SELECTION OF
FOREIGN FORUM

Sec. 148.001. DEFINITION. In this chapter, "foreign law" means a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States.

Sec. 148.002. DECISION BASED ON FOREIGN LAW. A ruling or decision of a court, arbitrator, or administrative adjudicator on a matter arising under the Family Code may not be based on a foreign law if the application of that law would violate a right guaranteed by the United States Constitution or the constitution or a statute of this state.

Sec. 148.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT. (a) A contract provision providing that a foreign law is to govern a dispute arising under the Family Code is void to the extent that the application of the foreign law to the dispute would violate a right guaranteed by the United States Constitution or the constitution of this state.

(b) A contract provision providing that the forum to resolve a dispute arising under the Family Code is located outside the states and territories of the United States is void if the foreign law that would be applied to the dispute in that forum would, as applied, violate a right guaranteed by the United States Constitution or the constitution of this state.

SECTION ____ .02. (a) Section 148.002, Civil Practice and Remedies Code, as added by this article, applies only to a ruling or decision that becomes final on or after the effective date of this Act. A ruling or decision that becomes final before the effective date of this Act and any appeal of that ruling or decision are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 148.003, Civil Practice and Remedies Code, as added by this article, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 20

Representative Hilderbran offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 by Berman amending **CSSB 1717** as follows:

(1) In the SECTION of the amendment adding Section 148.002, Civil Practice and Remedies Code (page 1, line 16), between "violate a" and "right", insert "civil right or a".

(2) In the SECTION of the amendment adding Section 148.003(a), Civil Practice and Remedies Code (page 1, line 23), between "violate a" and "right", insert "civil right or a".

(3) In the SECTION of the amendment adding Section 148.003(b), Civil Practice and Remedies Code (page 1, line 29), between "violate a" and "right", insert "civil right or a".

Amendment No. 20 was adopted.

Amendment No. 19, as amended, was adopted.

Amendment No. 21

Representative Weber offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill, and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. BAIL REDUCTION PROCEDURE PROVISIONS.

SECTION _____.01. Article 17.091, Code of Criminal Procedure, is amended to read as follows:

Art. 17.091. NOTICE OF CERTAIN BAIL REDUCTIONS REQUIRED. Before a judge or magistrate reduces the amount of bail set for a defendant [~~charged with an offense listed in Section 3g, Article 42.12, or an offense described by Article 62.001(5)~~], the judge or magistrate shall provide:

(1) to the attorney representing the state, reasonable notice of the proposed bail reduction; and

(2) on request of the attorney representing the state or the defendant or the defendant's counsel, an opportunity for a hearing concerning the proposed bail reduction.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSSB 1717 - (consideration continued)

Representative Lewis moved to table Amendment No. 21.

The motion to table prevailed.

Amendment No. 22

Representative McClendon offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. VICTIM-OFFENDER MEDIATION

SECTION _____.01. Section 1, Article 28.01, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. The court may set any criminal case for a pre-trial hearing before it is set for trial upon its merits, and direct the defendant and his attorney, if any of record, and the State's attorney, to appear before the court at the time and place stated in the court's order for a conference and hearing. The defendant must be present at the arraignment, and his presence is required during any pre-trial proceeding. The pre-trial hearing shall be to determine any of the following matters:

(1) Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;

(2) Pleadings of the defendant;

(3) Special pleas, if any;

(4) Exceptions to the form or substance of the indictment or information;

(5) Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;

(6) Motions to suppress evidence—When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;

(7) Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury;

(8) Discovery;

(9) Entrapment; ~~and~~

(10) Motion for appointment of interpreter; and

(11) Motion to allow the defendant to enter a pretrial victim-offender mediation program established under Subchapter A-1, Chapter 56.

SECTION ____ .02. Chapter 56, Code of Criminal Procedure, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. PRETRIAL VICTIM-OFFENDER MEDIATION PROGRAM

Art. 56.21. AUTHORITY TO ESTABLISH PROGRAM. (a) The commissioners court of a county or governing body of a municipality may establish a pretrial victim-offender mediation program for persons who:

(1) have been arrested for or charged with a misdemeanor under Title 7, Penal Code, in any court in this state other than a district court; and

(2) have not previously been convicted of a felony or a misdemeanor, other than a misdemeanor regulating traffic and punishable by fine only.

(b) A county court, statutory county court, municipal court, or justice court that implements a program under this subchapter may adopt administrative rules as necessary or convenient to implement or operate the program, including additional criteria related to a defendant's eligibility to enter the program.

(c) The commissioners court of a county or governing body of a municipality that establishes a pretrial victim-offender mediation program under this subchapter may:

(1) allow for the referral to the program of arrested persons who have not yet been indicted or otherwise formally charged; and

(2) adopt administrative procedures as necessary to implement and operate the program, including additional program requirements that have been approved by the attorney representing the state in the county or municipality, as applicable.

Art. 56.22. PROGRAM. (a) A pretrial victim-offender mediation program established under Article 56.21 is coordinated by the attorney representing the state and must require:

(1) the attorney representing the state:

(A) to identify defendants who are eligible to participate in the program, including a consideration by the attorney representing the state of whether the defendant meets any additional locally developed eligibility criteria; and

(B) to the extent feasible and using existing resources, to make available to complaining witnesses and victims in appropriate criminal cases information and literature indicating that a victim-offender mediation program may be available in a case if certain eligibility criteria are met by the defendant;

(2) the consent of the victim, the defendant, and the attorney representing the state to be obtained before the case may proceed to pretrial victim-offender mediation; and

(3) the defendant to enter into a binding mediation agreement in accordance with Article 56.24 that:

(A) includes an apology by the defendant; and

(B) requires the defendant to:

(i) pay restitution to the victim; or

(ii) perform community service.

(b) All communications made in a pretrial victim-offender mediation program are confidential and may not be introduced into evidence except in a proceeding involving a question concerning the meaning of a mediation agreement.

(c) A pretrial victim-offender mediation program may require the staff and other resources of pretrial services departments and community supervision correction departments to assist in monitoring the defendant's compliance with a mediation agreement reached through the program.

(d) A pretrial victim-offender mediation may be conducted by a court-appointed mediator who meets the training requirements provided by Sections 154.052(a) and (b), Civil Practice and Remedies Code, or by any other appropriate person designated by the court. Neither the attorney representing the state nor the attorney representing the defendant in the criminal action may serve as a mediator under the pretrial victim-offender mediation program.

(e) If a defendant enters a pretrial victim-offender mediation program, the court may defer the proceedings without accepting a plea of guilty or nolo contendere or entering an adjudication of guilt. The court may not require the defendant to admit guilt or enter a plea of guilty or nolo contendere to enter the program.

(f) The case must be returned to the docket and proceed through the regular criminal justice system if:

(1) a pretrial victim-offender mediation does not result in a mediation agreement; or

(2) the defendant fails to successfully fulfill the terms of the mediation agreement by the date specified in the mediation agreement.

(g) If a case is returned to the docket under Subsection (f), the defendant retains all of the rights that the defendant possessed before entering the pretrial victim-offender mediation program under this subchapter. Notwithstanding any other law, for purposes of determining the duration and expiration of an

applicable statute of limitation under Chapter 12, the running of the period of limitation is tolled while the defendant is enrolled in a program under this subchapter.

(h) The court on the motion of the attorney representing the state shall dismiss the indictment or information charging the defendant with the commission of the offense, if the defendant:

(1) successfully completes the mediation agreement as determined by the attorney representing the state; and

(2) either:

(A) pays all court costs; or

(B) enters a payment plan approved by the court or the attorney representing the state for such payment.

(i) The attorney representing the state or the court may extend the initial compliance period granted to the defendant. A determination by the court regarding whether the mediation agreement has been successfully completed is final and may not be appealed.

(j) If the defendant is not arrested or convicted of a subsequent felony or misdemeanor other than a misdemeanor regulating traffic and punishable by fine only on or before the first anniversary of the date the defendant successfully completed a mediation agreement under this subchapter, on the motion of the defendant, the court shall enter an order of nondisclosure under Section 411.081, Government Code, as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the pretrial victim-offender mediation program.

Art. 56.23. MOTION AND HEARING. (a) The court on its own motion may, and on the motion of either party shall, hold a pretrial hearing to determine whether to allow an eligible defendant to enter a pretrial victim-offender mediation program under this subchapter.

(b) The court shall conduct a pretrial hearing under this article in accordance with Chapter 28 and the rules of evidence.

(c) At a pretrial hearing under this article, either party may present any evidence relevant to the defendant's eligibility under Article 56.22 and other additional locally developed eligibility criteria to enter a pretrial victim-offender mediation program.

Art. 56.24. MEDIATION AGREEMENT. (a) A mediation agreement under this subchapter must be:

(1) signed by the defendant and the victim; and

(2) ratified by the attorney representing the state in a request for a court order documenting and approving the mediation agreement.

(b) A mediation agreement under this subchapter may require testing, counseling, and treatment of the defendant to address alcohol abuse, abuse of controlled substances, mental health, or anger management or any other service that is reasonably related to the offense for which the defendant was arrested or charged.

(c) A mediation agreement under this subchapter is not valid for more than one year after the date on which the mediation agreement is ratified unless the court and the attorney representing the state approve the extension of the agreement.

(d) A mediation agreement under this subchapter does not constitute a plea or legal admission of responsibility.

Art. 56.25. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of pretrial victim-offender mediation programs established under this subchapter.

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a pretrial victim-offender mediation program established under this subchapter.

Art. 56.26. FEES. (a) A pretrial victim-offender mediation program established under this subchapter may collect from a defendant in the program:

(1) a reasonable program participation fee not to exceed \$500; and

(2) an alcohol or controlled substance testing, counseling, and treatment fee in an amount necessary to cover the costs of the testing, counseling, or treatment if such testing, counseling, or treatment is required by the mediation agreement.

(b) Fees collected under this article may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the pretrial victim-offender mediation program. The fees must be:

(1) based on the defendant's ability to pay; and

(2) used only for purposes specific to the program.

SECTION ____ .03. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0179 to read as follows:

Art. 102.0179. COSTS ATTENDANT TO PRETRIAL VICTIM-OFFENDER MEDIATION. (a) A defendant who participates in a pretrial victim-offender mediation program established under Subchapter A-1, Chapter 56, on successful completion of the terms of the defendant's mediation agreement or on conviction, shall pay as court costs \$15 plus an additional program participation fee as described by Article 56.26 in the amount prescribed by that article.

(b) The court clerk shall collect the costs imposed under this article. The clerk shall keep a separate record of any money collected under this article and shall pay any money collected to the county or municipal treasurer, as appropriate, or to any other official who discharges the duties commonly delegated to a treasurer, for deposit in a fund to be known as the county pretrial victim-offender mediation program fund or in a fund to be known as the municipal pretrial victim-offender mediation program fund, as appropriate.

(c) A county or municipality that collects court costs under this article shall use the money in a fund described by Subsection (b) exclusively for the maintenance of the pretrial victim-offender mediation program operated in the county or municipality.

SECTION ____ .04. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.0216 to read as follows:

Sec. 102.0216. ADDITIONAL COURT COSTS: CODE OF CRIMINAL PROCEDURE. A defendant who participates in a pretrial victim-offender mediation program established under Subchapter A-1, Chapter 56, Code of Criminal Procedure, shall pay on successful completion of the terms of the defendant's mediation agreement or on conviction, in addition to all other costs, to help fund pretrial victim-offender mediation programs established under that subchapter (Art. 102.0179, Code of Criminal Procedure) . . . \$15 plus an additional program participation fee in an amount not to exceed \$500.

SECTION ____ .05. (a) The change in law made by this Act in adding Subchapter A-1, Chapter 56, Code of Criminal Procedure, applies to a defendant who enters a pretrial victim-offender mediation program under that subchapter regardless of whether the defendant committed the offense for which the defendant enters the program before, on, or after the effective date of this Act.

(b) The change in law made by this Act in adding Article 102.0179, Code of Criminal Procedure, and Section 102.0216, Government Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 22 was adopted.

Amendment No. 23

Representative Christian offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. Article 18.01(i), Code of Criminal Procedure, is amended to read as follows:

(i) In a county with a population of less than 100,000 [~~that does not have a judge of a municipal court of record who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge~~], any magistrate may issue a search warrant under Subdivision (10) or Subdivision (12) of Article 18.02 of this code. This subsection is not applicable to a subsequent search warrant under Subdivision (10) of Article 18.02 of this code.

SECTION 2. The change in law made by this Act applies only to a warrant issued on or after the effective date of this Act. A warrant issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.

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

Amendment No. 23 failed of adoption by (Record 1307): 18 Yeas, 121 Nays, 2 Present, not voting.

Yeas — Beck; Berman; Bonnen; Carter; Christian; Fletcher; Flynn; Frullo; Gallego; Hilderbran; Hopson; Lavender; Lewis; Miller, S.; Phillips; Riddle; White; Zedler.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pitts; Price; Quintanilla; Raymond; Reynolds; 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; Weber; Woolley; Workman; Zerwas.

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

Absent — Farias; Harper-Brown; Huberty; Jackson; King, S.; Laubenberg; Legler; Pickett; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1307. I intended to vote no.

Frullo

When Record No. 1307 was taken, I was in the house but away from my desk. I would have voted no.

Huberty

Amendment No. 24

Representative Alonzo offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PRETRIAL HEARINGS IN CRIMINAL CASES

SECTION ____ .01. Article 28.01, Code of Criminal Procedure, is amended by adding Section 4 to read as follows:

Sec. 4. A court shall set a pre-trial hearing in a criminal case other than a case involving only an offense punishable as a Class C misdemeanor, if not later than the 60th day before the date on which trial commences, the state or the defendant requests the hearing. The court must:

(1) hold the requested hearing not later than the 30th day before the date on which trial commences; and

(2) to the extent feasible, rule at the hearing on all pre-trial motions filed in the case.

SECTION _____.02 The change in law made by this article applies only to a criminal case in which the indictment or information is presented to the court on or after the effective date of this Act. A criminal case in which the indictment or information is presented to the court before the effective date of this Act is governed by the law in effect when the indictment or information is presented, and the former law is continued in effect for that purpose.

Amendment No. 24 was adopted. (Hunter and Phillips recorded voting no.)

Amendment No. 25

Representative Alonzo offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. COURT COSTS

SECTION _____. Subsection (b), Section 51.005, Government Code, is amended to read as follows:

(b) The fees are:

- (1) application for petition for review [~~writ of error~~] \$ 50
- (2) additional fee if application for petition for review [~~writ of error~~] is granted \$ 75
- (3) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the supreme court .. \$ 50
- (4) additional fee if a motion under Subdivision (3) is granted. . . . \$ 75
- (5) certified question from a federal court of appeals to the supreme court \$ 75
- (6) case appealed to the supreme court from the district court by direct appeal \$100
- (7) any other proceeding filed in the supreme court \$ 75.

SECTION _____. Subsection (a), Section 51.207, Government Code, is amended to read as follows:

(a) The clerk of a court of appeals shall collect the fees described in Subsection (b) in a civil case before the court for the following services:

- (1) filing records, applications, motions, briefs, and other necessary and proper papers;
- (2) docketing and making docket and minute book entries;
- (3) issuing notices, citations, processes, and mandates;
- (4) preparing transcripts on application for petition for review [~~writ of error~~] to the supreme court; and
- (5) performing other necessary clerical duties.

SECTION _____. Section 101.021, Government Code, is amended to read as follows:

Sec. 101.021. SUPREME COURT FEES AND COSTS: GOVERNMENT CODE. The clerk of the supreme court shall collect fees and costs as follows:

- (1) application for petition for review [~~writ of error~~] (Sec. 51.005, Government Code) . . . \$50;
- (2) additional fee if application for petition for review [~~writ of error~~] is granted (Sec. 51.005, Government Code) . . . \$75;
- (3) motion for leave to file petition for writ of mandamus, prohibition, injunction, and other similar proceedings originating in the supreme court (Sec. 51.005, Government Code) . . . \$50;
- (4) additional fee if a motion under Subdivision (3) is granted (Sec. 51.005, Government Code) . . . \$75;
- (5) certified question from a federal court of appeals to the supreme court (Sec. 51.005, Government Code) . . . \$75;
- (6) case appealed to the supreme court from the district court by direct appeal (Sec. 51.005, Government Code) . . . \$100;
- (7) any other proceeding filed in the supreme court (Sec. 51.005, Government Code) . . . \$75;
- (8) administering an oath and giving a sealed certificate of the oath (Sec. 51.005, Government Code) . . . \$5;
- (9) making certain copies, including certificate and seal (Sec. 51.005, Government Code) . . . \$5, or \$0.50 per page if more than 10 pages;
- (10) any official service performed by the clerk for which a fee is not otherwise provided (Sec. 51.005, Government Code) . . . reasonable amount set by order or rule of supreme court;
- (10-a) supreme court support account filing fee (Sec. 51.0051, Government Code) . . . amount set by the supreme court, not to exceed \$50;
- (11) issuance of attorney's license or certificate (Sec. 51.006, Government Code) . . . \$10; and
- (12) additional filing fee to fund civil legal services for the indigent (Sec. 51.941, Government Code) . . . \$25.

Amendment No. 25 was adopted. (Hunter and Phillips recorded voting no.)

Amendment No. 26

Representative Orr offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) as follows:

(1) In ARTICLE 4 of the bill, add the following appropriately numbered SECTION to the ARTICLE and renumber the subsequent SECTIONS of the ARTICLE accordingly:

SECTION 4.____. Section 102.104, Government Code, is repealed.

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

ARTICLE ____ . REPEAL OF CERTAIN COURT COSTS

SECTION ____ .01. The following provisions are repealed:

- (1) Section 102.122, Government Code; and
- (2) Section 545.412(b-1), Transportation Code.

Amendment No. 26 was adopted.

Amendment No. 27

Representative Gallego offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CONFIDENTIALITY OF CERTAIN COURT RECORDS

SECTION ____ .01. Chapter 44, Code of Criminal Procedure, is amended by adding Article 44.282 to read as follows:

Art. 44.282. RECORDS AND FILES RELATING TO CERTAIN CHILDREN. (a) In this article, "child" has the meaning assigned by Section 51.02, Family Code.

(b) All records and files relating to a child who is appealing a conviction from a municipal court or a justice court for a misdemeanor offense punishable by a fine only, other than a traffic offense, are confidential during the pendency of the appeal and may not be disclosed except as provided by Article 45.0217(c).

(c) All records and files relating to a child whose conviction from a municipal court or a justice court for a misdemeanor offense punishable by a fine only, other than a traffic offense, was appealed are confidential following the disposition of the appeal and may not be disclosed except as provided by Article 45.0217(c):

(1) on satisfaction of the judgment, if the conviction is affirmed; or

(2) on reversal or remand of the conviction.

SECTION ____ .02. Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0217 to read as follows:

Art. 45.0217. CONFIDENTIALITY OF CERTAIN CONVICTION RECORDS AND FILES OF CHILDREN. (a) In this article, "child" has the meaning assigned by Section 51.02, Family Code.

(b) Except as provided by Subsection (c), on satisfaction of the judgment, all records and files relating to a child who is convicted of a misdemeanor offense punishable by a fine only, other than a traffic offense, including records and files held by a law enforcement agency, are confidential and may not be disclosed.

(c) Records and files relating to a child convicted of a misdemeanor offense punishable by a fine only, other than a traffic offense, may be disclosed to:

(1) a judge or magistrate, including the staff of a judge or magistrate;

(2) the Department of Public Safety or another criminal justice agency, for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(3) the attorney for the child;

(4) the prosecuting attorney;

(5) the child and the child's parent, guardian, or managing conservator;

and

(6) a person to whom information is required to be disclosed under Article 15.27.

SECTION _____.03. Section 411.0851(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:

- (1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or
- (2) an order of nondisclosure has been issued under Section 411.081(d) [~~or (f-1)~~].

SECTION _____.04. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED ADJUDICATIONS [~~AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY~~].

SECTION _____.05. Section 552.142(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if an order of nondisclosure with respect to the information has been issued under Section 411.081(d) [~~or (f-1)~~].

SECTION _____.06. Section 552.1425(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

- (1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or
- (2) an order of nondisclosure has been issued under Section 411.081(d) [~~or (f-1)~~].

SECTION _____.07. Section 58.005, Family Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Subsection (a) [~~This section~~] does not apply to information collected under Section 58.104 or under Subchapter D-1.

(c) Except as provided by Article 45.0217(c), Code of Criminal Procedure, all records and files relating to a child who is convicted of a misdemeanor offense punishable by a fine only, other than a traffic offense, or is found to have engaged in conduct indicating a need for supervision that is described by Section 51.03(b)(1), are confidential and may not be disclosed:

(1) on satisfaction of the judgment, if the records and files relate to a child who is convicted of a misdemeanor offense punishable by a fine only, other than a traffic offense; or

(2) on completion of the terms of the disposition, if the records and files relate to a child found to have engaged in conduct indicating a need for supervision that is described by Section 51.03(b)(1).

SECTION _____.08. Sections 411.081(f-1) and (j), Government Code, are repealed.

SECTION _____.09. The changes in law made by this article apply to all records and files that exist on or after the effective date of this Act, regardless of when the conviction or the finding that is the subject of the records and files occurred or when the judgment contained in the records and files was satisfied or the terms of the disposition contained in the records and files was completed.

Amendment No. 27 was adopted.

Amendment No. 28

Representative Eiland offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately number SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1.____. (a) Sections 22.201(b), (j), and (o), Government Code, are amended to read as follows:

(b) The First Court of Appeals District is composed of the counties of Austin, Brazoria, Chambers, Colorado, Fort Bend, [~~Galveston,~~] Grimes, Harris, Waller, and Washington.

(j) The Ninth Court of Appeals District is composed of the counties of Chambers, Galveston, Hardin, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto, and Tyler.

(o) The Fourteenth Court of Appeals District is composed of the counties of Austin, Brazoria, [~~Chambers,~~] Colorado, Fort Bend, [~~Galveston,~~] Grimes, Harris, Waller, and Washington.

(b) Section 22.201, Government Code, as amended by this section, does not affect the jurisdiction on appeal of any case from a county that is transferred by this section to a different court of appeals district if the transcripts for the case were filed before September 1, 2011, in the appropriate court of appeals district.

Amendment No. 28 was withdrawn.

HR 2120 - ADOPTED
(by Hardcastle)

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 2120**.

The motion prevailed.

The following resolution was laid before the house:

HR 2120, Recognizing Angelo P. Zottarelli on his election as president of the International Brangus Breeders Association.

HR 2120 was adopted.

CSSB 1717 - (consideration continued)

Amendment No. 29

Representative Hughes offered the following amendment to **CSSB 1717**:

Amend **CSSB 1717** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . JUDICIAL BYPASS PROCEDURE FOR MINORS
REQUESTING ABORTION

SECTION ____ .01. Sections 33.003(b) and (i), Family Code, are amended to read as follows:

(b) If the minor resides in a county with a population of less than 50,000, the [The] application may be filed in any county court at law, court having probate jurisdiction, or district court, including a family district court, in this state. If the minor resides in a county with a population of 50,000 or more, the application must be filed in a county court at law, court having probate jurisdiction, or district court, including a family district court, in the county in which the minor resides.

(i) The court shall determine by clear and convincing [~~a preponderance of the~~] evidence whether the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

SECTION ____ .02. Section 33.003, Family Code, as amended by this article, applies only to an application filed under Section 33.003, Family Code, on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 29 - Point of Order

Representative Farrar raised a point of order against further consideration of Amendment No. 29 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

Amendment No. 30

Representative Hughes offered the following amendment to Amendment No. 29:

Amend Amendment No. 29 by Hughes amending **CSSB 1717** (barcode no. 824690) by striking page 1, line 18 through page 2, line 2 of the amendment and substituting the following:

(i) The court shall determine by clear and convincing [~~a preponderance of the~~] evidence whether the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her

parents or a managing conservator or guardian or [?] whether notification would not be in the best interest of the minor. The court shall determine by a preponderance of the evidence [~~or~~] whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

(Bonnen in the chair)

Amendment No. 30 was adopted. (The vote was reconsidered later today, and Amendment No. 29, as amended, was withdrawn.)

Amendment No. 29, as amended, was adopted by (Record 1308): 100 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; 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; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker.

Absent — Creighton; Hardcastle; Riddle; Sheffield; Veasey.

STATEMENTS OF VOTE

When Record No. 1308 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

I was shown voting no on Record No. 1308. I intended to vote yes.

Nash

When Record No. 1308 was taken, I was in the house but away from my desk. I would have voted yes.

Riddle

CSSB 1717 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSSB 1717** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

CSSB 1717 - (consideration continued)

The point of order was withdrawn.

Representative Lewis moved to postpone consideration of **CSSB 1717** until 8:35 p.m. today.

The motion prevailed.

CSSB 694 ON SECOND READING

(W. Smith, Cook, Dutton, Fletcher, et al. - House Sponsors)

CSSB 694, A bill to be entitled An Act relating to the regulation of metal recycling entities; providing penalties.

Amendment No. 1

Representative W. Smith offered the following amendment to **CSSB 694**:

Amend **CSSB 694** (house committee report) as follows:

(1) In SECTION 9 of the bill, in added Section 1956.034(b), Occupations Code (page 11, lines 18 and 19), strike "request of a peace officer" and substitute "receipt of a request".

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

SECTION _____. Section 1956.035, Occupations Code, is amended to read as follows:

Sec. 1956.035. INSPECTION OF RECORDS [~~BY PEACE OFFICER~~].

(a) On request, a metal recycling entity shall permit a peace officer of this state, a representative of the department, or a representative of a county, municipality, or other political subdivision that issues a license or permit under Section 1956.003(b) to inspect, during the entity's usual business hours:

- (1) a record required by Section 1956.033; or
- (2) regulated material in the entity's possession.

(b) The person seeking to inspect a record or material [~~inspecting officer~~] shall:

- (1) inform the entity of the officer's status as a peace officer; or

(2) if the person is a representative of the department or a representative of a county, municipality, or other political subdivision, inform the entity of the person's status and display to the entity an identification document or other appropriate documentation establishing the person's status as a representative of the department or of the appropriate county, municipality, or political subdivision.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Weber offered the following amendment to **CSSB 694**:

CSSB 694 is amended by removing everything below the caption and replacing it with the following:

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

SECTION 1. Subdivision (10), Section 1956.001, Occupations Code, is amended to read as follows:

(10) "Regulated metal" means:

- (A) manhole covers;
- (B) guardrails;
- (C) metal cylinders designed to contain compressed air, oxygen, gases, or liquids;
- (D) beer kegs made from metal other than aluminum;
- (E) historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum;
- (F) unused rebar;
- (G) street signs;
- (H) drain gates;
- (I) safes;
- (J) communication, transmission, and service wire or cable;
- (K) condensing or evaporator coils for central heating or air conditioning units;
- (L) utility structures, including the fixtures and hardware;
- (M) aluminum or stainless steel containers designed to hold propane for fueling forklifts; ~~and~~
- (N) metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions;
- (O) catalytic converters not attached to a vehicle;
- (P) fire hydrants;
- (Q) metal bleachers or other seating facilities used in recreational areas or sporting arenas;
- (R) any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad;
- (S) insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation;
- (T) backflow valves; and

(U) metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals.

SECTION 2. The heading to Section 1956.003, Occupations Code, is amended to read as follows:

Sec. 1956.003. LOCAL LAW; CRIMINAL PENALTY.

SECTION 3. Section 1956.003, Occupations Code, is amended by adding Subsections (a-1), (a-2), (f), (g), and (h) to read as follows:

(a-1) A county, municipality, or other political subdivision may require the record of purchase described under Section 1956.033 to contain a clear and legible thumbprint of a seller of regulated material.

(a-2) A county, municipality, or other political subdivision that, as authorized under Subsection (a), requires a metal recycling entity to report to the county, municipality, or political subdivision information relating to a sale of regulated material shall:

(1) include in any contract entered into by the county, municipality, or political subdivision relating to the reporting of the information a provision that:

(A) requires any contractor, subcontractor, or third party that has access to, comes into possession of, or otherwise obtains information relating to a sale of regulated material to maintain the confidentiality of all information received, including the name of the seller, the price paid for a purchase of regulated material, and the quantity of regulated material purchased; and

(B) allows the county, municipality, or political subdivision to terminate the contract of any contractor, subcontractor, or third party that violates the confidentiality provision required by Paragraph (A); and

(2) investigate a complaint alleging that a contractor, subcontractor, or third party has failed to maintain the confidentiality of information relating to a sale of regulated material.

(f) A person commits an offense if the person owns or operates a metal recycling entity and does not hold a license or permit required by a county, municipality, or other political subdivision as authorized under Subsection (b). An offense under this subsection is a Class B misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted under this subsection, in which event the offense is a Class A misdemeanor.

(g) It is an exception to the application of Subsection (f) that:

(1) the person held a license or permit issued by the appropriate county, municipality, or other political subdivision at one point during the 12-month period preceding the date of the alleged offense; and

(2) the person obtains or submits an application for the appropriate license or permit not later than the 15th day after the date the person receives notice from the appropriate county, municipality, or other political subdivision informing the person that the metal recycling entity is operating without the required license or permit.

(h) This subsection and Subsection (g) expire March 1, 2013.

SECTION 4. Subchapter A, Chapter 1956, Occupations Code, is amended by adding Section 1956.004 to read as follows:

Sec. 1956.004. CIVIL PENALTY. (a) A person who owns or operates a metal recycling entity and does not hold a license or permit required by a county, municipality, or other political subdivision as authorized under Section 1956.003(b) is subject to a civil penalty of not more than \$1,000 for each violation. In determining the amount of the civil penalty, the court shall consider:

- (1) any other violations by the person; and
- (2) the amount necessary to deter future violations.

(b) A district attorney, county attorney, or municipal attorney may institute an action to collect the civil penalty provided by this section.

(c) Each day a violation occurs or continues to occur is a separate violation.

(d) The district attorney, county attorney, or municipal attorney may recover reasonable expenses incurred in obtaining a civil penalty under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition expenses.

(e) It is an exception to the application of this section that:

(1) the person held a license or permit issued by the appropriate county, municipality, or other political subdivision at one point during the 12-month period preceding the date of the alleged violation; and

(2) the person obtains or submits an application for the appropriate license or permit not later than the 15th day after the date the person receives notice from the appropriate county, municipality, or other political subdivision informing the person that the metal recycling entity is operating without the required license or permit.

(f) This subsection and Subsection (e) expire March 1, 2013.

SECTION 5. Section 1956.015, Occupations Code, is amended by amending Subsection (d) and adding Subsections (e) and (f) to read as follows:

(d) Information provided under this section is not subject to disclosure under Chapter 552, Government Code. The department may use information provided under this section for law enforcement purposes. Except as provided by this subsection, the department shall maintain the confidentiality of all information provided under this section, including the name of the seller, the price paid for a purchase of regulated material, and the quantity of regulated material purchased [that relates to the financial condition or business affairs of a metal recycling entity or that is otherwise commercially sensitive. The confidential information is not subject to disclosure under Chapter 552, Government Code].

(e) The department may enter into contracts relating to the operation of the statewide electronic reporting system established by this section. A contract under this subsection must:

(1) require that any contractor, subcontractor, or third party that has access to, comes into possession of, or otherwise obtains information provided under this section maintain the confidentiality of all information provided under this section, including the name of the seller, the price paid for a purchase of regulated material, and the quantity of regulated material purchased; and

(2) provide that the department may terminate the contract of any contractor, subcontractor, or third party that violates the confidentiality provision required by Subdivision (1).

(f) The department shall investigate a complaint alleging that a contractor, subcontractor, or third party has failed to maintain the confidentiality of information relating to a sale of regulated material.

SECTION 6. Subchapter A-1, Chapter 1956, Occupations Code, is amended by adding Sections 1956.016 and 1956.017 to read as follows:

Sec. 1956.016. REGISTRATION DATABASE. The department shall make available on its Internet website a publicly accessible list of all registered metal recycling entities. The list must contain the following for each registered metal recycling entity:

(1) the entity's name;

(2) the entity's physical address; and

(3) the name of and contact information for a representative of the

entity.

Sec. 1956.017. ADVISORY COMMITTEE. (a) The department shall establish an advisory committee to advise the department on matters related to the department's regulation of metal recycling entities under this chapter.

(b) The advisory committee consists of 12 members appointed by the director as follows:

(1) one representative of the department;

(2) two representatives of local law enforcement agencies located in different municipalities, each with a population of 500,000 or more;

(3) two representatives of local law enforcement agencies located in different municipalities, each with a population of 200,000 or more but less than 500,000;

(4) one representative of a local law enforcement agency located in a municipality with a population of less than 200,000;

(5) four representatives of metal recycling entities; and

(6) two members who represent industries that are impacted by theft of regulated material.

(c) The director shall ensure that the members of the advisory committee reflect the diverse geographic regions of this state.

(d) The advisory committee shall elect a presiding officer from among its members to serve a two-year term. A member may serve more than one term as presiding officer.

(e) The advisory committee shall meet annually and at the call of the presiding officer or the director.

(f) An advisory committee member is not entitled to compensation or reimbursement of expenses.

(g) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee or to the appointment of the committee's presiding officer.

SECTION 7. The heading to Section 1956.032, Occupations Code, is amended to read as follows:

Sec. 1956.032. INFORMATION REGARDING [~~PROVIDED BY~~] SELLER.

SECTION 8. Section 1956.032, Occupations Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) Except as provided by Subsection (f), a person attempting to sell regulated material to a metal recycling entity shall:

(1) display to the metal recycling entity the person's personal identification document;

(2) provide to the metal recycling entity the make, model, color, and license plate number of the motor vehicle used to transport the regulated material and the name of the state issuing the license plate; [and]

(3) either:

(A) present written documentation evidencing that the person is the legal owner or is lawfully entitled to sell the regulated material; or

(B) sign a written statement provided by the metal recycling entity that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale; and

(4) if the regulated material includes condensing or evaporator coils for central heating or air conditioning units, display to the metal recycling entity:

(A) the person's air conditioning and refrigeration contractor license issued under Subchapter F or G, Chapter 1302;

(B) the person's air conditioning and refrigeration technician registration issued under Subchapter K, Chapter 1302;

(C) a receipt, bill of sale, or other documentation showing that the seller purchased the coils the seller is attempting to sell; or

(D) a receipt, bill of sale, or other documentation showing that the seller has purchased a replacement central heating or air conditioning unit.

(g) Notwithstanding Section 1956.002, the metal recycling entity shall verify the registration of a person attempting to sell regulated material who represents that the person is a metal recycling entity as follows:

(1) by using the database described by Section 1956.016; or

(2) by obtaining from the person a copy of the person's certificate of registration issued under Section 1956.022 in addition to the information required under Subsection (a).

SECTION 9. Section 1956.033, Occupations Code, is amended to read as follows:

Sec. 1956.033. RECORD OF PURCHASE. (a) Each metal recycling entity in this state shall keep an accurate electronic record or an accurate and legible written record of each purchase of regulated material made in the course of the entity's business from an individual ~~[of:~~

~~(1) copper or brass material;~~

~~(2) bronze material;~~

~~(3) aluminum material; or~~

~~(4) regulated metal].~~

(b) The record must be in English and include:

(1) the place and date of the purchase;

(2) the name and address of the seller in possession of ~~[each individual from whom]~~ the regulated material ~~[is]~~ purchased ~~[or obtained]~~;

(3) the identifying number of the seller's personal identification document;

(4) a description made in accordance with the custom of the trade of the commodity type and quantity of regulated material purchased; ~~[and]~~

(5) the information required by Sections 1956.032(a)(2) and (3);

(6) as applicable:

(A) the identifying number of the seller's air conditioning and refrigeration contractor license displayed under Section 1956.032(a)(4)(A);

(B) a copy of the seller's air conditioning and refrigeration technician registration displayed under Section 1956.032(a)(4)(B);

(C) a copy of the documentation described by Section 1956.032(a)(4)(C); or

(D) a copy of the documentation described by Section 1956.032(a)(4)(D); and

(7) a copy of the documentation described by Section 1956.032(g) [Section 1956.032(a)(3)].

SECTION 10. Subchapter A-3, Chapter 1956, Occupations Code, is amended by adding Section 1956.0331 to read as follows:

Sec. 1956.0331. PHOTOGRAPH OR RECORDING REQUIREMENT FOR REGULATED METAL TRANSACTION. (a) In addition to the requirements of Sections 1956.032 and 1956.033, for each purchase by a metal recycling entity of an item of regulated metal, the entity shall obtain a digital photograph or video recording that accurately depicts the seller's entire face and each type of regulated metal purchased.

(b) A metal recycling entity shall preserve a photograph or recording required under Subsection (a) as follows:

(1) for a video recording, until the 91st day after the date of the transaction; and

(2) for a digital photograph, until the 181st day after the date of the transaction.

(c) The photograph or recording must be made available for inspection as provided by Section 1956.035 not later than 72 hours after the time of purchase.

SECTION 11. Section 1956.034, Occupations Code, is amended to read as follows:

Sec. 1956.034. PRESERVATION OF RECORDS. A metal recycling entity shall preserve each record required by Sections 1956.032 and 1956.033 until the second ~~third~~ anniversary of the date the record was made. The records must be kept in an easily retrievable format and must be available for inspection as provided by Section 1956.035 not later than 72 hours after the time of purchase.

SECTION 12. Section 1956.035, Occupations Code, is amended to read as follows:

Sec. 1956.035. INSPECTION OF RECORDS [~~BY PEACE OFFICER~~].

(a) On request, a metal recycling entity shall permit a peace officer of this state, a representative of the department, or a representative of a county, municipality, or other political subdivision that issues a license or permit under Section 1956.003(b) to inspect, during the entity's usual business hours:

(1) a record required by Section 1956.033; ~~or~~

(2) a digital photograph or video recording required by Section 1956.0331; or

(3) regulated material in the entity's possession.

(b) The person seeking to inspect a record or material [~~inspecting officer~~] shall:

(1) inform the entity of the officer's status as a peace officer; or

(2) if the person is a representative of the department or a representative of a county, municipality, or other political subdivision, inform the entity of the person's status and display to the entity an identification document or other appropriate documentation establishing the person's status as a representative of the department or of the appropriate county, municipality, or political subdivision.

SECTION 13. Section 1956.036, Occupations Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (d), not later than the close of business on a metal recycling entity's second working [~~seventh~~] day after the date of the purchase or other acquisition of material for which a record is required under Section 1956.033, the [~~a metal recycling~~] entity shall send an electronic transaction report to the department via the department's Internet website. The [~~by facsimile or electronic mail to or file with the department a~~] report must contain [~~containing~~] the information required to be recorded under Section 1956.033 [~~that section~~].

(b) If a metal recycling entity purchases bronze material that is a cemetery vase, receptacle, memorial, or statuary or a pipe that can reasonably be identified as aluminum irrigation pipe, the entity shall:

(1) not later than the close of business on the entity's first working day after the purchase date, notify the department by telephone, by e-mail, or via the department's Internet website; and

(2) not later than the close of business on the entity's second working [~~first~~] day after the purchase date, submit to the department electronically via the department's Internet website [~~mail to~~] or file with the department a report containing the information required to be recorded under Section 1956.033.

(d) A metal recycling entity may submit the transaction report required under Subsection (a) by facsimile if:

(1) the entity submits to the department annually:

(A) an application requesting an exception to the electronic reporting requirement; and

(B) an affidavit stating that the entity does not have an available and reliable means of submitting the transaction report electronically; and

(2) the department approves the entity's application under this subsection.

(e) The department, after notice and an opportunity for a hearing, may prohibit a metal recycling entity from paying cash for a purchase of regulated material for a period determined by the department if the department finds that the entity has failed to comply with this section.

SECTION 14. Section 1956.038, Occupations Code, is amended to read as follows:

Sec. 1956.038. PROHIBITED ACTS. (a) A person may not, with the intent to deceive:

(1) display to a metal recycling entity a false or invalid personal identification document in connection with the person's attempted sale of regulated material;

(2) make a false, material statement or representation to a metal recycling entity in connection with:

(A) that person's execution of a written statement required by Section 1956.032(a)(3); or

(B) the entity's efforts to obtain the information required under Section 1956.033(b); ~~or~~

(3) display or provide to a metal recycling entity any information required under Section 1956.032 that the person knows is false or invalid; or

(4) display another individual's personal identification document in connection with the sale of regulated material.

(b) A metal recycling entity may not pay for a purchase of regulated material in cash if:

(1) the entity does not hold a certificate of registration under Subchapter A-2 and, if applicable, a license or permit required by a county, municipality, or other political subdivision as authorized under Section 1956.003(b); or

(2) the entity has been prohibited by the department from paying cash under Section 1956.036(e).

(c) Notwithstanding Section 1956.003(a) or any other law, a county, municipality, or other political subdivision may not adopt or enforce a rule, charter, or ordinance or issue an order or impose standards that limit the use of cash by a metal recycling entity in a manner more restrictive than that provided by Subsection (b).

(d) Subsection (c) does not apply to a rule, charter, ordinance, or order of a county, municipality, or other political subdivision in effect on January 1, 2011.

(d-1) Not later than January 1, 2012, the department shall issue a notice to each known owner or operator of a metal recycling entity in this state informing the owner or operator of the requirement to obtain a certificate of registration under Subchapter A-2 and, if applicable, to obtain a license or permit required by a county, municipality, or other political subdivision under Section 1956.003. The notice must also state:

(1) that the owner or operator shall submit an application for a certificate of registration and the appropriate license or permit required by a county, municipality, or other political subdivision on or before March 1, 2012; and

(2) the penalties under this chapter for failure to comply with Subdivision (1).

(d-2) This subsection and Subsection (d-1) expire March 1, 2012.

(e) The department or a county, municipality, or other political subdivision may bring an action in the county in which a metal recycling entity is located to enjoin the business operations of the owner or operator of the metal recycling entity for a period of not less than 30 days and not more than 90 days if the owner or operator has not submitted an application for a certificate of registration or the appropriate license or permit required by a county, municipality, or other political subdivision.

(f) An action under Subsection (e) must be brought in the name of the state. If judgment is in favor of the state, the court shall:

(1) enjoin the owner or operator from maintaining or participating in the business of a metal recycling entity for a definite period of not less than 30 days and not more than 90 days, as determined by the court; and

(2) order that the place of business of the owner or operator be closed for the same period.

SECTION 15. Section 1956.040, Occupations Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a-1) A person commits an offense if the person knowingly violates Section 1956.021, 1956.023(d), 1956.036(a), or 1956.039.

(a-2) An offense under Subsection (a-1) is a misdemeanor punishable by a fine not to exceed \$10,000, unless it is shown on trial of the offense that the person has previously been convicted of a violation of Subsection (a-1), in which event the offense is a state jail felony.

(a-3) It is an affirmative defense to prosecution of a violation of Section 1956.021 or 1956.023(d) that the person made a diligent effort to obtain or renew a certificate of registration at the time of the violation.

(a-4) A municipality or county may retain 10 percent of the money collected from a fine for a conviction of an offense under Subsection (a-1) as a service fee for that collection and the clerk of the court shall remit the remainder of the fine collected for conviction of an offense under Subsection (a-1) to the comptroller in the manner provided for the remission of fees to the comptroller under Subchapter B, Chapter 133, Local Government Code. The comptroller shall deposit proceeds received under this subsection to the credit of an account in the general revenue fund, and those proceeds may be appropriated only to the department and used to:

(1) finance the department's administration of Subchapters A, A-1, A-2, and A-3; and

(2) fund grants distributed under the prevention of scrap metal theft grant program established under Subchapter N, Chapter 411, Government Code.

SECTION 16. Subsection (a), Section 1956.103, Occupations Code, is amended to read as follows:

(a) A person may not sell or otherwise transfer to a metal recycling entity:

(1) a lead-acid battery, fuel tank, or PCB-containing capacitor that is included with another type of scrap, used, or obsolete metal without first obtaining from the metal recycling entity a written and signed acknowledgment that the scrap, used, or obsolete metal includes one or more lead-acid batteries, fuel tanks, or PCB-containing capacitors;

(2) any of the following items that contain or enclose a lead-acid battery, fuel tank, or PCB-containing capacitor or of which a lead-acid battery, fuel tank, or PCB-containing capacitor is a part:

(A) a motor vehicle;

(B) a motor vehicle that has been junked, flattened, dismantled, or changed so that it has lost its character as a motor vehicle;

(C) an appliance; or

(D) any other item of scrap, used, or obsolete metal; [✕]

(3) a motor vehicle or a motor vehicle that has been junked, flattened, dismantled, or changed so that it has lost its character as a motor vehicle if the motor vehicle includes, contains, or encloses a tire or scrap tire; or

(4) a metal alcoholic beverage keg, regardless of condition, unless the seller is the manufacturer of the keg, the brewer or distiller of the beverage that was contained in the keg, or an authorized representative of the manufacturer, brewer, or distiller.

SECTION 17. Section 1956.151, Occupations Code, is amended to read as follows:

Sec. 1956.151. DENIAL OF CERTIFICATE; DISCIPLINARY ACTION.

The department shall deny an application for a certificate of registration, suspend or revoke a certificate of registration, or reprimand a person who is registered under this chapter if the person:

(1) obtains a certificate of registration by means of fraud, misrepresentation, or concealment of a material fact;

(2) sells, barter, or offers to sell or barter a certificate of registration;

(3) violates a provision of this chapter or a rule adopted under this chapter; or

(4) violates Section 1956.021.

SECTION 18. Subsection (d), Section 1956.202, Occupations Code, is amended to read as follows:

(d) A civil penalty may not be assessed under this section for conduct described by Section 1956.021, 1956.023(d), 1956.036(a), 1956.038, or 1956.039.

SECTION 19. Chapter 411, Government Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. PREVENTION OF SCRAP METAL THEFT GRANT PROGRAM

Sec. 411.421. DEFINITION. In this subchapter, "regulated material" has the meaning assigned by Section 1956.001, Occupations Code.

Sec. 411.422. GRANTS TO FUND SCRAP METAL THEFT PREVENTION. (a) From fines collected and distributed to the department under Sections 1956.040(a-2) and (a-4), Occupations Code, the commission by rule shall establish and implement a grant program to provide funding to assist local law enforcement agencies in preventing the theft of regulated material.

(b) To be eligible for a grant, a recipient must be a local law enforcement agency that has established a program designed to prevent the theft of regulated material.

(c) Rules adopted under this section must:

(1) include accountability measures for grant recipients and provisions for loss of eligibility for grant recipients that fail to comply with the measures; and

(2) require grant recipients to provide to the department information on program outcomes.

SECTION 20. Subsection (e), Section 31.03, Penal Code, is amended to read as follows:

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than:

(A) \$50; or

(B) \$20 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is:

(i) \$50 or more but less than \$500; or

(ii) \$20 or more but less than \$500 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06;

(B) the value of the property stolen is less than:

(i) \$50 and the defendant has previously been convicted of any grade of theft; or

(ii) \$20, the defendant has previously been convicted of any grade of theft, and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06; or

(C) the property stolen is a driver's license, commercial driver's license, or personal identification certificate issued by this state or another state;

(3) a Class A misdemeanor if the value of the property stolen is \$500 or more but less than \$1,500;

(4) a state jail felony if:

(A) the value of the property stolen is \$1,500 or more but less than \$20,000, or the property is less than 10 head of sheep, swine, or goats or any part thereof under the value of \$20,000;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave, including property that is a military grave marker;

(C) the property stolen is a firearm, as defined by Section 46.01;

(D) the value of the property stolen is less than \$1,500 and the defendant has been previously convicted two or more times of any grade of theft;

(E) the property stolen is an official ballot or official carrier envelope for an election; or

(F) the value of the property stolen is less than \$20,000 and the property stolen is [~~insulated or noninsulated tubing, rods, water gate stems, wire, or cable that consists of at least 50 percent~~]:

(i) aluminum;

(ii) bronze; ~~or~~

(iii) copper; or

(iv) brass;

(5) a felony of the third degree if the value of the property stolen is \$20,000 or more but less than \$100,000, or the property is:

(A) cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$100,000; or

(B) 10 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$100,000;

(6) a felony of the second degree if the value of the property stolen is \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the property stolen is \$200,000 or more.

SECTION 21. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(c) The enhancement of the punishment of an offense provided under Subsection (a-2), Section 1956.040, Occupations Code, as added by this Act, applies only to an offense committed on or after January 1, 2012. For purposes of this subsection, an offense is committed before January 1, 2012, if any element of the offense occurs before that date. An offense committed before January 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(d) Not later than January 1, 2012, the public safety director of the Department of Public Safety of the State of Texas shall appoint the members of the advisory committee established under Section 1956.017, Occupations Code, as added by this Act, and designate the time and place of the committee's first meeting.

SECTION 22. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Subsection (f), Section 1956.003, Section 1956.004, and Subsections (b) and (e), Section 1956.038, Occupations Code, as added by this Act, take effect March 1, 2012.

Amendment No. 2 - Point of Order

Representative Deshotel raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 6(e) of the House Rules on the grounds that the amendment was not timely filed.

The point of order was withdrawn.

Amendment No. 2 was withdrawn.

CSSB 694, as amended, was passed to third reading. (C. Anderson, Berman, P. King, and Simpson recorded voting no.)

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

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

**SJR 9 ON SECOND READING
(Thompson and Gallego - House Sponsors)**

SJR 9, A joint resolution proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

SJR 9 was adopted by (Record 1309): 135 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Legler; Lewis; Lozano; Lucio; Lyne; 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; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Berman; Davis, S.; Fletcher; Flynn; Landtroop; Lavender; Perry.

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

Absent — Bohac; Creighton; Harper-Brown; Madden; Sheffield; Weber.

STATEMENTS OF VOTE

When Record No. 1309 was taken, I was in the house but away from my desk. I would have voted yes.

Sheffield

I was shown voting yes on Record No. 1309. I intended to vote no.

V. Taylor

When Record No. 1309 was taken, I was in the house but away from my desk. I would have voted yes.

Weber

CSSJR 5 ON SECOND READING (Pitts - House Sponsor)

CSSJR 5, A joint resolution proposing a constitutional amendment to clarify references to the permanent school fund, to allow the General Land Office to distribute revenue derived from permanent school fund land or other properties to the available school fund, and to provide for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

Representative Pitts moved to postpone consideration of **CSSJR 5** until 8 a.m. tomorrow.

The motion prevailed.

POSTPONED BUSINESS

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

SB 738 ON SECOND READING (Villarreal - House Sponsor)

SB 738, A bill to be entitled An Act relating to a parental role in determining sanctions applied to a public school campus under certain circumstances.

SB 738 was read second time on May 21 and was passed to third reading, as amended. The vote was later reconsidered on May 23 and **SB 738** was postponed until this time.

Amendment No. 1 - Vote Reconsidered

Representative Villarreal moved to reconsider the vote by which Amendment No. 1 was adopted on May 21.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

(Speaker in the chair)

Amendment No. 2

Representative Villarreal offered the following amendment to **SB 738**:

Amend **SB 738** (house committee report) as follows:

(1) Insert into the bill the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 12, Education Code, is amended by adding Section 12.0522 to read as follows:

Sec. 12.0522. AUTHORIZATION FOR CAMPUS IDENTIFIED AS UNACCEPTABLE. (a) This section applies only to a school district campus that:

(1) has been identified as unacceptable under Section 39.054 for two consecutive school years; and

(2) is located in a county that:

(A) has a population of 1.7 million or more; or

(B) less than 1.8 million.

(b) Notwithstanding Section 12.052, in accordance with this subchapter, the board of trustees of a school district shall, with the approval of the commissioner, grant a charter for a campus to an entity that is a charter holder under Subchapter D or E and is eligible under Subsection (c), if the board is presented with a petition signed by the parents of a majority of the students at the campus. Such approval by the district shall not be conditionally approved or withheld. Such an entity granted a charter for a campus under this subsection has the same authority over the operations of the campus for which the charter is granted as a charter holder has under Subchapter D or E, as applicable. For purposes of this subsection, the signature of only one parent of a student is required. Such approval by the district shall not be conditionally approved or withheld.

(c) An entity that holds a charter under Subchapter D or E is eligible under this section to be granted a charter for a campus if:

(1) the charter holder:

(A) is evaluated for purposes of Chapter 39 under the agency's standard accountability procedures;

(B) has an accreditation status of accredited under Subchapter C, Chapter 39; and

(C) has been assigned an acceptable performance rating as provided by Subchapter C, Chapter 39, for each of the preceding three school years;

(2) either no campus operating under the charter has been assigned an unacceptable performance rating as provided by Subchapter C, Chapter 39, for any of the three preceding school years or such a campus has been closed;

(3) the charter holder has been assigned a financial accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better;

(4) the charter holder meets generally accepted accounting standards; and

(5) at least 30 percent of students enrolled in charter schools operating under the charter met commended performance standards or equivalent or higher standards as determined by the commissioner on reading and mathematics assessment instruments under Chapter 39 during the preceding two school years.

(c-1) This subsection expires January 1, 2015. For purposes of Subsection (c):

(1) a charter holder or charter school rated as academically acceptable or higher under Subchapter D or E, Chapter 39, as that subchapter existed January 1, 2009, for the 2008-2009, 2009-2010, or 2010-2011 school year is considered to have been assigned an acceptable performance rating for the applicable school year; and

(2) a charter school rated as academically unacceptable under Subchapter D or E, Chapter 39, as that subchapter existed January 1, 2009, for the 2008-2009, 2009-2010, or 2010-2011 school year is considered to have been assigned an unacceptable performance rating for the applicable school year.

(d) If the commissioner is presented with a petition that has at least 30 percent of the total number of signatures required under Subsection (b), the school district in which the campus is located shall provide contact information for all parents of students enrolled at the campus in a manner available to those persons for the purpose of organizing the parent petition drive only.

(e) A committee shall be appointed by the commissioner to advise and make recommendations concerning granting a charter under this section to the board of trustees of a school district that is presented with a petition described by Subsection (b). The committee must be:

(1) appointed by the commissioner from a list of nominees recommended by the board of trustees and the parents of students enrolled at the campus; and

(2) composed of district teachers, including teachers at the campus for which the petition is submitted, other district personnel, campus parents, and local business and community members.

(f) In addition to satisfying requirements under Section 12.059, a charter granted under this section must describe the respective responsibilities of the school district granting the charter and charter holder concerning funding, operation and maintenance of facilities, transportation, personnel, instructional materials, and other matters as determined by the board of trustees of the district and the charter holder. A charter granted under this section must be for a term of at least three years.

(g) The amount of operations and maintenance funding provided each year to a campus granted a charter under this section must equal the product of the total amount of operations and maintenance funding for that school year for the school district in which the campus is located, multiplied by the quotient of the campus weighted average daily attendance divided by the total district weighted average daily attendance.

(h) A school district shall provide to the campus equal access to capital investments made by the school district that are payable from a tax imposed for payment of principal and interest on bonds issued under Section 45.001(a)(1)(A), (B), or (C).

(i) A school district shall permit to attend a campus for which a charter is granted under this section a student who would have been assigned to attend that campus had the charter not been granted. Notwithstanding any other provision of

this title, a district shall permit to transfer to another district campus a student who is assigned to attend a campus for which a charter is granted under this section.

(j) A campus for which a charter is granted under this section that intends to replace campus staff must interview for an available classroom teaching position a classroom teacher who was employed at the campus at the time the charter was granted and who applies for the position.

(k) A dispute arising under this section may not be appealed to the commissioner under Section 7.057 or any other provision. If a person files suit to dispute a provision of this section, the court in which the suit is filed shall refer the dispute to alternative dispute resolution by the procedures provided by Section 154.024 or 154.027, Civil Practice and Remedies Code.

(l) The commissioner may not approve more than five charters under this section.

(m) The commissioner shall adopt rules as necessary for the administration of this section.

SECTION _____. Section 12.057(c), Education Code, is amended to read as follows:

(c) A campus or program granted a charter under Section 12.052, 12.0521(a)(1), 12.0522, or 12.053 is immune from liability to the same extent as a school district, and its employees and volunteers are immune from liability to the same extent as school district employees and volunteers.

(2) In existing SECTION 1 of the bill, strike the recital (page 1, lines 5-7), and substitute the following:

Section 39.107, Education Code, is amended by amending Subsections (a), (c), and (e) and adding Subsections (a-2), (b-3), (e-2), and (e-3) to read as follows:

(3) In existing SECTION 1 of the bill, between the recital and amended Section 39.107(e), Education Code (page 1, between lines 7 and 8), insert the following:

(a) After a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the reconstitution of the campus unless the board of trustees of the school district in which the campus is located grants a charter for the campus under Section 12.0522.

(a-2) If a charter is granted for a campus under Section 12.0522, the board of trustees of the school district and appropriate district administrators may assist the campus in:

(1) developing an updated targeted improvement plan;

(2) presenting the plan in a public hearing, in the manner provided by Section 39.106(e-1);

(3) obtaining approval of the updated plan from the commissioner; and

(4) executing the plan on approval by the commissioner.

(b-3) Subsections (b), (b-1), and (b-2) do not apply to a campus granted a charter under Section 12.0522.

(c) A campus that is reconstituted under this section or to which the board of trustees of a school district grants a charter under Section 12.0522 ~~[subject to Subsection (a)]~~ shall implement the updated targeted improvement plan as approved by the commissioner. The commissioner may appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan. In making appointments under this subsection, the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.

(4) In existing SECTION 1 of the bill, in amended Section 39.107(e), Education Code (page 1, line 10), between "Subsection (a)" and ", the commissioner", insert "or granted a charter under Section 12.0522".

Amendment No. 2 - Point of Order

Representative Gutierrez raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules on the grounds that the amendment is not germane to the bill and the amendment would change general law.

The speaker overruled the point of order.

Amendment No. 3

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

Amend Amendment No. 2 by Villareal to **SB 738** by striking added Section 12.0522(b), Education Code, and substituting the following:

(b) Notwithstanding Section 12.052, in accordance with this subchapter, the board of trustees of a school district shall, with the approval of the commissioner, grant a charter for a campus to an entity to which a charter may be granted under Section 12.052 or 12.0521, if the board is presented with a petition signed by the parents of a majority of the students at the campus. Notwithstanding Subsection (a)(1) or Section 12.052, in accordance with this subchapter, the board of trustees of a district shall, with the approval of the commissioner, grant a charter for a campus that has been identified as unacceptable under Section 39.054 for four consecutive school years to an entity that is a charter holder under Subchapter D or E and that is eligible under Subsection (c), if the board is presented with a petition signed by the parents of a majority of the students at the campus. An entity that is a charter holder under Subchapter D or E that is granted a charter for a campus under this subsection has the same authority over the operations of the campus for which the charter is granted as a charter holder has under Subchapter D or E, as applicable. For purposes of this subsection, the signature of only one parent of a student is required.

Representative Villarreal moved to table Amendment No. 3.

The motion to table prevailed by (Record 1310): 81 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Button; Cain; Callegari; Carter; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Garza; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Miller, S.; Morrison; Murphy; Parker; Patrick; Paxton; Peña; Perry; Pitts; Riddle; Ritter; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Truitt; Villarreal; White; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burkett; Burnam; Castro; Chisum; Christian; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Flynn; Frullo; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hochberg; Howard, D.; Huberty; Johnson; King, T.; Kuempel; Larson; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Strama; Torres; Turner; Veasey; Vo; Walle; Weber; Workman.

Present, not voting — Mr. Speaker(C).

Absent — Darby.

STATEMENT OF VOTE

I was shown voting no on Record No. 1310. I intended to vote yes.

Schwertner

LEAVE OF ABSENCE GRANTED

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

Menendez on motion of Guillen.

SB 738 - (consideration continued)

Amendment No. 2 was adopted by (Record 1311): 86 Yeas, 46 Nays, 13 Present, not voting. (The vote was reconsidered on May 24, and Amendment No. 2 was withdrawn.)

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Larson; Laubenberg; Lavender; Legler; Lucio; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips;

Pitts; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; White; Woolley; Zedler; Zerwas.

Nays — Alonzo; Burnam; Castro; Christian; Coleman; Darby; Davis, Y.; Dukes; Dutton; Farias; Farrar; Flynn; Gallego; Geren; Giddings; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Hopson; Huberty; King, T.; Kuempel; Landtroop; Lewis; Lozano; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Muñoz; Naishtat; Oliveira; Pickett; Price; Raymond; Reynolds; Rodriguez; Schwertner; Thompson; Turner; Veasey; Vo; Walle; Weber.

Present, not voting — Mr. Speaker(C); Alvarado; Anchia; Carter; Gonzales, V.; Gonzalez; Howard, D.; Johnson; Mallory Caraway; Marquez; Quintanilla; Strama; Workman.

Absent, Excused — Menendez.

Absent — Eiland; Frullo; Guillen; Peña.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1311. I intended to vote no.

Allen

I was shown voting yes on Record No. 1311. I intended to vote no.

Cook

I was shown voting yes on Record No. 1311. I intended to vote no.

Craddick

I was shown voting no on Record No. 1311. I intended to vote yes.

Flynn

I was shown voting yes on Record No. 1311. I intended to vote present, not voting.

Keffer

I was shown voting no on Record No. 1311. I intended to vote yes.

Landtroop

When Record No. 1311 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

SB 738 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **SB 738** under Rule 8, Section 10 of the House Rules on the grounds that the bill is limited to one or more subdivisions by means of artificial devices.

The point of order was withdrawn.

Representative Villarreal moved to postpone consideration of **SB 738** until 10:30 p.m. today.

The motion prevailed.

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

Representative Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, May 25.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 10 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 10 p.m. today, 3W.9, for a formal meeting, to set a calendar.

**CSSB 1581 ON SECOND READING
(Aycock - House Sponsor)**

CSSB 1581, A bill to be entitled An Act relating to state fiscal matters, and certain administrative and business matters, related to public and higher education.

CSSB 1581 was read second time earlier today and was postponed until this time.

CSSB 1581 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 1581** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect.

The speaker sustained the point of order.

CSSB 1581 was returned to the Committee on Public Education.

**CSSB 1717 ON SECOND READING
(Lewis and Jackson - House Sponsors)**

CSSB 1717, A bill to be entitled An Act relating to the operation and administration of the judicial branch of state government.

CSSB 1717 was read second time earlier today, amendments were offered and disposed of, and **CSSB 1717** was postponed until this time.

Amendment No. 29 - Vote Reconsidered

Representative Lewis moved to reconsider the vote by which Amendment No. 29, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 29, as amended, was withdrawn.

CSSB 1717, as amended, was passed to third reading. (Anchia, V. Gonzales, D. Howard, Lucio, Strama, and Vo recorded voting no.)

(Bonnen in the chair)

**SB 1087 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hilderbran, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1087**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1087**: Hilderbran, chair; Gallego, T. King, Gooden, and Frullo.

**HB 943 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 943, A bill to be entitled An Act relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.

Representative Dukes moved to concur in the senate amendments to **HB 943**.

The motion to concur in the senate amendments to **HB 943** prevailed by (Record 1312): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Farias; Walle.

Senate Committee Substitute

CSHB 943, A bill to be entitled An Act relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.

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

SECTION 1. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.123 to read as follows:

Sec. 264.123. REPORTS CONCERNING MISSING CHILD. (a) If a child in the department's managing conservatorship is missing from the child's substitute care provider, including a child who is abducted or is a runaway, the department shall notify the following persons that the child is missing:

(1) the appropriate law enforcement agencies;

(2) the court with jurisdiction over the department's managing conservatorship of the child;

(3) the child's attorney ad litem;

(4) the child's guardian ad litem; and

(5) the child's parent unless the parent:

(A) cannot be located or contacted;

(B) has had the parent's parental rights terminated; or

(C) has executed an affidavit of relinquishment of parental rights.

(b) The department shall provide the notice required by Subsection (a) not later than 24 hours after the time the department learns that the child is missing or as soon as possible if a person entitled to notice under that subsection cannot be notified within 24 hours.

(c) If a child has been reported as a missing child under Subsection (a), the department shall notify the persons described by Subsection (a) when the child returns to the child's substitute care provider not later than 24 hours after the time the department learns that the child has returned or as soon as possible if a person entitled to notice cannot be notified within 24 hours.

(d) The department shall make continuing efforts to determine the location of a missing child until the child returns to substitute care, including:

(1) contacting on a monthly basis:

(A) the appropriate law enforcement agencies;

(B) the child's relatives;

(C) the child's former caregivers; and

(D) any state or local social service agency that may be providing services to the child; and

(2) conducting a supervisory-level review of the case on a quarterly basis if the child is 15 years of age or younger to determine whether sufficient efforts have been made to locate the child and whether other action is needed.

(e) The department shall document in the missing child's case record:

(1) the actions taken by the department to:

(A) determine the location of the child; and

(B) persuade the child to return to substitute care;

(2) any discussion during, and determination resulting from, the supervisory-level review under Subsection (d)(2);

(3) any discussion with law enforcement officials following the return of the child regarding the child's absence; and

(4) any discussion with the child described by Subsection (f).

(f) After a missing child returns to the child's substitute care provider, the department shall interview the child to determine the reasons why the child was missing and where the child stayed during the time the child was missing. The department shall report to an appropriate law enforcement agency any disclosure made by a child that indicates that the child was the victim of a crime during the time the child was missing. The department shall make a report under this subsection not later than 24 hours after the time the disclosure is made. The department is not required to interview a missing child under this subsection if, at the time the child returns, the department knows that the child was abducted and another agency is investigating the abduction.

SECTION 2. Article 63.009(a), Code of Criminal Procedure, is amended to read as follows:

(a) Local law enforcement agencies, on receiving a report of a missing child or a missing person, shall:

(1) if the subject of the report is a child and the well-being of the child is in danger or if the subject of the report is a person who is known by the agency to have or is reported to have chronic dementia, including Alzheimer's dementia, whether caused by illness, brain defect, or brain injury, immediately start an investigation in order to determine the present location of the child or person;

(2) if the subject of the report is a child or person other than a child or person described by Subdivision (1), start an investigation with due diligence in order to determine the present location of the child or person;

(3) immediately, but not later than two hours after receiving the report, enter the name of the child or person into the clearinghouse, the national crime information center missing person file if the child or person meets the center's criteria, and the Alzheimer's Association Safe Return crisis number, if applicable, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child or missing person; and

(4) inform the person who filed the report of the missing child or missing person that the information will be entered into the clearinghouse, the national crime information center missing person file, and the Alzheimer's Association Safe Return crisis number, if applicable.

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

**HB 1179 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1179, A bill to be entitled An Act relating to certification requirements for certain property tax professionals.

Representative Flynn moved to concur in the senate amendments to **HB 1179**.

The motion to concur in the senate amendments to **HB 1179** prevailed by (Record 1313): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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; 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; Miles; Miller, D.; Miller, S.; 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.

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

Absent, Excused — Menendez.

Absent — Alvarado; Coleman; Jackson; Morrison; Zerwas.

STATEMENTS OF VOTE

When Record No. 1313 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 1313 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 1313 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

Senate Committee Substitute

CSHB 1179, A bill to be entitled An Act relating to certification requirements for certain property tax professionals.

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

SECTION 1. The heading to Section 1151.160, Occupations Code, is amended to read as follows:

Sec. 1151.160. CERTIFICATION LEVELS AND REQUIREMENTS; RULES.

SECTION 2. Section 1151.160, Occupations Code, is amended by amending Subsections (a) and (c) and adding Subsections (d), (e), (f), (g), (h), and (i) to read as follows:

(a) The commission by rule shall adopt minimum requirements for the certification of registrants. The requirements for certification of a registrant [an employee of a taxing unit's tax office] must emphasize the areas of responsibility of the registrant in performing the registrant's duties for the taxing unit.

(c) A [The rules establishing minimum requirements must require that: (1) a] person registered as an appraiser shall become certified as a registered professional appraiser not later than the fifth anniversary of the date of the person's original registration. The person shall obtain certification by:

(1) successfully completing the certification requirements established by commission rule; or

(2) if the person is certified or licensed under Chapter 1103 as an appraiser by the Texas Appraiser Licensing and Certification Board, passing the appropriate examination required under Section 1151.161.

(d) A [(2) a] person registered as an assessor or assessor-collector shall become certified as a registered Texas assessor not later than the fifth anniversary of the date of the person's original registration. [; and]

(e) A [(3) a] person registered as a collector shall become certified as a registered Texas collector not later than the third anniversary of the date of the person's original registration.

(f) In this subsection, "break in service" means time during which a person is not employed in the type of employment for which the person is registered, other than a period resulting from termination for cause. A registrant who has a break in service is entitled to an adjustment of the applicable anniversary date described by Subsection (c), (d), or (e) equal to the length of the break in service, as determined by commission rule. A person who has a break in service that exceeds five years must submit a new application and proof of completion of current course requirements, unless otherwise excepted under commission rule.

(g) A registrant who has not obtained the certification required by Subsection (c), (d), or (e) within the time required by the applicable subsection is entitled to a one-year extension to meet the certification requirements if:

(1) the applicant submits proof of active military status performed after the date of the applicant's original registration;

(2) the applicant submits proof of leave under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.) taken after the date of the applicant's original registration;

(3) the applicant submits proof of a death or illness in the family or an unforeseen emergency occurring after the date of the applicant's original registration that prevented the registrant from meeting certification requirements;

(4) a county tax assessor-collector, chief appraiser, chief administrative officer of a political subdivision, or other person authorized by the commission by rule requests the extension on behalf of an employee;

(5) the applicant requesting the extension is a county tax assessor-collector or chief appraiser; or

(6) the applicant meets another reasonable qualification for an extension established by the commission by rule.

(h) The commission shall establish reasonable qualifications for reapplication for a registration by an applicant who does not meet any of the requirements of Subsection (g) or Section 1151.1605.

(i) The commission shall adopt rules as necessary to implement this section.

SECTION 3. Subchapter D, Chapter 1151, Occupations Code, is amended by adding Section 1151.1605 to read as follows:

Sec. 1151.1605. REINSTATEMENT OF REGISTRATION. (a) A person who has not satisfied the requirements for certification within the time required by Section 1151.160(c), (d), or (e) or rules adopted under those subsections may apply for reinstatement of a registration under this section if that person obtained registration before December 31, 2010, as a Class II collector, a Class III appraiser, or a Class III assessor-collector as defined by a rule adopted by the commission under Section 1151.160.

(b) A qualified person may apply for reinstatement of a registration if, before December 31, 2011, that person:

(1) pays a \$250 fee; and

(2) files a completed reinstatement application on a form prescribed by the department.

(c) A registration reinstated under this section expires on December 31, 2013, and may not be renewed unless the applicant satisfies all registration and certification requirements, including any education and examination requirements, before December 31, 2013.

(d) If a person completes the registration and certification requirements in order to renew a registration under Subsection (c), the date of registration shall be the same as the date of completion of the requirements.

(e) This section expires December 31, 2013.

SECTION 4. Subchapter D, Chapter 1151, Occupations Code, is amended by adding Section 1151.165 to read as follows:

Sec. 1151.165. INACTIVE STATUS. The commission may adopt rules to allow a registrant to place a registration issued by the department on inactive status in the same manner as a license is placed on inactive status under Section 51.4011.

SECTION 5. (a) The Texas Commission of Licensing and Regulation shall adopt rules under Section 1151.160, Occupations Code, as amended by this Act, and Section 1151.165, Occupations Code, as added by this Act, not later than February 1, 2012.

(b) The Texas Commission of Licensing and Regulation shall adopt rules under Section 1151.1605, Occupations Code, as added by this Act, not later than October 1, 2011.

SECTION 6. 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.

**HB 3577 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative L. Gonzales called up with senate amendments for consideration at this time,

HB 3577, A bill to be entitled An Act relating to eligibility requirements for the Texas Educational Opportunity Grant.

Representative L. Gonzales 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 3577**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3577**: L. Gonzales, chair; Schwertner, Scott, Strama, and Workman.

**HB 109 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 109, A bill to be entitled An Act relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

Representative Brown moved to concur in the senate amendments to **HB 109**.

The motion to concur in the senate amendments to **HB 109** prevailed by (Record 1314): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez;

Martinez Fischer; McClendon; 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; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Darby; Elkins; Farias; Hartnett; King, S.; Solomons; Walle.

STATEMENT OF VOTE

When Record No. 1314 was taken, my vote failed to register. I would have voted yes.

S. King

Senate Committee Substitute

CSHB 109, A bill to be entitled An Act relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

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

SECTION 1. Section 544.002(c), Transportation Code, is amended to read as follows:

(c) A local authority may not place or maintain a traffic-control device on a highway under the jurisdiction of the Texas Department of Transportation without that department's permission, except as authorized under Section 545.3561.

SECTION 2. Subchapter H, Chapter 545, Transportation Code, is amended by adding Section 545.3561 to read as follows:

Sec. 545.3561. AUTHORITY OF MUNICIPALITY OR COUNTY TO TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR ACCIDENT RECONSTRUCTION SITE. (a) The governing body of a municipality by ordinance may give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower a prima facie speed limit for a highway or part of a highway in the municipality, including a highway of the state highway system, at the site of an investigation using vehicular accident reconstruction.

(b) A county commissioners court by order may give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower prima facie speed limits for a county road or highway outside the boundaries of a municipality at the site of an investigation using vehicular accident reconstruction. The authority granted under this subsection does not include a road or highway in the state highway system.

(c) The Texas Department of Transportation shall develop safety guidelines for the use of vehicular accident reconstruction in investigations. A municipality, county, or designated official shall comply with the guidelines.

(d) A designated official may temporarily lower prima facie speed limits without the approval of or permission from the Texas Department of Transportation. A designated official who intends to temporarily lower a prima facie speed limit at the site of an investigation using vehicular accident reconstruction shall, at least 48 hours before temporary speed limit signs are posted for the vehicular accident reconstruction site, provide to the Texas Department of Transportation notice that includes:

- (1) the date and time of the accident reconstruction;
- (2) the location of the accident reconstruction site;
- (3) the entities involved at the site;
- (4) the general size of the area affected by the site; and
- (5) an estimate of how long the site will be used for the accident reconstruction.

(e) A temporary speed limit established under this section:

(1) is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of this subchapter; and

(2) supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

(f) A designated official who temporarily lowers a speed limit shall:

(1) place and maintain at the vehicular accident reconstruction site temporary speed limit signs that conform to the manual and specifications adopted under Section 544.001;

(2) temporarily conceal all other signs on the highway segment affected by the vehicular accident reconstruction site that give notice of a speed limit that would permit a person to operate a motor vehicle at a higher rate of speed; and

(3) remove all temporary speed limit signs placed under Subdivision (1) and concealments of other signs placed under Subdivision (2) when the official finds that the vehicular accident reconstruction is complete and all equipment is removed from the vehicular accident reconstruction site.

(g) A temporary speed limit established under this section is effective when a designated official places temporary speed limit signs and conceals other signs that would permit a person to operate a motor vehicle at a higher rate of speed as required under Subsection (f).

(h) A temporary speed limit established under this section is effective until the designated official under Subsection (a) or (b):

(1) finds that the vehicular accident reconstruction is complete; and

(2) removes all temporary signs, concealments, and equipment used at the vehicular accident reconstruction site.

(i) If a designated official does not comply with the requirements of Subsection (f)(3) for a vehicular accident reconstruction on a state highway associated with the reconstruction, the Texas Department of Transportation may remove signs and concealments.

SECTION 3. Section 553.002, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) This section does not apply to an ordinance enacted or a temporary speed limit sign erected or operated under Section 545.3561.

SECTION 4. This Act takes effect September 1, 2011.

HB 268 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 268, A bill to be entitled An Act relating to the exemption from sales and use taxes, including the motor vehicle sales and use tax, for timber and certain items used on a farm, ranch, or timber operation.

Representative Hilderbran moved to concur in the senate amendments to **HB 268**.

The motion to concur in the senate amendments to **HB 268** prevailed by (Record 1315): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Davis, Y.; Farias; Laubenberg; Walle.

Senate Committee Substitute

CSHB 268, A bill to be entitled An Act relating to the exemption from sales and use taxes, including the motor vehicle sales and use tax, for timber and certain items used in or on a farm, ranch, timber operation, or agricultural aircraft operation.

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

SECTION 1. Subchapter E, Chapter 151, Tax Code, is amended by adding Section 151.1551 to read as follows:

Sec. 151.1551. REGISTRATION NUMBER REQUIRED FOR TIMBER AND CERTAIN AGRICULTURAL ITEMS. (a) This section applies to an exemption provided by:

(1) Sections 151.316(a)(6), (7), (8), (10), (11), and (12);

(2) Section 151.316(b) for tangible personal property used in the production of agricultural products for sale;

(3) Section 151.3162(b) for tangible personal property used in the production of timber for sale;

(4) Sections 151.317(a)(5) and (10) for electricity used in agriculture or timber operations; and

(5) Section 151.3111 for services performed on tangible personal property exempted under Section 151.316(a)(6), (7), (8), (10), (11), or (12), 151.316(b), or 151.3162(b).

(b) To claim an exemption to which this section applies, a registration number issued by the comptroller must be stated on the exemption certificate provided by the purchaser of the item.

(c) A person is eligible to apply for a registration number if the person is engaged in the production of agricultural products or timber for sale or in an agricultural aircraft operation as defined by 14 C.F.R. Section 137.3.

(d) A person who is eligible may apply to the comptroller for a registration number. The application must:

(1) be on a form prescribed by the comptroller;

(2) if applicable, state the types of crops, livestock, or other agricultural products that are produced for sale on the farm or ranch on which the applicant will use or employ the item described by Subsection (a) or state that the item will be used in relation to a timber operation or an agricultural aircraft operation as defined by 14 C.F.R. Section 137.3;

(3) as applicable, state the name and address of the farm, ranch, timber operation, or other business owned or operated by the applicant in relation to which the applicant will use the item; and

(4) contain any other information required by the comptroller.

(e) The comptroller shall develop and implement a procedure by which an applicant may submit an application described by Subsection (d) electronically.

(f) The comptroller by rule shall establish a uniform date on which all registration numbers issued under this section must be renewed, regardless of the date on which a registration number is initially issued. The rules must require registration numbers to be renewed every four years.

(g) The comptroller may not issue a registration number that contains an individual's social security number.

(h) The comptroller, after written notice and a hearing, may revoke the registration number issued to a person who fails to comply with this chapter or with a rule adopted under this chapter. A person whose registration number the comptroller proposes to revoke under this section is entitled to 20 days' written

notice of the time and place of the hearing on the revocation. The notice must state the reason the comptroller is seeking to revoke the person's registration number. At the hearing the person must show cause why the person's registration number should not be revoked.

(i) The comptroller shall give written notice of the revocation of a registration number under Subsection (h) to the person to whom the number was issued. The notice may be personally served on the person or sent by mail to the person's address as shown in the comptroller's records.

(j) If the comptroller revokes a person's registration number under Subsection (h), the comptroller may not revive the registration number unless the comptroller is satisfied that the person will comply with this chapter and the rules adopted under this chapter. The comptroller may prescribe the terms under which a revoked registration number may be revived.

(k) Following the revocation of a registration number by the comptroller, the person who held the registration number must, on the next transaction with each seller to whom the person previously issued a claim for exemption with a registration number, notify that seller that the person's registration number is no longer valid. The failure of a person to notify a seller as required by this subsection is considered a failure and refusal to pay the taxes imposed by this chapter by the person required to make the notification.

(l) The comptroller shall develop and operate an online system to enable a seller of an item described by Subsection (a) to search and verify the validity of the registration number stated on an exemption certificate. A seller is not required to use the online system.

(m) An exemption certificate that states a registration number issued by the comptroller to claim an exemption to which this section applies is sufficient documentation of the seller's receipt of the certificate in good faith for purposes of Sections 151.054 and 151.104.

(n) The comptroller by rule shall establish procedures by which a seller may accept a blanket exemption certificate with a registration number issued by the comptroller to claim exemptions to which this section applies.

(o) A use of an item purchased using an exemption certificate with a registration number issued under this section in a manner or for a purpose other than the manner or purpose that qualified the sale, lease, rental, or other consumption of the item for the exemption may result in the revocation of the number.

(p) A person eligible for a registration number who, at the time of purchasing, leasing, renting, or otherwise consuming an item for which the person may otherwise claim an exemption to which this section applies, has not obtained a registration number from the comptroller must pay the tax on the item to the seller at the time of the transaction. The person may then apply for a registration number and, on receipt of the number, may apply to the comptroller for a refund of the tax paid, subject to the statute of limitations. The comptroller by rule shall establish procedures for processing the refund requests. Tax collected by a seller under this subsection is not tax collected in error, and Section 111.104 does not apply to a refund request submitted under this subsection.

SECTION 2. Section 151.3111(a), Tax Code, is amended to read as follows:

(a) Subject to Section 151.1551, a ~~[A]~~ service that is performed on tangible personal property that, if sold, leased, or rented, at the time of the performance of the service, would be exempted under this chapter because of the nature of the property, its use, or a combination of its nature and use, is exempted from this chapter.

SECTION 3. Section 151.316(a), Tax Code, as amended by Chapters 1162 (**HB 3144**) and 1373 (**SB 958**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) Subject to Section 151.1551, the ~~[The]~~ following items are exempted from the taxes imposed by this chapter:

- (1) horses, mules, and work animals;
- (2) animal life the products of which ordinarily constitute food for human consumption;
- (3) feed for farm and ranch animals;
- (4) feed for animals that are held for sale in the regular course of business;
- (5) seeds and annual plants the products of which:
 - (A) ordinarily constitute food for human consumption;
 - (B) are to be sold in the regular course of business; or
 - (C) are used to produce feed for animals exempted by this section;
- (6) fertilizers, fungicides, insecticides, herbicides, defoliants, and desiccants exclusively used or employed on a farm or ranch in the production of:
 - (A) food for human consumption;
 - (B) feed for animal life; or
 - (C) other agricultural products to be sold in the regular course of business;
- (7) machinery and equipment exclusively used or employed on a farm or ranch in the building or maintaining of roads or water facilities or in the production of:
 - (A) food for human consumption;
 - (B) grass;
 - (C) feed for animal life; or
 - (D) other agricultural products to be sold in the regular course of business;
- (8) machinery and equipment exclusively used in, and pollution control equipment required as a result of, the processing, packing, or marketing of agricultural products by an original producer at a location operated by the original producer for processing, packing, or marketing the producer's own products if:
 - (A) 50 percent or more of the products processed, packed, or marketed at or from the location are produced by the original producer and not purchased or acquired from others; and

(B) the producer does not process, pack, or market for consideration any agricultural products that belong to other persons in an amount greater than five percent of the total agricultural products processed, packed, or marketed by the producer;

(9) ice exclusively used by commercial fishing boats in the storing of aquatic species including but not limited to shrimp, other crustaceans, finfish, mollusks, and other similar creatures;

(10) tangible personal property, including a tire, sold or used to be installed as a component part of a motor vehicle, machinery, or other equipment exclusively used or employed on a farm or ranch in the building or maintaining of roads or water facilities or in the production of:

(A) food for human consumption;

(B) grass;

(C) feed for animal life; or

(D) other agricultural products to be sold in the regular course of business;

(11) machinery and equipment exclusively used in an agricultural aircraft operation, as defined by 14 C.F.R. Section 137.3; and

(12) tangible personal property incorporated into a structure that is used for the disposal of poultry carcasses in accordance with Section 26.303, Water Code.

SECTION 4. Section 151.316(b), Tax Code, is amended to read as follows:

(b) Subject to Section 151.1551, tangible ~~[Tangible]~~ personal property sold or used to be installed as a component of an underground irrigation system is exempt from the taxes imposed by this chapter if the system is exclusively used or employed on a farm or ranch in the production of:

(1) food for human consumption;

(2) grass;

(3) feed or forage for:

(A) animal life the products of which ordinarily constitute food for human consumption; or

(B) horses, mules, and work animals; or

(4) other agricultural products to be sold in the regular course of business.

SECTION 5. Section 151.3162(b), Tax Code, is amended to read as follows:

(b) Subject to Section 151.1551, the ~~[The]~~ following items are exempted from the tax imposed by this chapter:

(1) seedlings of trees grown for commercial timber;

(2) defoliants, desiccants, equipment, fertilizers, fungicides, herbicides, insecticides, and machinery exclusively used in the production of timber to be sold in the regular course of business;

(3) machinery and equipment used in, and pollution control equipment required as a result of, the processing, packing, or marketing of timber products by an original producer if:

(A) the processing, packing, or marketing occurs at or from a location operated by the original producer;

(B) at least 50 percent of the value of the timber products processed, packed, or marketed at or from the location is attributable to products produced by the original producer and not purchased or acquired from others; and

(C) the original producer does not process, pack, or market for consideration timber products that belong to another person with a value greater than five percent of the total value of the timber products processed, packed, or marketed by the producer; and

(4) tangible personal property sold or used to be installed as a component of an underground irrigation system exclusively used in the production of timber to be sold in the regular course of business.

SECTION 6. Section 151.317(a), Tax Code, is amended to read as follows:

(a) Subject to Section 151.1551 and Subsection (d) of this section, gas and electricity are exempted from the taxes imposed by this chapter when sold for:

(1) residential use;

(2) use in powering equipment exempt under Section 151.318 or 151.3185 by a person processing tangible personal property for sale as tangible personal property, other than preparation or storage of prepared food described by Section 151.314(c-2);

(3) use in lighting, cooling, and heating in the manufacturing area during the actual manufacturing or processing of tangible personal property for sale as tangible personal property, other than preparation or storage of prepared food described by Section 151.314(c-2);

(4) use directly in exploring for, producing, or transporting, a material extracted from the earth;

(5) use in agriculture, including dairy or poultry operations and pumping for farm or ranch irrigation;

(6) use directly in electrical processes, such as electroplating, electrolysis, and cathodic protection;

(7) use directly in the off-wing processing, overhaul, or repair of a jet turbine engine or its parts for a certificated or licensed carrier of persons or property;

(8) use directly in providing, under contracts with or on behalf of the United States government or foreign governments, defense or national security-related electronics, classified intelligence data processing and handling systems, or defense-related platform modifications or upgrades;

(9) a direct or indirect use, consumption, or loss of electricity by an electric utility engaged in the purchase of electricity for resale; or

(10) use in timber operations, including pumping for irrigation of timberland.

SECTION 7. Section 152.091, Tax Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) In addition to the other requirements prescribed by this section, to claim an exemption provided by Subsection (a) or (b) the person purchasing, using, or leasing the machine, trailer, or semitrailer must provide an exemption certificate with a registration number issued by the comptroller under Section 151.1551.

(c) The taxes imposed by this chapter do not apply to the rental of a farm machine, a trailer, or a semitrailer for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots, or a machine, a trailer, or a semitrailer for use primarily for timber operations. The tax that would have been remitted on gross rental receipts without this exemption shall be deemed to have been remitted for the purpose of calculating the minimum gross rental receipts imposed by Section 152.026. The exemption provided by this subsection applies only if the owner of the motor vehicle obtains in good faith an exemption certificate from the person to whom the vehicle is being rented. To claim the exemption, the person renting the vehicle must also provide on the certificate a registration number issued by the comptroller under Section 151.1551.

SECTION 8. Notwithstanding Section 151.1551, Tax Code, as added by this Act, a person is not required to state a registration number on an exemption certificate or on a form prescribed by the comptroller of public accounts to claim an exemption to which Section 151.1551, Tax Code, as added by this Act, applies or an item under Section 152.091, Tax Code, that is claimed before January 1, 2012.

SECTION 9. The change in law made by this Act does not affect tax liability accruing before January 1, 2012. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 10. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 11. This Act takes effect September 1, 2011.

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

Amend **CSHB 268** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 151.316(a)(11), Tax Code (page 3, line 63), strike "and" and substitute "[~~and~~]".

(2) In SECTION 3 of the bill, in amended Section 151.316(a)(12), Tax Code (page 3, line 66), between "Code" and the period, insert the following:
; and

(13) tangible personal property incorporated into or attached to a structure that is located on a commercial dairy farm, is used or employed exclusively for the production of milk, and is:

(A) a free-stall dairy barn; or

(B) a dairy structure used solely for maternity purposes

(3) In SECTION 9 of the bill (page 5, line 35), strike "The" and substitute "(a) Except as provided by Subsection (b) of this section, the".

(4) In SECTION 9 of the bill (page 5, between lines 40 and 41), insert the following:

(b) Section 151.316(a)(13), Tax Code, as added by this Act, does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if that section had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

**HB 378 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 378, A bill to be entitled An Act relating to stationary tow trucks on a highway; providing a penalty.

Representative Guillen moved to concur in the senate amendments to **HB 378**.

The motion to concur in the senate amendments to **HB 378** prevailed by (Record 1316): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Crossover; Farias; Lewis; Smith, W.; Walle.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1316. I intended to vote no.

Kolkhorst

Senate Committee Substitute

CSHB 368, A bill to be entitled An Act relating to stationary tow trucks on a highway; providing a penalty.

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

SECTION 1. Section 545.157, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) On approaching a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 and 547.702, or a stationary tow truck using equipment authorized by Section 547.305(d), an operator, unless otherwise directed by a police officer, shall:

(1) vacate the lane closest to the emergency vehicle or tow truck when driving on a highway with two or more lanes traveling in the direction of the emergency vehicle or tow truck; or

(2) slow to a speed not to exceed:

(A) 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or more; or

(B) five miles per hour when the posted speed limit is less than 25 miles per hour.

(d) In this section, "tow truck" means a vehicle that:

(1) has been issued a permit under Subchapter C, Chapter 2308, Occupations Code; and

(2) is operated by a person licensed under Subchapter D, Chapter 2308, Occupations Code.

SECTION 2. Section 545.301(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to an operator of:

(1) a vehicle that is disabled while on the paved or main traveled part of a highway if it is impossible to avoid stopping and temporarily leaving the vehicle on the highway; ~~or~~

(2) a vehicle used exclusively to transport solid, semisolid, or liquid waste operated at the time in connection with the removal or transportation of solid, semisolid, or liquid waste from a location adjacent to the highway; or

(3) a tow truck, as defined by Section 545.157(d), that is performing towing duties under Chapter 2308, Occupations Code.

SECTION 3. Section 547.305(a), Transportation Code, is amended to read as follows:

(a) A motor vehicle lamp or illuminating device, other than a headlamp, spotlamp, auxiliary lamp, turn signal lamp, or emergency vehicle, tow truck, or school bus warning lamp, that projects a beam with an intensity brighter than 300 candlepower shall be directed so that no part of the high-intensity portion of the beam strikes the roadway at a distance of more than 75 feet from the vehicle.

SECTION 4. This Act takes effect September 1, 2011.

**HB 3134 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3134, A bill to be entitled An Act relating to the plugging of inactive oil and gas wells.

Representative Crownover moved to concur in the senate amendments to **HB 3134**.

The motion to concur in the senate amendments to **HB 3134** prevailed by (Record 1317): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Driver; Farias; Kolkhorst; Walle.

STATEMENT OF VOTE

When Record No. 1317 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

Senate Committee Substitute

CSHB 3134, A bill to be entitled An Act relating to the plugging of inactive oil and gas wells.

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

SECTION 1. Section 89.022, Natural Resources Code, is amended by amending Subsection (b) and adding Subsections (d), (e), and (f) to read as follows:

(b) Notwithstanding Subsection (a), a person who assumes responsibility for the physical operation and control of an existing inactive well must satisfy the requirements of Sections 89.023(a)(1) and (3) [(4)] not later than six months after the date the commission approves the initial form described by Section 89.002(a)(2) and filed with the commission under which the person assumes responsibility for the well.

(d) Before the commission issues an order refusing to renew an operator's organization report under Subsection (c), an authorized commission employee or a person designated by the commission for that purpose must determine whether the operator has failed to comply with the requirements of this subchapter. If the authorized commission employee or designated person determines that the organization report does not qualify for renewal on that ground, the authorized commission employee or designated person must:

(1) notify the operator of the determination;

(2) provide the operator with a written statement of the reasons the organization report does not qualify for renewal; and

(3) notify the operator that the operator has 90 days to comply with the requirements of this subchapter.

(e) After the expiration of the period specified by Subsection (d)(3), the authorized commission employee or designated person shall determine whether the organization report qualifies for renewal and notify the operator of the determination. If the authorized commission employee or designated person determines that the organization report does not qualify for renewal because the operator has continued to fail to comply with the requirements of this subchapter, the operator, not later than the 30th day after the date of the determination, may request a hearing regarding the determination. The operator shall pay the costs associated with a hearing requested under this subsection.

(f) If the commission determines following the hearing that the operator has failed to comply with the requirements of this subchapter or the operator fails to file a timely request for a hearing, the commission by order shall refuse to renew the organization report. The organization report remains in effect until the commission's order becomes final.

SECTION 2. Section 89.023(a), Natural Resources Code, is amended to read as follows:

(a) The commission may grant an extension of the deadline for plugging an inactive well if the operator maintains a current organization report with the commission as required by Section 91.142 and if, on or before the date of renewal of the operator's organization report as required by that section, the operator files with the commission an application for an extension that includes:

(1) an affirmation that complies with Section 89.029;

~~(2) [a statement that the well and associated facilities are in compliance with all commission rules and orders];~~

~~[(3)]~~ a statement that the operator has, and on request will provide, evidence of a good faith claim to a continuing right to operate the well; and

(3) [(4)] at least one of the following:

(A) documentation that since the preceding date that the operator's organization report was required to be renewed the operator has plugged, or restored to active operation as defined by commission rule, a number of inactive wells equal to or greater than 10 percent of the number of inactive wells operated by the operator on that date;

(B) an abeyance of plugging report on a form approved by the commission that:

(i) is in the form of a certification signed by a person licensed by the Texas Board of Professional Engineers or the Texas Board of Professional Geoscientists;

(ii) includes:

(a) an affirmation by the licensed person that the well has:

(1) a reasonable expectation of economic value in excess of the cost of plugging the well for the duration of the period covered by the report, based on the cost calculation for plugging an inactive well; and

(2) a reasonable expectation of being restored to a beneficial use that will prevent waste of oil or gas resources that otherwise would not be produced if the well were plugged; and

(b) appropriate documentation demonstrating the basis for the affirmation of the well's future utility; and

(iii) specifies the field and the covered wells within that field in a format prescribed by the commission;

(C) a statement that the well is part of an enhanced oil recovery project;

(D) if the operator of the well is not currently otherwise required by commission rule or order to conduct a fluid level or hydraulic pressure test of the well, documentation of the results of a successful fluid level or hydraulic pressure test of the well conducted in accordance with the commission's rules in effect at the time the test is conducted;

(E) a supplemental bond, letter of credit, or cash deposit sufficient for each well specified in the application that:

(i) complies with the requirements of Chapter 91; and

(ii) is of an amount at least equal to the cost calculation for plugging an inactive well for each well specified in the application;

(F) documentation of the deposit with the commission each time the operator files an application of an amount of escrow funds as prescribed by commission rule that equal at least 10 percent of the total cost calculation for plugging an inactive well for each well specified in the application; or

(G) if the operator is a publicly traded entity:

(i) the following documents:

(a) a copy of the operator's federal documents filed to comply with Financial Accounting Standards Board Statement No. 143, Accounting for Asset Retirement Obligations; and

(b) an original, executed Uniform Commercial Code Form 1 Financing Statement, filed with the secretary of state, that:

(1) names the operator as the "debtor" and the Railroad Commission of Texas as the "secured creditor"; and

(2) specifies the funds covered by the documents described by Sub-subparagraph (a) in the amount of the cost calculation for plugging an inactive well for each well specified in the application; or

(ii) a blanket bond in the amount of the lesser of:

(a) the cost calculation for plugging any inactive wells; or

(b) \$2 million.

SECTION 3. Section 89.024(a), Natural Resources Code, is amended to read as follows:

(a) An abeyance of plugging report filed under Section 89.023(a)(3)(B) [~~89.023(a)(4)(B)~~] is valid for a period of not more than five years.

SECTION 4. Section 89.025(a), Natural Resources Code, is amended to read as follows:

(a) For purposes of Section 89.023(a)(3)(C) [~~89.023(a)(4)(C)~~], an inactive well is considered to be part of an enhanced oil recovery project if the well is located on a unit or lease or in a field associated with such a project.

SECTION 5. Section 89.026(a), Natural Resources Code, is amended to read as follows:

(a) Documentation filed under Section 89.023(a)(3)(D) [~~89.023(a)(4)(D)~~] of the results of a successful fluid level test is valid for a period of one year from the date of the test. Documentation filed under that section of the results of a successful hydraulic pressure test is valid for a period of not more than five years from the date of the test.

SECTION 6. Section 89.027(a), Natural Resources Code, is amended to read as follows:

(a) A supplemental bond, letter of credit, or cash deposit filed under Section 89.023(a)(3)(E) [~~89.023(a)(4)(E)~~] is in addition to any other financial assurance otherwise required of the operator or for the well.

SECTION 7. Section 89.028(a), Natural Resources Code, is amended to read as follows:

(a) Escrow funds described by Section 89.023(a)(3)(F) [~~89.023(a)(4)(F)~~] must be deposited with the commission each time an operator files an application for an extension of the deadline for plugging an inactive well.

SECTION 8. The changes in law made by this Act apply only to an organization report the renewal of which is pending as of the effective date of this Act or that is filed on or after the effective date of this Act.

SECTION 9. 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.

HB 970 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative L. Gonzales called up with senate amendments for consideration at this time,

HB 970, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.

Representative L. Gonzales moved to concur in the senate amendments to **HB 970**.

The motion to concur in the senate amendments to **HB 970** prevailed by (Record 1318): 138 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; 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; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; 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 — Berman; Cain; Creighton; Gooden; Madden; Sheffield.

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

Absent, Excused — Menendez.

Absent — Coleman; Eiland; Huberty.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1318. I intended to vote no.

Flynn

When Record No. 1318 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 1318. I intended to vote no.

Weber

Senate Committee Substitute

CSHB 970, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.

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

SECTION 1. Section 351.101(a), Tax Code, as amended by Chapters 402 (**HB 1789**), 1220 (**SB 1247**), and 1322 (**HB 3098**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(A) the municipality owns the facilities or fields;

(B) the municipality:

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

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

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

(iv) has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000;

(v) has a population of at least 65,000 but less than 80,000 and no part of which is located in a county with a population greater than 150,000; or
 (vi) is located in a county that:

- (a) is adjacent to the Texas-Mexico border;
- (b) has a population of at least 500,000; and
- (c) does not have a municipality with a population greater than 500,000; and

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

(8) for a municipality with a population of at least 65,000 but less than 80,000, no part of which is located in a county with a population greater than 150,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility;

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

(10) ~~(8)~~ the construction of a recreational venue in the immediate vicinity of area hotels, if:

- (A) the municipality:
 - (i) is a general-law municipality;
 - (ii) has a population of not more than 900; and
 - (iii) does not impose an ad valorem tax;

(B) not more than \$100,000 of municipal hotel occupancy tax revenue is used for the construction of the recreational venue;

(C) a majority of the hotels in the municipality request the municipality to construct the recreational venue;

(D) the recreational venue will be used primarily by hotel guests; and

(E) the municipality will pay for maintenance of the recreational venue from the municipality's general fund;

(11) the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility, if the municipality:

- (A) has a population of at least 90,000 but less than 120,000; and
- (B) is located in two counties, at least one of which contains the

headwaters of the San Gabriel River; and

(12) for a municipality with a population of more than 175,000 but less than 225,000 that is located in two counties, each of which has a population of less than 200,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility and related infrastructure or a venue, as defined by Section 334.001(4), Local Government Code, that is related to the promotion of tourism.

SECTION 2. 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.

**HB 1615 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1615, A bill to be entitled An Act relating to the administering of medications to children in certain facilities; providing criminal penalties.

Representative Brown moved to concur in the senate amendments to **HB 1615**.

The motion to concur in the senate amendments to **HB 1615** prevailed by (Record 1319): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; 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; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Alonzo; Coleman; Farrar; Lyne; Weber.

Senate Committee Substitute

CSHB 1615, A bill to be entitled An Act relating to the administering of medications to children in certain facilities; providing criminal penalties.

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

SECTION 1. This Act shall be known as Nathan's Law.

SECTION 2. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.065 to read as follows:

Sec. 42.065. ADMINISTERING MEDICATION. (a) In this section, "medication" means a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

(b) This section applies only to a day-care center, group day-care home, before-school or after-school program, school-age program, or family home regardless of whether the facility or program is licensed, registered, or listed.

(c) A director, owner, operator, caretaker, employee, or volunteer of a child-care facility subject to this section may not administer a medication to a child unless:

(1) the child's parent or guardian has submitted to the child-care facility a signed and dated document that authorizes the facility to administer the medication for not longer than one year; and

(2) the authorized medication:

(A) is administered as stated on the label directions or as amended in writing by a practitioner, as defined by Section 551.003, Occupations Code; and

(B) is not expired.

(d) Notwithstanding Subsection (c)(1), a director, owner, operator, caretaker, employee, or volunteer of a child-care facility subject to this section may administer medication to a child under this section without a signed authorization if the child's parent or guardian:

(1) submits to the child-care facility an authorization in an electronic format that is capable of being viewed and saved; or

(2) authorizes the child-care facility by telephone to administer a single dose of a medication.

(e) An authorization under Subsection (d)(1) expires on the first anniversary of the date the authorization is provided to the child-care facility.

(f) This section does not apply to a person that administers a medication to a child in a medical emergency to prevent the death or serious bodily injury of the child if the medication is administered as prescribed, directed, or intended.

(g) A person commits an offense if the person administers a medication to a child in violation of this section. If conduct constituting an offense under this section also constitutes an offense under a section of the Penal Code, the actor may be prosecuted under either section or both sections.

(h) An offense under this section is a Class A misdemeanor.

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

HB 2904 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2904, A bill to be entitled An Act relating to the administration of the Glenda Dawson Donate Life-Texas Registry.

Representative Zerwas moved to concur in the senate amendments to **HB 2904**.

The motion to concur in the senate amendments to **HB 2904** prevailed by (Record 1320): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; 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; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Hamilton; Phillips; Pickett; Quintanilla.

STATEMENT OF VOTE

When Record No. 1320 was taken, my vote failed to register. I would have voted yes.

Phillips

Senate Committee Substitute

CSHB 2904, A bill to be entitled An Act relating to the administration of the Glenda Dawson Donate Life-Texas Registry.

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

SECTION 1. Section 692A.020, Health and Safety Code, is amended to read as follows:

Sec. 692A.020. GLENDA DAWSON DONATE LIFE-TEXAS REGISTRY; EDUCATION PROGRAM. (a) The department shall contract with a nonprofit organization to maintain a statewide donor registry, to ~~[In this section, "registry program" means the donor education, awareness, and registry program established under this section and known as the Glenda Dawson Donate Life Texas Registry.~~

~~[(b) Any program or component of a program that the department develops under this chapter shall]~~ be known as the Glenda Dawson Donate Life-Texas Registry.

(b) The nonprofit organization administering the registry must include representatives from each [(e) The department shall affiliate with an entity, such as a national or state association concerned with organ donation, to promote the registry program in accordance with this section.

~~[(d) In consultation with the Department of Public Safety and] organ procurement organization in this state [organizations, the department shall establish the Glenda Dawson Donate Life Texas Registry].~~

(c) [(e)] The department shall require the nonprofit organization with which the department has contracted to administer the statewide donor registry to establish and maintain [enter into an agreement with an organization selected by the commissioner under a competitive proposal process for the establishment and maintenance of] a statewide Internet-based registry of organ, tissue, and eye donors[. Contingent on the continued availability of appropriations under Subsection (k), the term of the initial agreement is two years and may be renewed for two year terms thereafter unless terminated in a written notice to the other party by the department or organization not later than the 180th day before the last day of a term].

(d) [(f)] The Department of Public Safety at least monthly shall electronically transfer to the nonprofit organization under contract with the department [selected by the commissioner as provided by Subsection (e)] the name, date of birth, driver's license number, most recent address, and any other relevant information in the possession of the Department of Public Safety for any person who indicates on the person's driver's license application under Section 521.401, Transportation Code, that the person would like to make an anatomical gift [and consents in writing to the release of the information by the Department of Public Safety to the organization for inclusion in the Internet based registry].

(e) [(g)] The contract between the department and the nonprofit organization administering the registry [selected by the commissioner as provided by Subsection (e)] must require the organization to:

(1) make information obtained from the Department of Public Safety under Subsection (d) [(f)] available to procurement organizations;

(2) allow potential donors to submit information in writing directly to the organization for inclusion in the Internet-based registry;

(3) maintain the Internet-based registry in a manner that allows procurement organizations to immediately access organ, tissue, and eye donation information 24 hours a day, seven days a week through electronic and telephonic methods; and

(4) protect the confidentiality and privacy of the individuals providing information to the Internet-based registry, regardless of the manner in which the information is provided.

(f) [(h)] Except as otherwise provided by Subsection (e)(3) [(g)(3)] or this subsection, the Department of Public Safety, the nonprofit organization under contract to administer the registry [selected by the commissioner under Subsection (e)], or a procurement organization may not sell, rent, or otherwise share any information provided to the Internet-based registry. A procurement organization may share any information provided to the registry with an organ

procurement organization or a health care provider or facility providing medical care to a potential donor as necessary to properly identify an individual at the time of donation.

(g) ~~(f)~~ The Department of Public Safety, the nonprofit organization [selected by the commissioner] under contract with the department to administer the registry [Subsection (e)], or the procurement organizations may not use any demographic or specific data provided to the Internet-based registry for any fund-raising activities. Data may only be transmitted from the selected organization to procurement organizations through electronic and telephonic methods using secure, encrypted technology to preserve the integrity of the data and the privacy of the individuals providing information.

(h) ~~(g)~~ In each office authorized to issue driver's licenses or personal identification certificates, the Department of Public Safety shall make available educational materials developed by the nonprofit organization administering the registry [Texas Organ, Tissue, and Eye Donor Council established under Chapter 113, as added by Chapter 1186, Acts of the 79th Legislature, Regular Session, 2005].

(i) ~~(h)~~ The Department of Public Safety shall remit to the comptroller the money collected under Sections 521.421(g) and 521.422(c), Transportation Code, as provided by those subsections. A county assessor-collector shall remit to the comptroller any money collected under Section 502.1745, Transportation Code, as provided by that section. Money remitted to the comptroller in accordance with those sections that is appropriated to the department shall be disbursed to the nonprofit organization administering the registry under this section under the terms of the contract between the department and the organization [must be spent in accordance with the priorities established by the department in consultation with the Texas Organ, Tissue, and Eye Donor Council] to pay the costs of:

(1) maintaining, operating, and updating the Internet-based registry and establishing procedures for an individual to be added to the registry; ~~and~~

(2) designing and distributing educational materials for prospective donors as required under this section; and~~[-]~~

(3) providing [4] Any additional money over the amount necessary to accomplish the purposes of Subsections (k)(1) and (2) may be used by the department to provide] education under this chapter [or may be awarded using a competitive grant process to organizations to conduct organ, eye, and tissue donation education activities in this state. A member of the Texas Organ, Tissue, and Eye Donor Council may not receive a grant under this subsection].

(j) ~~(i)~~ The department shall require the nonprofit organization selected to administer the registry [under Subsection (e)] to submit an annual written report to the department that includes:

(1) the number of donors listed on the Internet-based registry;

(2) changes in the number of donors listed on the registry; ~~and~~

(3) the demographic characteristics of listed donors, to the extent the characteristics may be determined from information provided on donor registry forms submitted by donors to the organization; and

(4) an accounting of the use of the money disbursed under Subsection (i) for the administration of the registry.

(k) [(*)] To the extent funds are available and as part of the donor registry program, the department may allocate funds to the nonprofit organization administering the registry pursuant to the contract to [shall] educate residents about anatomical gifts. The education provided under this section [program] shall include information about:

(1) the laws governing anatomical gifts, including Subchapter Q, Chapter 521, Transportation Code, Chapter 693, and this chapter;

(2) the procedures for becoming an organ, eye, or tissue donor or donee; and

(3) the benefits of organ, eye, or tissue donation.

(l) [(*)] In contracting for [developing] the registry program, the department [in consultation with the Texas Organ, Tissue, and Eye Donor Council] shall solicit broad-based input reflecting recommendations of all interested groups, including representatives of patients, providers, ethnic groups, and geographic regions.

(m) The [(*) In consultation with the Texas Organ, Tissue, and Eye Donor Council, the] department may require the nonprofit organization administering the registry to:

(1) implement a training program for all appropriate Department of Public Safety and Texas Department of Transportation employees on the benefits of organ, tissue, and eye donation and the procedures for individuals to be added to the Internet-based registry; and

(2) [The department shall implement the training program before the date that the registry is operational and shall] conduct the training described by Subdivision (1) on an ongoing basis for new employees.

(n) [(*)] The department may require the nonprofit organization administering the registry to [shall] develop a program to educate health care providers and attorneys in this state about anatomical gifts.

(o) [(*)] The department [through the program] shall require the nonprofit organization administering the registry to encourage:

(1) attorneys to provide organ donation information to clients seeking advice for end-of-life decisions;[-]

(2) [(*) The department shall encourage] medical and nursing schools in this state to include mandatory organ donation education in the schools' curricula; and[-]

(3) [(*) The department shall encourage] medical schools in this state to require a physician in a neurology or neurosurgery residency program to complete an advanced course in organ donation education.

(p) The nonprofit organization administering the registry may not:

(1) charge any fee for costs related to the operation and maintenance of the registry, except as agreed in the contract with the department; or

(2) use the registry to solicit voluntary donations of money from a registrant.

(q) Except as provided by Subsection (p), the nonprofit organization administering the registry may accept voluntary donations of money and perform fund-raising on behalf of the registry for the purpose of supporting registering donors.

SECTION 2. Section 502.1745(b), Transportation Code, is amended to read as follows:

(b) A county assessor-collector shall collect an additional fee of \$1 for the registration or renewal of registration of a motor vehicle to pay the costs of the Glenda Dawson Donate Life-Texas ~~[Donor Education, Awareness, and]~~ Registry ~~[Program of Texas,]~~ established under Chapter 692A [49], Health and Safety Code, ~~[and of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113, Health and Safety Code,]~~ if the person registering or renewing the registration of a motor vehicle opts to pay the additional fee. Notwithstanding any other provision of this chapter, the county assessor-collector shall remit all fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees.

SECTION 3. Section 502.189(a), Transportation Code, is amended to read as follows:

(a) The department, with expert input and support from the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Chapter 692A, Health and Safety Code ~~[Texas Organ, Tissue, and Eye Donor Council]~~, shall:

(1) add a link from the department's Internet website to the Glenda Dawson Donate Life-Texas ~~[Donor Education, Awareness, and]~~ Registry operated ~~[Program of Texas established]~~ under Chapter 692A [49], Health and Safety Code; and

(2) provide a method to distribute donor registry information to interested individuals in each office authorized to issue motor vehicle registrations.

SECTION 4. Section 521.148(c), Transportation Code, is amended to read as follows:

(c) When the department issues a license to which this section applies, the department shall provide the person to whom the license is issued with written information about the Glenda Dawson Donate Life-Texas Registry operated ~~[program established]~~ under Chapter 692A [49], Health and Safety Code.

SECTION 5. Section 521.401, Transportation Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Donor registry information shall be provided to the department and the Texas Department of Transportation by organ procurement organizations, tissue banks, or eye banks, as those terms are defined in Section 692A.002, Health and Safety Code, or by the Glenda Dawson Donate Life-Texas Registry operated ~~[established]~~ under Chapter 692A, Health and Safety Code. The department, with expert input and support from the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry ~~[Texas Organ, Tissue, and Eye Donor Council]~~, shall:

(1) provide to each applicant for the issuance of an original, renewal, corrected, or duplicate driver's license or personal identification certificate who applies in person, by mail, over the Internet, or by other electronic means:

(A) the opportunity to indicate on the person's driver's license or personal identification certificate that the person is willing to make an anatomical gift, in the event of death, in accordance with Section 692A.005, Health and Safety Code; and

(B) an opportunity for the person to consent [~~in writing~~] to [~~the department's provision of the person's name, date of birth, driver's license number, most recent address, and other information needed for identification purposes at the time of donation to the organization selected by the commissioner of state health services under Section 692A.020, Health and Safety Code, for~~] inclusion in the statewide Internet-based registry of organ, tissue, and eye donors and [~~for~~] release to procurement organizations in the manner provided by Subsection (c-1) [~~by specifically asking each applicant only the question, "Would you like to register as an organ donor?";~~]; and

(2) provide a means to distribute donor registry information to interested individuals in each office authorized to issue driver's licenses or personal identification certificates.

(c-1) The department shall:

(1) specifically ask each applicant only the question, "Would you like to register as an organ donor?"; and

(2) if the applicant responds affirmatively to the question asked under Subdivision (1), provide the person's name, date of birth, driver's license number, most recent address, and other information needed for identification purposes at the time of donation to the nonprofit organization contracted to maintain the statewide donor registry under Section 692A.020, Health and Safety Code, for inclusion in the registry.

SECTION 6. Section 521.402(c), Transportation Code, is amended to read as follows:

(c) To have a person's name deleted from the statewide Internet-based registry of organ, tissue, and eye donors maintained as provided by Chapter 692A [49], Health and Safety Code, a person must provide written notice to the nonprofit organization selected [by the commissioner of state health services] under that chapter to maintain the registry directing the deletion of the person's name from the registry. On receipt of a written notice under this subsection, the organization shall promptly remove the person's name and information from the registry.

SECTION 7. Section 521.421(g), Transportation Code, is amended to read as follows:

(g) The department shall collect an additional fee of \$1 for the issuance or renewal of a license, including a duplicate license, a license issued to reflect an additional authorization or a change in classification, or a license issued or renewed over the Internet or by other electronic means, to pay the costs of the Glenda Dawson Donate Life-Texas [Donor Education, Awareness, and] Registry operated [Program of Texas, established] under Chapter 692A [49], Health and

Safety Code, ~~[and, subject to Section 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113, Health and Safety Code,]~~ if the person applying for, renewing, or changing a license opts to pay the additional fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection.

SECTION 8. Section 521.422(c), Transportation Code, is amended to read as follows:

(c) The department shall collect an additional fee of \$1 for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, to pay the costs of the Glenda Dawson Donate Life-Texas ~~[Donor Education, Awareness, and]~~ Registry ~~[Program of Texas,]~~ established under Chapter 692A [49], Health and Safety Code, ~~[and, subject to Section 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113, Health and Safety Code,]~~ if the person applying for or renewing a personal identification card opts to pay the additional fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection.

SECTION 9. Section 522.034(c), Transportation Code, is amended to read as follows:

(c) When the department issues a license or permit to which this section applies, the department shall provide the person to whom the license is issued with written information about the Glenda Dawson Donate Life-Texas Registry program established under Chapter 692A [49], Health and Safety Code.

SECTION 10. (a) Chapter 113, Health and Safety Code, is repealed.

(b) Section 49.002(m), Health and Safety Code, as amended by Chapter 831 (**SB 1803**), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION 11. (a) Not later than January 1, 2012, the Department of State Health Services shall enter into a contract with a nonprofit organization to administer the Glenda Dawson Donate Life-Texas Registry under Section 692A.020, Health and Safety Code, as amended by this Act.

(b) On January 1, 2012:

(1) the Texas Organ, Tissue, and Eye Donor Council established under Chapter 113, Health and Safety Code, is abolished;

(2) all property in the custody of the Texas Organ, Tissue, and Eye Donor Council is transferred to the Department of State Health Services;

(3) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Organ, Tissue, and Eye Donor Council is transferred to the Department of State Health Services;

(4) all money, contracts, leases, rights, and obligations of the Texas Organ, Tissue, and Eye Donor Council are transferred to the Department of State Health Services;

(5) the Glenda Dawson Donate Life-Texas Registry, as established by Section 692A.020, Health and Safety Code, as it existed immediately before January 1, 2012, is abolished;

(6) all property in the custody of any organization selected under Section 692A.020(e), Health and Safety Code, as that section existed immediately before January 1, 2012, in relation to the operation of the Glenda Dawson Donate Life-Texas Registry is transferred to the Department of State Health Services;

(7) the unexpended and unobligated balance of any money attributable to voluntary fees collected under Section 502.1745, 521.421(g), or 521.422(c), Transportation Code, for the Glenda Dawson Donate Life-Texas Registry as it existed immediately before January 1, 2012, may be used by the Department of State Health Services for contracts relating to the Glenda Dawson Donate Life-Texas Registry under Section 692A.020, Health and Safety Code, as amended by this Act; and

(8) the Department of State Health Services shall transfer all information formerly maintained by the Glenda Dawson Donate Life-Texas Registry, as it existed immediately before January 1, 2012, to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Section 692A.020, Health and Safety Code, as amended by this Act, for use in the Glenda Dawson Donate Life-Texas Registry created by Section 692A.020, Health and Safety Code, as amended by this Act.

SECTION 12. (a) Except as provided by Subsection (b), this Act takes effect September 1, 2011.

(b) The following provisions take effect January 1, 2012:

(1) Section 692A.020, Health and Safety Code, as amended by this Act; and

(2) Sections 502.1745, 502.189, 521.148, 521.401, 521.402, 521.421, 521.422, and 522.034, Transportation Code, as amended by this Act.

HB 260 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 260, A bill to be entitled An Act relating to the prosecution and punishment of unlawful transport of a person.

Representative Hilderbran moved to concur in the senate amendments to **HB 260**.

The motion to concur in the senate amendments to **HB 260** prevailed by (Record 1321): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; 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; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Flynn; Lyne; Quintanilla.

STATEMENT OF VOTE

When Record No. 1321 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

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

Amend **HB 260** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Chapter 20, Penal Code, is amended to read as follows:

CHAPTER 20. KIDNAPPING, ~~[AND]~~ UNLAWFUL RESTRAINT, AND SMUGGLING OF PERSONS

SECTION 2. Section 20.05, Penal Code, is amended to read as follows:

Sec. 20.05. SMUGGLING OF PERSONS ~~[UNLAWFUL TRANSPORT]~~.

(a) A person ~~commits an offense if the person intentionally uses a motor vehicle, aircraft, or watercraft to transport an individual with the intent to conceal the individual from a peace officer or special investigator and flees from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor~~ ~~[for pecuniary benefit transports an individual in a manner that:~~

~~[(1) is designed to conceal the individual from local, state, or federal law enforcement authorities; and~~

~~[(2) creates a substantial likelihood that the individual will suffer serious bodily injury or death].~~

(b) Except as provided by Subsection (c), an [Am] offense under this section is a state jail felony.

(c) An offense under this section is a felony of the third degree if the actor commits the offense:

(1) for pecuniary benefit; or

(2) in a manner that creates a substantial likelihood that the transported individual will suffer serious bodily injury or death.

(d) It is an affirmative defense to prosecution under this section that the actor is related to the transported individual within the second degree of consanguinity or, at the time of the offense, within the second degree of affinity.

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 3. Subsection (a), Section 71.02, Penal Code, as amended by Chapters 153 (**SB 2225**), 1130 (**HB 2086**), and 1357 (**SB 554**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

(7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;

(8) any felony offense under Chapter 32;

(9) any offense under Chapter 36;

(10) any offense under Chapter 34 or 35;

(11) any offense under Section 37.11(a);

(12) any offense under Chapter 20A;

(13) any offense under Section 37.10; ~~[Am]~~

- (14) any offense under Section 38.06, 38.07, 38.09, or 38.11;
- (15) ~~[(14)]~~ any offense under Section 42.10;
- (16) ~~[(14)]~~ any offense under Section 46.06(a)(1) or 46.14; or
- (17) any offense under Section 20.05.

SECTION 4. Article 13.12, Code of Criminal Procedure, is amended to read as follows:

Art. 13.12. FALSE IMPRISONMENT, ~~[AND]~~ KIDNAPPING, AND SMUGGLING OF PERSONS. Venue for false imprisonment, ~~[and]~~ kidnapping, and smuggling of persons is in either the county in which the offense was committed, or in any county through, into, or out of which the person falsely imprisoned, ~~[or]~~ kidnapped, or transported may have been taken.

SECTION 5. Subdivision (2), Article 59.01, Code of Criminal Procedure, as amended by Chapters 153 (**SB 2225**), 1130 (**HB 2086**), and 1357 (**SB 554**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

- (i) any first or second degree felony under the Penal Code;
- (ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;
- (iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or
- (iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

- (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
- (ii) any felony under Chapter 483, Health and Safety Code;
- (iii) a felony under Chapter 153, Finance Code;
- (iv) any felony under Chapter 34, Penal Code;
- (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
- (vi) any felony under Chapter 152, Finance Code;
- (vii) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;
- (viii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
- (ix) a Class A misdemeanor under Section 306.051, Business & Commerce Code; ~~[or]~~
- (x) any offense under Section 42.10, Penal Code;

(xi) [~~(x)~~] any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xii) [~~(x)~~] any offense under Chapter 71, Penal Code; or
(xiii) any offense under Section 20.05, Penal Code;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), [~~(x)~~] (x), (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), [~~(x)~~] (x), (xi), or (xii) of this subdivision, or a crime of violence; or

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code.

SECTION 6. The changes in law made by this Act in amending Sections 20.05 and 71.02, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. The change in law made by this Act in amending Subdivision (2), Article 59.01, Code of Criminal Procedure, applies only to the forfeiture of property in relation to an offense committed on or after the effective date of this Act. Forfeiture of property in relation to an offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. This Act takes effect September 1, 2011.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend Amendment No. 1 by Hinojosa to **HB 260** (senate committee printing) as follows:

(1) In SECTION 1 of the amendment, in amended Section 20.05(a), Penal Code (page 1, line 12), between "intent to" and "conceal" insert an underlined colon followed on the next line by "(1)".

(2) In SECTION 1 of the amendment, in amended Section 20.05(a), Penal Code (page 1, line 13), strike "and flees" and substitute "; or", followed on the next line by "(2) flee".

HB 1992 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1992, A bill to be entitled An Act relating to the authority of the Texas Animal Health Commission to set and collect fees.

Representative Hardcastle moved to concur in the senate amendments to **HB 1992**.

The motion to concur in the senate amendments to **HB 1992** prevailed by (Record 1322): 106 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Berman; Branch; Brown; Burnam; Castro; Chisum; Cook; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Legler; Lewis; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Aycock; Bohac; Bonnen(C); Burkett; Button; Cain; Carter; Christian; Craddick; Creighton; Darby; Fletcher; Frullo; Garza; Gooden; Harless; Hughes; Landtroop; Laubenberg; Lavender; Lyne; Madden; Miller, S.; Parker; Paxton; Perry; Phillips; Sheets; Sheffield; Smith, T.; Solomons; Taylor, V.; Truitt; Weber; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Menendez.

Absent — Allen; Callegari; Coleman; Kolkhorst; Miller, D.; Shelton.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1322. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1322. I intended to vote no.

P. King

When Record No. 1322 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

Senate Committee Substitute

CSHB 1992, A bill to be entitled An Act relating to the authority of the Texas Animal Health Commission to set and collect fees.

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

SECTION 1. Section 161.060, Agriculture Code, is amended to read as follows:

Sec. 161.060. AUTHORITY TO SET AND COLLECT ~~[INSPECTION]~~ FEES. (a) The commission may charge a fee, as provided by commission rule, for an inspection made by the commission.

(b) The commission by rule may set and collect a fee for any service provided by the commission, including:

- (1) the inspection of animals or facilities;
- (2) the testing of animals for disease;
- (3) obtaining samples from animals for disease testing;
- (4) disease prevention, control or eradication, and treatment efforts;
- (5) services related to the transport of livestock;
- (6) control and eradication of ticks and other pests; and
- (7) any other service for which the commission incurs a cost.

(c) This subsection and Subsection (b) expire September 1, 2015.

SECTION 2. This Act takes effect September 1, 2011.

HB 3329 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3329, A bill to be entitled An Act relating to a daily temporary private club permit for a nonprofit corporation.

Representative Keffer moved to concur in the senate amendments to **HB 3329**.

The motion to concur in the senate amendments to **HB 3329** prevailed by (Record 1323): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; 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; Bonnen(C).

Absent, Excused — Menendez.

Absent — Allen; Alonzo; Coleman; Dukes; Geren; Hochberg; Huberty; Legler; Naishtat.

STATEMENTS OF VOTE

When Record No. 1323 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1323 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

When Record No. 1323 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 1323 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

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

Amend **HB 3329** (senate committee printing) in SECTION 2 of the bill, in added Section 33.25(b), Alcoholic Beverage Code (page 1, lines 48 and 49), by striking "establishing a temporary private club for a nonprofit corporation issued a daily temporary private club permit" and substituting "obtaining and operating under a daily temporary private club permit issued".

HB 3391 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3391, A bill to be entitled An Act relating to rainwater harvesting and other water conservation initiatives.

Representative D. Miller moved to concur in the senate amendments to **HB 3391**.

The motion to concur in the senate amendments to **HB 3391** prevailed by (Record 1324): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; 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; 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; 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 — Simpson.

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

Absent, Excused — Menendez.

Absent — Coleman; Gallego.

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

Amend **HB 3391** (senate committee printing) as follows:

(1) In Section 3 of the bill, in Section 341.042, Health and Safety Code, Subsection (b-2) (page 2, line 6), strike the phrase "give written notice of that intention to" and replace with the phrase "receive the consent of".

HB 257 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 257, A bill to be entitled An Act relating to certain unclaimed property that is presumed abandoned.

Representative Hilderbran moved to concur in the senate amendments to **HB 257**.

The motion to concur in the senate amendments to **HB 257** prevailed by (Record 1325): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; 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; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Cain; Coleman; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 1325 was taken, I was in the house but away from my desk. I would have voted yes.

Cain

I was shown voting yes on Record No. 1325. I intended to vote no.

V. Taylor

When Record No. 1325 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Senate Committee Substitute

CSHB 257, A bill to be entitled An Act relating to certain unclaimed property that is presumed abandoned.

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

SECTION 1. Section 72.101(a), Property Code, is amended to read as follows:

(a) Except as provided by this section and Sections 72.1015, 72.1016, 72.1017, and 72.102, personal property is presumed abandoned if, for longer than three years:

(1) the existence and location of the owner of the property is unknown to the holder of the property; and

(2) according to the knowledge and records of the holder of the property, a claim to the property has not been asserted or an act of ownership of the property has not been exercised.

SECTION 2. Subchapter B, Chapter 72, Property Code, is amended by adding Section 72.1017 to read as follows:

Sec. 72.1017. UTILITY DEPOSITS. (a) In this section:

(1) "Utility" has the meaning assigned by Section 183.001, Utilities Code.

(2) "Utility deposit" is a refundable money deposit a utility requires a user of the utility service to pay as a condition of initiating the service.

(b) Notwithstanding Section 73.102, a utility deposit is presumed abandoned on the latest of:

(1) 18 months after the date a refund check for the utility deposit was payable to the owner of the deposit;

(2) 18 months after the date the utility last received documented communication from the owner of the utility deposit; or

(3) 18 months after the date the utility issued a refund check for the deposit payable to the owner of the deposit if, according to the knowledge and records of the utility or payor of the check, during that period, a claim to the check has not been asserted or an act of ownership by the payee has not been exercised.

(c) A utility deposit is not presumed abandoned for two years from the time the depositor provides documentation to the utility of being called to active military service in any branch of the United States armed forces during any part of the period described by Subsection (b).

SECTION 3. Section 72.102(c), Property Code, is amended to read as follows:

(c) A money order to which Subsection (a) applies is presumed to be abandoned on the latest of:

(1) the third [~~seventh~~] anniversary of the date on which the money order was issued;

(2) the third [~~seventh~~] anniversary of the date on which the issuer of the money order last received from the owner of the money order communication concerning the money order; or

(3) the third [~~seventh~~] anniversary of the date of the last writing, on file with the issuer, that indicates the owner's interest in the money order.

SECTION 4. Section 72.103, Property Code, is amended to read as follows:

Sec. 72.103. PRESERVATION OF PROPERTY. Notwithstanding any other provision of this title except a provision of this section or Section 72.1016 relating to a money order or a stored value card, a holder of abandoned property shall preserve the property and may not at any time, by any procedure, including a deduction for service, maintenance, or other charge, transfer or convert to the profits or assets of the holder or otherwise reduce the value of the property. For purposes of this section, value is determined as of the date of the last transaction or contact concerning the property, except that in the case of a money order, value is determined as of the date the property is presumed abandoned under Section 72.102(c). If a holder imposes service, maintenance, or other charges on a money order prior to the time of presumed abandonment, such charges may not exceed the amount of \$1 [~~50 cents~~] per month for each month the money order remains uncashed prior to the month in which the money order is presumed abandoned.

SECTION 5. Section 73.101, Property Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An account or safe deposit box is presumed abandoned if:

(1) except as provided by Subsection (c), the account or safe deposit box has been inactive for at least five years as determined under Subsection (b);

(2) the location of the depositor of the account or owner of the safe deposit box is unknown to the depository; and

(3) the amount of the account or the contents of the box have not been delivered to the comptroller in accordance with Chapter 74.

(c) If the account is a checking or savings account or is a matured certificate of deposit, the account is presumed abandoned if the account has been inactive for at least three years as determined under Subsection (b)(1).

SECTION 6. Section 74.101(a), Property Code, is amended to read as follows:

(a) Each holder who on March 1 [~~June 30~~] holds property that is presumed abandoned under Chapter 72, 73, or 75 of this code or under Chapter 154, Finance Code, shall file a report of that property on or before the following July [~~November~~] 1. The comptroller may require the report to be in a particular format, including a format that can be read by a computer.

SECTION 7. Section 74.1011(a), Property Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a holder who on March 1 [~~June 30~~] holds property valued at more than \$250 that is presumed abandoned under Chapter 72, 73, or 75 of this code or Chapter 154, Finance Code, shall, on or before the following May [~~August~~] 1, mail to the last known address of the known owner written notice stating that:

(1) the holder is holding the property; and

(2) the holder may be required to deliver the property to the comptroller on or before July [~~November~~] 1 if the property is not claimed.

SECTION 8. Sections 74.301(a) and (c), Property Code, are amended to read as follows:

(a) Except as provided by Subsection (c), each holder who on March 1 [~~June 30~~] holds property that is presumed abandoned under Chapter 72, 73, or 75 shall deliver the property to the comptroller on or before the following July [~~November~~] 1 accompanied by the report required to be filed under Section 74.101.

(c) If the property subject to delivery under Subsection (a) is the contents of a safe deposit box, the comptroller may instruct a holder to deliver the property on a specified date before July [~~November~~] 1 of the following year.

SECTION 9. Section 74.601(e), Property Code, is amended to read as follows:

(e) The comptroller on receipt or from time to time may [~~from time to time~~] sell securities, including stocks, bonds, and mutual funds, received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller and use the proceeds to buy, exchange, invest, or reinvest in marketable securities. When making or selling the investments, the comptroller shall exercise the judgment and care of a prudent person.

SECTION 10. Section 74.708, Property Code, is amended to read as follows:

Sec. 74.708. PROPERTY HELD IN TRUST. A holder who on March 1 [~~June 30~~] holds property presumed abandoned under Chapters 72-75 holds the property in trust for the benefit of the state on behalf of the missing owner and is liable to the state for the full value of the property, plus any accrued interest and

penalty. A holder is not required by this section to segregate or establish trust accounts for the property provided the property is timely delivered to the comptroller in accordance with Section 74.301.

SECTION 11. A charge imposed on a money order under Section 72.103, Property Code, by a holder before the effective date of this Act is governed by the law applicable to the charge immediately before the effective date of this Act, and the holder may retain the charge.

SECTION 12. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Sections 74.101(a), 74.1011(a), 74.301(a) and (c), and 74.708, Property Code, as amended by this Act, take effect January 1, 2013.

HB 2817 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative L. Taylor called up with senate amendments for consideration at this time,

HB 2817, A bill to be entitled An Act relating to certain election practices and procedures; providing penalties.

Representative L. Taylor 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 2817**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2817**: L. Taylor, chair; Branch, Burkett, Hernandez Luna, and P. King.

HB 3410 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3410, A bill to be entitled An Act relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions.

Representative Smithee moved to concur in the senate amendments to **HB 3410**.

The motion to concur in the senate amendments to **HB 3410** prevailed by (Record 1326): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; 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; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Burnam; Coleman; Veasey.

STATEMENT OF VOTE

When Record No. 1326 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

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

Amend **HB 3410** (committee printing) on page 2, line 5 by striking "September 1, 2011" and inserting "January 1, 2012".

HB 3788 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3788, A bill to be entitled An Act relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.

Representative Marquez moved to concur in the senate amendments to **HB 3788**.

The motion to concur in the senate amendments to **HB 3788** prevailed by (Record 1327): 130 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Cain; Callegari; Castro; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer;

King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; 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; Zerwas.

Nays — Anderson, C.; Button; Carter; Cook; Flynn; Garza; Gooden; Landtroop; Laubenberg; Lyne; Miller, S.; Paxton; Perry; Phillips; Zedler.

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

Absent, Excused — Menendez.

Absent — Coleman; Hughes.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1327. I intended to vote no.

Craddick

I was shown voting yes on Record No. 1327. I intended to vote no.

Frullo

I was shown voting yes on Record No. 1327. I intended to vote no.

Parker

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

Amend **HB 3788** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 158.0095(b), Local Government Code (page 1, line 26), and in SECTION 2 of the bill, in added Section 158.0355(b), Local Government Code (page 1, line 52), strike "pertinent" and substitute "relevant".

(2) In SECTION 1 of the bill, in added Section 158.0095(b), Local Government Code (page 1, line 27), strike "10th" and substitute "15th".

HB 1711 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative J. Davis called up with senate amendments for consideration at this time,

HB 1711, A bill to be entitled An Act relating to disaster remediation contracts.

Representative J. Davis 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 1711**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1711**: J. Davis, chair; R. Anderson, Geren, Hardcastle, and Miles.

**HB 1818 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Harper-Brown called up with senate amendments for consideration at this time,

HB 1818, A bill to be entitled An Act relating to the continuation and functions of the Texas State Affordable Housing Corporation and to the appointment of commissioners of a municipal housing authority; providing penalties.

Representative Harper-Brown moved to concur in the senate amendments to **HB 1818**.

The motion to concur in the senate amendments to **HB 1818** prevailed by (Record 1328): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; Workman; Zedler; Zerwas.

Nays — Lavender.

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

Absent, Excused — Menendez.

Absent — Coleman; Woolley.

Senate Committee Substitute

CSHB 1818, A bill to be entitled An Act relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

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

SECTION 1. Section 2306.5521, Government Code, is amended to read as follows:

Sec. 2306.5521. SUNSET PROVISION. The Texas State Affordable Housing Corporation is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the corporation is abolished and this subchapter expires September 1, 2023 [~~2011~~].

SECTION 2. Sections 2306.554(a) and (b), Government Code, are amended to read as follows:

(a) The board of directors of the corporation consists of five members appointed by the governor. One member must represent the interests of individuals and families served by the corporation's single-family mortgage loan programs, one member must represent nonprofit housing organizations, and the remaining three members must [~~who~~] represent one or more [~~any~~] of the following areas:

- (1) state or federal savings banks or savings and loan associations;
- (2) community banks with assets of \$200 million or less;
- (3) large metropolitan banks with assets of more than \$1 billion;
- (4) asset management companies;
- (5) mortgage servicing companies;
- (6) builders;
- (7) real estate developers;
- (8) real estate brokers;
- (9) community or economic development organizations;
- (10) private mortgage companies;
- (11) nonprofit housing development companies;
- (12) attorneys;
- (13) investment bankers;
- (14) underwriters;
- (15) private mortgage insurance companies;
- (16) appraisers;
- (17) property management companies;
- (18) financial advisors;
- (19) nonprofit foundations;
- (20) financial advisors; or
- (21) any other area of expertise that the governor finds necessary for the successful operation of the corporation.

(b) The governor shall designate a member of the corporation's board of directors as the presiding officer of the [~~corporation's~~] board of directors to serve in that capacity at the pleasure of the governor [~~from the members~~].

SECTION 3. Section 2306.5543(b), Government Code, is amended to read as follows:

(b) The training program must provide the person with information regarding:

- (1) the legislation that created the corporation [~~and the corporation's board of directors~~];

(2) the programs, functions, rules, and budget of ~~[operated by]~~ the corporation;

(3) ~~[the role and functions of the corporation;~~

~~[(4) the rules of the corporation with an emphasis on the rules that relate to disciplinary and investigatory authority;~~

~~[(5) the current budget for the corporation;~~

~~[(6) the results of the most recent formal audit of the corporation;~~

(4) [(7)] the requirements of laws relating to[

~~[(A) the] open meetings, [law, Chapter 551;~~

~~[(B) the] public information, [law, Chapter 552;~~

~~[(C) the] administrative procedure, and conflicts of interest [law, Chapter 2001; and~~

~~[(D) other laws relating to public officials, including conflict of interest laws]; and~~

(5) ~~[(8)]~~ any applicable ethics policies adopted by the corporation or the Texas Ethics Commission.

SECTION 4. Section 2306.5545(b), Government Code, is amended to read as follows:

(b) A person may not be a member of the corporation's board of directors and may not be a corporation employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of banking, mortgage lending, real estate, housing development, or housing construction; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of banking, mortgage lending, real estate, housing development, or housing construction.

SECTION 5. Subchapter Y, Chapter 2306, Government Code, is amended by adding Section 2306.5549 to read as follows:

Sec. 2306.5549. MEETINGS OF THE CORPORATION'S BOARD. (a) The corporation's board may hold meetings when called by the presiding officer, the president, or three of the members.

(b) The corporation's board shall keep minutes and complete transcripts of its meetings. The corporation shall post the transcripts on its Internet website and shall otherwise maintain all accounts, minutes, and other records related to the meetings.

(c) All materials provided to the corporation's board that are relevant to a matter proposed for discussion at a meeting of that board must be posted on the corporation's Internet website not later than the third day before the date of the meeting.

(d) Any materials made available to the corporation's board by the corporation at a meeting of that board must be made available in hard-copy format to the members of the public in attendance at the meeting.

(e) The corporation's board shall conduct its meetings in accordance with Chapter 551, except as otherwise required by this chapter.

(f) For each item on the agenda at a meeting of the corporation's board, the corporation's board shall provide for public comment after the presentation made by corporation staff and the motions made by the corporation's board on that topic.

(g) The corporation's board shall adopt rules that give the public a reasonable amount of time for testimony at meetings.

SECTION 6. Subchapter Y, Chapter 2306, Government Code, is amended by adding Section 2306.5553 to read as follows:

Sec. 2306.5553. HISTORICALLY UNDERUTILIZED BUSINESSES. (a) The corporation shall make a good faith effort to provide contracting opportunities for, and to increase contract awards to, historically underutilized businesses for all services that may be required by the corporation, including professional and consulting services and commodities purchases.

(b) In accordance with Subchapter B, Chapter 20, Title 34, Texas Administrative Code, a good faith effort under Subsection (a) must include awarding historically underutilized businesses at least a portion of the total contract value of all contracts the corporation expects to award in a state fiscal year.

(c) The corporation may achieve annual procurement goals under this section by contracting directly with historically underutilized businesses or by contracting indirectly with those businesses through the provision of subcontracting opportunities.

SECTION 7. Section 2306.559(d), Government Code, is amended to read as follows:

(d) The report must include:

(1) a statement of support, revenue, and expenses and change in fund balances;

(2) a statement of functional expenses; [~~and~~]

(3) balance sheets for all funds;

(4) the number, amount, and purpose of private gifts, grants, donations, or other funds applied for and received;

(5) the number, amount, and purpose of loans provided to affordable housing developers, regardless of whether the corporation provides those loans directly to the developers or administers the loans from another source;

(6) the amount and source of funds deposited into any fund created by the corporation for the purpose of providing grants and the number, amount, and purpose of any grants provided; and

(7) the total amount of annual revenue generated by the corporation in excess of its expenditures.

SECTION 8. Subchapter Y, Chapter 2306, Government Code, is amended by adding Section 2306.5671 to read as follows:

Sec. 2306.5671. COMPLIANCE WITH TERMS OF CERTAIN CONTRACTS OR AGREEMENTS. A compliance contract or agreement between the corporation and a housing sponsor that receives bond financing by or

through the corporation for the purpose of providing affordable multifamily housing must contain a provision stating that if the housing sponsor fails to comply with the terms of the contract or agreement, the corporation may, at a minimum and as appropriate:

- (1) assess penalties;
- (2) remove the manager of the affected property and select a new manager;
- (3) withdraw reserve funds to make needed repairs and replacements to the property; or
- (4) appoint the corporation as a receiver to protect and operate the property.

SECTION 9. Section 2306.568, Government Code, is amended to read as follows:

Sec. 2306.568. RECORD OF COMPLAINTS. (a) The corporation shall maintain a system to promptly and efficiently act on complaints ~~[file on each written complaint]~~ filed with the corporation. The corporation shall maintain information about parties to the complaint, ~~[file must include:~~

- ~~(1) the name of the person who filed the complaint;~~
- ~~(2) the date the complaint is received by the corporation;~~
- ~~(3) the subject matter of the complaint;[;~~
- ~~(4) the name of each person contacted in relation to the complaint;~~
- ~~(5) a summary of the results of the review or investigation of the complaint, and its disposition]; and~~
- ~~(6) an explanation of the reason the file was closed, if the corporation closed the file without taking action other than to investigate the complaint].~~

(b) The corporation shall make information available describing its ~~[provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the corporation's policies and]~~ procedures for ~~[relating to]~~ complaint investigation and resolution.

(c) The corporation ~~[, at least quarterly until final disposition of the complaint,~~ shall periodically notify the ~~[person filing the]~~ complaint parties ~~[and each person who is a subject of the complaint]~~ of the status of the complaint until final disposition ~~[investigation unless the notice would jeopardize an undercover investigation].~~

SECTION 10. Section 2306.5671, Government Code, as added by this Act, does not affect the terms of a compliance contract or agreement entered into before the effective date of this Act, except that if the contract or agreement is renewed, modified, or extended on or after the effective date of this Act, Section 2306.5671 applies to the contract or agreement beginning on the date of renewal, modification, or extension.

SECTION 11. The change in law made by this Act relating to the qualifications for membership on the board of directors of the Texas State Affordable Housing Corporation does not affect the eligibility of a member of the board serving immediately before the effective date of this Act to continue to serve on the board for the term to which the member was appointed. Not later

than February 1, 2015, the governor shall appoint members of the board as necessary to ensure that the composition of the board complies with Section 2306.554(a), Government Code, as amended by this Act.

SECTION 12. This Act takes effect September 1, 2011.

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

Amend **HB 1818** by adding the following appropriately numbered SECTION and renumbering remaining SECTIONS as appropriate:

SECTION _____. Section 392.0331, Local Government Code, is amended by amending Subsections (b) and (f) and adding Subsections (b-1) and (f-1) to read as follows:

(b) Except as provided by Subsection (b-1), in [~~H~~] appointing commissioners under Section 392.031, a municipality with a municipal housing authority composed of five commissioners shall appoint at least one commissioner to the authority who is a tenant of a public housing project over which the authority has jurisdiction. In appointing commissioners under Section 392.031, a municipality with a municipal housing authority composed of seven or more commissioners shall appoint at least two commissioners to the authority who are tenants of a public housing project over which the authority has jurisdiction.

(b-1) The presiding officer of the governing body of a municipality that has a municipal housing authority in which the total number of units is 150 or fewer is not required to appoint a tenant to the position of commissioner as otherwise required by Subsection (b) if the presiding officer has provided timely notice of a vacancy in the position to all eligible tenants and is unable to fill the position with an eligible tenant before the 60th day after the date the position becomes vacant.

(f) Except as provided by Subsection (f-1), a [~~A~~] commissioner appointed under this section may not serve more than two consecutive two-year terms.

(f-1) Subsection (f) does not apply to a municipality that has a municipal housing authority in which the total number of units is 150 or fewer.

**HB 3616 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3616, A bill to be entitled An Act relating to designating October as Disability History and Awareness Month.

Representative Naishtat moved to concur in the senate amendments to **HB 3616**.

The motion to concur in the senate amendments to **HB 3616** prevailed by (Record 1329): 143 Yeas, 1 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes;

Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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 — Lavender.

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

Absent, Excused — Menendez.

Absent — Christian; Coleman.

Senate Committee Substitute

CSHB 3616, A bill to be entitled An Act relating to designating October as Persons with Disabilities History and Awareness Month.

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

SECTION 1. Subchapter D, Chapter 662, Government Code, is amended by adding Section 662.109 to read as follows:

Sec. 662.109. PERSONS WITH DISABILITIES HISTORY AND AWARENESS MONTH. (a) October is Persons with Disabilities History and Awareness Month to:

(1) increase public awareness of the many achievements of people with disabilities;

(2) encourage public understanding of the disability rights movement;
and

(3) reaffirm the local, state, and federal commitment to providing equality and inclusion for people with disabilities.

(b) Persons with Disabilities History and Awareness Month shall be regularly observed by appropriate celebration and activities to promote respect for and better treatment of people with disabilities in this state.

(c) Each public school may:

(1) elect to observe Persons with Disabilities History and Awareness Month; and

(2) determine the appropriate activities by which the school observes Persons with Disabilities History and Awareness Month.

SECTION 2. This Act takes effect September 1, 2011.

**HB 2160 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2160, A bill to be entitled An Act relating to the governing bodies of certain local planning organizations.

Representative Coleman moved to concur in the senate amendments to **HB 2160**.

The motion to concur in the senate amendments to **HB 2160** prevailed by (Record 1330): 146 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; 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; 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; Bonnen(C); Cain.

Absent, Excused — Menendez.

Senate Committee Substitute

CSHB 2160, A bill to be entitled An Act relating to the governing bodies of certain local planning organizations.

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

SECTION 1. Section 391.006, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), participating ~~Participating~~ governmental units may by joint agreement determine the number and qualifications of members of the governing body of a commission.

(c) The governing body of a commission of a region that is consistent with the geographic boundaries of a state planning region shall offer an ex officio, nonvoting membership on the governing body to a member of the legislature who represents a district located wholly or partly in the region of the commission.

SECTION 2. 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.

HB 2971 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative T. Smith called up with senate amendments for consideration at this time,

HB 2971, A bill to be entitled An Act relating to the confidentiality of documents evaluating the performance of public school teachers and administrators.

Representative T. Smith moved to concur in the senate amendments to **HB 2971**.

The motion to concur in the senate amendments to **HB 2971** prevailed by (Record 1331): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Murphy; Pickett; Sheffield; Turner; Villarreal; Woolley.

STATEMENTS OF VOTE

When Record No. 1331 was taken, my vote failed to register. I would have voted yes.

Sheffield

When Record No. 1331 was taken, I was in the house but away from my desk. I would have voted yes.

Woolley

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

Amend **HB 2971** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 21.355, Education Code (page 1, line 13), between "CONFIDENTIALITY." and "A document", insert "(a)".

(2) In SECTION 1 of the bill, in amended Section 21.355, Education Code (page 1, lines 14 and 15), strike "including a teacher or administrator employed by and open-enrollment charter school.".

(3) In SECTION 1 of the bill, in amended Section 21.355, Education Code (page 1, between lines 16 and 17), add Subsections (b) and (c) to read as follows:

(b) Subsection (a) applies to a teacher or administrator employed by an open-enrollment charter school regardless of whether the teacher or administrator is certified under Subchapter B.

(c) At the request of a school district or open-enrollment charter school at which a teacher or administrator has applied for employment, an open-enrollment charter school may give the requesting district or school a document evaluating the performance of a teacher or administrator employed by the school.

**HB 1422 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1422, A bill to be entitled An Act relating to the issuance of titles for certain motor vehicles that are the subject of insurance claims.

Representative Truitt moved to concur in the senate amendments to **HB 1422**.

The motion to concur in the senate amendments to **HB 1422** prevailed by (Record 1332): 144 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; 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; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Villarreal.

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

Amend **HB 1422** (house engrossed version) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 501.093(a), Transportation Code, is amended to read as follows:

(a) If an insurance company pays a claim on a nonrepairable motor vehicle or salvage motor vehicle and the insurance company does not acquire ownership of the motor vehicle, the insurance company shall:

(1) submit to the department, before the 31st day after the date of the payment of the claim, on the form prescribed by the department, a report stating that the insurance company:

(A) [~~(A)~~] has paid a claim on the motor vehicle; and

(B) [~~(B)~~] has not acquired ownership of the motor vehicle; and

(2) provide notice to the owner of the motor vehicle of:

(A) the report required under Subdivision (1); and

(B) the requirements for operation or transfer of ownership of the motor vehicle under Subsection (b).

HB 1278 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1278, A bill to be entitled An Act relating to regulation by a property owners' association of certain religious displays.

Representative Coleman moved to concur in the senate amendments to **HB 1278**.

The motion to concur in the senate amendments to **HB 1278** prevailed by (Record 1333): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden;

Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Callegari; Howard, C.; Villarreal.

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

Amend **HB 1278**, in SECTION 1 of the bill, in added Section 202.018(a), Property Code (senate committee printing, page 1, lines 19 and 20), by striking "that are expected to be displayed by a tenet of the owner's or resident's religion" and substituting "the display of which is motivated by the owner's or resident's sincere religious belief".

HB 2135 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2135, A bill to be entitled An Act relating to the administration of end-of-course assessment instruments to public school students enrolled below the high school level.

Representative Hochberg moved to concur in the senate amendments to **HB 2135**.

The motion to concur in the senate amendments to **HB 2135** prevailed by (Record 1334): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; 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; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Elkins; Villarreal.

Senate Committee Substitute

CSHB 2135, A bill to be entitled An Act relating to the administration of end-of-course and other assessment instruments to certain public school students enrolled below the high school level.

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

SECTION 1. Section 28.021(c), Education Code, is amended to read as follows:

(c) In determining promotion under Subsection (a), a school district shall consider:

- (1) the recommendation of the student's teacher;
- (2) the student's grade in each subject or course;
- (3) the student's score on an assessment instrument administered under Section 39.023(a), (b), or (l), to the extent applicable; and
- (4) any other necessary academic information, as determined by the district.

SECTION 2. Section 28.0211, Education Code, is amended by adding Subsections (o) and (p) to read as follows:

(o) This section does not require the administration of a fifth or eighth grade assessment instrument in a subject under Section 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Section 39.023(a) that aligns with the curriculum for the course in which the student is enrolled; or

(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Section 39.023(c) for the course.

(p) Notwithstanding any other provision of this section, a student described by Subsection (o) may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student in accordance with that subsection.

SECTION 3. Section 39.023, Education Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all [AHH] students, other than [except] students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight;

(5) science, in grades five and eight; and

(6) any other subject and grade required by federal law.

(a-2) A student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:

(1) is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Subsection (a) that aligns with the curriculum for the course in which the student is enrolled; or

(2) is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.

SECTION 4. Section 39.025, Education Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Nothing in this section has the effect of prohibiting the administration of an end-of-course assessment instrument listed in Section 39.023(c) to a student enrolled below the high school level who is enrolled in the course for which the assessment instrument is adopted. The commissioner shall adopt rules necessary to ensure that the student's performance on the assessment instrument is considered in the same manner for purposes of this section as the performance of a student enrolled at the high school level.

SECTION 5. Section 39.053, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1), the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.

SECTION 6. Section 39.203, Education Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to the distinction designations otherwise described by this section, the commissioner may award a distinction designation to a campus with a significant number of students below grade nine who perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c).

SECTION 7. This Act applies beginning with the 2011-2012 school year.

SECTION 8. 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.

HB 1201 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1201, A bill to be entitled An Act relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.

Representative Kolkhorst moved to concur in the senate amendments to **HB 1201**.

The motion to concur in the senate amendments to **HB 1201** prevailed by (Record 1335): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; 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, 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; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Menendez.

Absent — Cain; Coleman; Eiland; Gonzales, L.; Villarreal.

STATEMENT OF VOTE

When Record No. 1335 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

Senate Committee Substitute

CSHB 1201, A bill to be entitled An Act relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.

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

SECTION 1. Section 11.11(j), Tax Code, is amended to read as follows:

(j) For purposes of this section, any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system, and that is licensed or leased to a private entity by that department under Chapter 91 or[;] 223, [~~or 227,~~] Transportation Code, is public property used for a public purpose if the rail facility or system, highway, or facility is operated by the private entity to provide transportation or utility services. Any part of a facility, rail facility or system, or state highway that is licensed or leased to a private entity for a commercial purpose is not exempt from taxation.

SECTION 2. Section 25.06(c), Tax Code, is amended to read as follows:

(c) This section does not apply to:

(1) any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system and that is licensed or leased to a private entity by that department under Chapter 91[~~, 227, or 361~~], Transportation Code; or

(2) a leasehold or other possessory interest granted by the Texas Department of Transportation in a facility owned by that department that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system.

SECTION 3. Section 25.07(c), Tax Code, is amended to read as follows:

(c) Subsection (a) does not apply to:

(1) any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system and that is licensed or leased to a private entity by that department under Chapter 91[~~, 227, or 361~~], Transportation Code; or

(2) a leasehold or other possessory interest granted by the Texas Department of Transportation in a facility owned by that department that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system.

SECTION 4. Sections 201.616(a) and (b), Transportation Code, are amended to read as follows:

(a) Not later than December 1 of each year, the department shall submit a report to the legislature that details:

(1) the expenditures made by the department in the preceding state fiscal year in connection with:

- (A) the unified transportation program of the department;
- (B) turnpike projects and toll roads of the department; and
- (C) [~~the Trans Texas Corridor;~~
- ~~(D)]~~ rail facilities described in Chapter 91; [~~and~~

~~[(E) non-highway facilities on the Trans-Texas Corridor if those expenditures are subject to Section 227.062(e);]~~

(2) the amount of bonds or other public securities issued for transportation projects; and

(3) the direction of money by the department to a regional mobility authority in this state.

(b) The report must break down information under Subsection (a)(1)(A) by program category and department district. The report must break down information under Subsections (a)(1)(B) and ~~[(C), (D), and (E)]~~ and Subsection (a)(3) by department district. The report must break down information under Subsection (a)(2) by department district and type of project.

SECTION 5. Section 202.112(a), Transportation Code, is amended to read as follows:

(a) The commission may purchase an option to acquire property for possible use in or in connection with a transportation facility~~[, including a facility as defined by Section 227.001,]~~ before a final decision has been made as to whether the transportation facility will be located on that property.

SECTION 6. Section 222.003(e), Transportation Code, is amended to read as follows:

(e) The proceeds of bonds and other public securities issued under this section may not be used for any purpose other than any costs related to the bonds and other public securities and the purposes for which revenues are dedicated under Section 7-a, Article VIII, Texas Constitution. ~~[The proceeds of bonds and other public securities issued under this section may not be used for the construction of a state highway or other facility on the Trans-Texas Corridor. For purposes of this section, the "Trans-Texas Corridor" means the statewide system of multimodal facilities under the jurisdiction of the department that is designated by the commission, notwithstanding the name given to that corridor.]~~

SECTION 7. Section 223.201(a), Transportation Code, is amended to read as follows:

(a) Subject to Section 223.202, the department may enter into a comprehensive development agreement with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a:

(1) toll project;

(2) ~~[facility or a combination of facilities on the Trans-Texas Corridor;]~~ ~~[(3)]~~ state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;

(3) ~~[(4)]~~ state highway improvement project in which the private entity has an interest in the project; or

(4) ~~[(5)]~~ state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986.

SECTION 8. Section 223.206(d), Transportation Code, is amended to read as follows:

(d) The department may not enter into a comprehensive development agreement with a private entity under this subchapter [~~or Section 227.023~~] that provides for the lease, license, or other use of rights-of-way or related property by the private entity for the purpose of constructing, operating, or maintaining an ancillary facility that is used for commercial purposes.

SECTION 9. Sections 223.208(b), (c), (e), and (f), Transportation Code, are amended to read as follows:

(b) A comprehensive development agreement entered into under this subchapter [~~or Section 227.023(e)~~] may include any provision that the department considers appropriate, including provisions:

(1) providing for the purchase by the department, under terms and conditions agreed to by the parties, of the interest of a private participant in the comprehensive development agreement and related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the comprehensive development agreement;

(2) establishing the purchase price for the interest of a private participant in the comprehensive development agreement and related property, which price may be determined in accordance with the methodology established by the parties in the comprehensive development agreement;

(3) providing for the payment of obligations incurred pursuant to the comprehensive development agreement, including any obligation to pay the purchase price for the interest of a private participant in the comprehensive development agreement, from any lawfully available source, including securing such obligations by a pledge of revenues of the commission or the department derived from the applicable project, which pledge shall have such priority as the department may establish;

(4) permitting the private participant to pledge its rights under the comprehensive development agreement;

(5) concerning the private participant's right to operate and collect revenue from the project; and

(6) restricting the right of the commission or the department to terminate the private participant's right to operate and collect revenue from the project unless and until any applicable termination payments have been made.

(c) The department may enter into a comprehensive development agreement under this subchapter [~~or under Section 227.023(e)~~] with a private participant only if the project is identified in the department's unified transportation program or is located on a transportation corridor identified in the statewide transportation plan.

(e) Notwithstanding anything in Section 201.112 or other law to the contrary, and subject to compliance with the dispute resolution procedures set out in the comprehensive development agreement, an obligation of the commission or the department under a comprehensive development agreement entered into under this subchapter [~~or Section 227.023(e)~~] to make or secure payments to a person because of the termination of the agreement, including the purchase of the interest of a private participant or other investor in a project, may be enforced by mandamus against the commission, the department, and the comptroller in a

district court of Travis County, and the sovereign immunity of the state is waived for that purpose. The district courts of Travis County shall have exclusive jurisdiction and venue over and to determine and adjudicate all issues necessary to adjudicate any action brought under this subsection. The remedy provided by this subsection is in addition to any legal and equitable remedies that may be available to a party to a comprehensive development agreement.

(f) A comprehensive development agreement entered into under this subchapter ~~or Section 227.023(e)~~ and any obligations incurred, issued, or owed under the agreement does not constitute a state security under Chapter 1231, Government Code.

SECTION 10. Section 224.1541, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The commission may authorize the operation of a vehicle that exceeds the weight limitations of Subchapter B, Chapter 621, or the size limitations of Subchapter C, Chapter 621, on a lane designated as an exclusive lane under this section if supported by an engineering and traffic study that includes an analysis of the structural capacity of bridges and pavements, current and projected traffic patterns and volume, and potential effects on public safety. This subsection does not authorize the operation of a vehicle that exceeds a maximum axle weight authorized by Chapter 621, 622, or 623. This subsection does not apply to a roadway that is a part of the national system of interstate and defense highways.

SECTION 11. Section 545.353, Transportation Code, is amended by adding Subsection (h-2) to read as follows:

(h-2) Notwithstanding Section 545.352(b), as amended by Chapters 663 (HB 385) and 739 (HB 1075), Acts of the 76th Legislature, Regular Session, 1999, the commission may establish a speed limit not to exceed 85 miles per hour on a part of the state highway system if:

(1) that part of the highway system is designed to accommodate travel at that established speed or a higher speed; and

(2) the commission determines, after an engineering and traffic investigation, that the established speed limit is reasonable and safe for that part of the highway system.

SECTION 12. Section 371.001(2), Transportation Code, is amended to read as follows:

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, operate, and maintain a toll project, including:

- (A) the department ~~including under Chapter 227~~;
- (B) a regional tollway authority under Chapter 366;
- (C) a regional mobility authority under Chapter 370; or
- (D) a county under Chapter 284.

SECTION 13. Section 372.001(2), Transportation Code, is amended to read as follows:

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- (A) the department under Chapter ~~227 or~~ 228;
- (B) a regional tollway authority under Chapter 366;

- (C) a regional mobility authority under Chapter 370; or
 (D) a county under Chapter 284.

SECTION 14. The following provisions of the Transportation Code are repealed:

- (1) Section 201.618(e);
- (2) Chapter 227;
- (3) Section 284.0032;
- (4) Section 366.305;
- (5) Section 370.316; and
- (6) Section 545.3531.

SECTION 15. 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.

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

Amend **CSHB 1201** (senate committee printing) as follows:

- (1) In SECTION 2 of the bill, in amended Section 25.06(c), Tax Code (page 1, line 33), between "91" and the bracket, insert "or 223".
- (2) In SECTION 3 of the bill, in amended Section 25.07(c), Tax Code (page 1, line 47), between "91" and the bracket, insert "or 223".

**HB 2603 - HOUSE CONCURS IN SENATE AMENDMENTS
 TEXT OF SENATE AMENDMENTS**

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

HB 2603, A bill to be entitled An Act relating to the distribution of universal service funds to certain small and rural local exchange companies.

Representative Smithee moved to concur in the senate amendments to **HB 2603**.

The motion to concur in the senate amendments to **HB 2603** prevailed by (Record 1336): 137 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; 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; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts;

Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Lavender; Legler.

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

Absent, Excused — Menendez.

Absent — Coleman; Giddings; Margo; Miller, S.; Perry; Sheets; Villarreal.

STATEMENTS OF VOTE

When Record No. 1336 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 1336 was taken, my vote failed to register. I would have voted yes.

S. Miller

When Record No. 1336 was taken, I was in the house but away from my desk. I would have voted yes.

Perry

Senate Committee Substitute

CSHB 2603, A bill to be entitled An Act relating to the distribution of universal service funds to certain small and rural local exchange companies.

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

SECTION 1. Section 56.031, Utilities Code, is amended to read as follows:

Sec. 56.031. ADJUSTMENTS: TEXAS HIGH COST UNIVERSAL SERVICE PLAN. The commission may revise the monthly per line support amounts to be made available from the Texas High Cost Universal Service Plan ~~[and from the Small and Rural Incumbent Local Exchange Company Universal Service Plan at any time after September 1, 2007,]~~ after notice and an opportunity for hearing. In determining appropriate monthly per line support amounts, the commission shall consider the adequacy of basic rates to support universal service.

SECTION 2. Subchapter B, Chapter 56, Utilities Code, is amended by adding Section 56.032 to read as follows:

Sec. 56.032. ADJUSTMENTS: SMALL AND RURAL INCUMBENT LOCAL EXCHANGE COMPANY UNIVERSAL SERVICE PLAN. (a) For purposes of this section, "consumer price index" means the Consumer Price Index for All Urban Consumers, as published by the federal Bureau of Labor Statistics of the United States Department of Labor.

(b) Except as provided by Subsections (c), (d), (e), and (f), the commission may revise the monthly support amounts to be made available from the Small and Rural Incumbent Local Exchange Company Universal Service Plan by revising

the monthly per line support amounts, after notice and an opportunity for hearing. In determining appropriate monthly per line support amounts, the commission shall consider the adequacy of basic rates to support universal service.

(c) On the written request of a small or rural incumbent local exchange company that receives monthly per line support amounts, the commission shall disburse funds to the company in fixed monthly amounts based on the company's annualized amount of recovery for the calendar year ending on December 31, 2010. A company may submit only one request under this subsection and must submit the request on or before December 31, 2011.

(d) On the written request of a small or rural incumbent local exchange company that is not an electing company under Chapter 58 or 59, the commission annually shall set the company's monthly support amounts for the following 12 months by dividing by 12 the annualized support amount calculated under this subsection. The commission shall calculate the annualized amount:

(1) for the initial 12-month period for which a company makes an election under this subsection, by:

(A) determining the annualized support amount calculated for the requestor in the final order issued by the commission in Docket No. 18516; and

(B) adjusting the support amount determined under Paragraph (A) at the beginning of each calendar year by a factor equal to the most recent consumer price index published at that time, beginning with the 1999 calendar year and ending in the year the company makes an election under this subsection; and

(2) for the 12-month period following the initial period for which a company made an election under this subsection and for subsequent 12-month periods, by adjusting the most recent annualized support amount calculated by the commission by a factor equal to the percentage change in the consumer price index for the most recent 12-month period.

(e) If a company elects to receive monthly support amounts under Subsection (d), the commission, on its own motion or on the written request of the company, may initiate a proceeding to recalculate the most recent annualized support amount to be used as the basis for adjustment for a subsequent 12-month period under Subsection (d)(2). If, based on the recalculation, the commission by order adjusts a company's most recent annualized support amount, the adjusted support amount supersedes the annualized support amount calculated in accordance with Subsection (d).

(f) The commission shall administratively review requests filed under Subsections (c) and (d). Except for good cause, the commission shall approve the request not later than the 60th day after the date the commission determines the company is eligible and has met all the procedural requirements under this subchapter.

(g) This section does not affect the commission's authority under Chapter 53 or this chapter.

(h) This section and any monthly support amount approved under this section expire on September 1, 2013.

SECTION 3. Effective September 1, 2013, Section 56.031, Utilities Code, is amended to read as follows:

Sec. 56.031. ADJUSTMENTS. The commission may revise the monthly per line support amounts to be made available from the Texas High Cost Universal Service Plan and from the Small and Rural Incumbent Local Exchange Company Universal Service Plan at any time after September 1, 2007, after notice and an opportunity for hearing. In determining appropriate monthly per line support amounts, the commission shall consider the adequacy of basic rates to support universal service.

SECTION 4. Except as otherwise provided by this Act, this Act takes effect September 1, 2011.

HB 397 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative V. Gonzales called up with senate amendments for consideration at this time,

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

Representative V. Gonzales moved to concur in the senate amendments to **HB 397**.

The motion to concur in the senate amendments to **HB 397** prevailed by (Record 1337): 104 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Branch; Burkett; Burnam; Cain; Callegari; Castro; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Simpson; Smith, T.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Zerwas.

Nays — Anderson, C.; Anderson, R.; Beck; Bohac; Brown; Button; Carter; Chisum; Christian; Cook; Craddick; Creighton; Davis, S.; Driver; Flynn; Frullo; Gooden; Hancock; Howard, C.; Huberty; Hughes; Landtroop; Laubenberg; Lewis; Madden; Miller, S.; Parker; Patrick; Paxton; Perry; Phillips; Riddle; Sheffield; Smith, W.; Solomons; Weber; Workman; Zedler.

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

Absent, Excused — Menendez.

Absent — Coleman; Elkins; Harper-Brown; Morrison; Shelton.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1337. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 1337. I intended to vote no.

P. King

I was shown voting yes on Record No. 1337. I intended to vote no.

Kolkhorst

When Record No. 1337 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

I was shown voting yes on Record No. 1337. I intended to vote no.

Price

Senate Committee Substitute

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

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

SECTION 1. Subtitle F, Title 4, Government Code, is amended by adding Chapter 490D to read as follows:

CHAPTER 490D. BUREAU FOR ECONOMIC DEVELOPMENT OF THE BORDER REGION

Sec. 490D.001. DEFINITIONS. In this chapter:

(1) "Border region" means the portion of this state located:

(A) not more than 100 kilometers from the state's international border; or

(B) in a county located on an international border.

(2) "Bureau" means the Bureau for Economic Development of the Border Region.

Sec. 490D.002. BUREAU; MEMBERS. (a) The Bureau for Economic Development of the Border Region is a collaboration of participating entities administered by an institution of higher education as provided by Subsection (b). The bureau shall work in collaboration with public and private entities solely in an advisory capacity on relevant research focused on the border region to effectively maximize the economic potential of the region.

(b) Except as provided by Subsection (h), the administration of the bureau shall alternate on September 1 of each odd-numbered year among the following institutions of higher education in the following order:

(1) a private university that is located in a municipality that contains more than 75 percent of the population of a county with a population of 1.5 million or more and that has an economic development research institute dedicated to researching regional economies, selected by the speaker of the house of representatives;

(2) The University of Texas at Brownsville;

- (3) The University of Texas–Pan American;
- (4) The University of Texas at El Paso;
- (5) The University of Texas at San Antonio; and
- (6) Texas A&M International University.

(c) The bureau has a steering committee that consists of the following members:

- (1) one member appointed by the lieutenant governor;
- (2) one member affiliated with a private university described by Subsection (b)(1), appointed by the speaker of the house of representatives;
- (3) one member appointed by the administration of each of the following institutions of higher education:

- (A) The University of Texas at Brownsville;
- (B) The University of Texas–Pan American;
- (C) The University of Texas at El Paso;
- (D) The University of Texas at San Antonio; and
- (E) Texas A&M International University;

(4) the chair of the House Committee on Border and Intergovernmental Affairs, designated by the speaker of the house of representatives; and

(5) the chair of the Senate Committee on International Relations and Trade, designated by the lieutenant governor.

(d) The members of the bureau's steering committee appointed under Subsections (c)(2) and (3) must represent a center, division, or institute for economic development, border studies, enterprise development, workforce development, or similar matters within the institution of higher education.

(e) The member of the bureau's steering committee appointed under Subsection (c)(1) must be a resident of the border region. The other appointed or designated members of the steering committee may be residents of the border region.

(f) Members of the bureau's steering committee must be selected to provide the bureau expertise in matters relating to financial planning and development, construction, engineering, economic development, employment, or trade.

(g) The institution of higher education that administers the bureau shall provide educational expertise to the bureau.

(h) An institution of higher education may decline to administer the bureau for a biennium if the institution notifies each of the members of the bureau's steering committee not later than the 30th day before the date the institution is scheduled to begin administering the bureau. If an institution declines to administer the bureau:

(1) the next institution of higher education scheduled to administer the bureau shall administer the bureau during the biennium;

(2) the member affiliated with the institution of higher education that has declined to administer the bureau must continue to participate in the steering committee but does not serve as the presiding officer for the biennium; and

(3) the institutions of higher education listed in Subsection (b) shall continue to alternate the administration of the bureau in the order required by that subsection for subsequent bienniums.

Sec. 490D.003. TERMS. (a) The members of the bureau's steering committee appointed under Sections 490D.002(c)(1), (2), and (3) serve staggered terms of two years, with four of the members' terms expiring September 1 of each odd-numbered year.

(b) A member may serve more than one term.

Sec. 490D.004. MEETINGS; OFFICERS. (a) The bureau's steering committee shall hold at least one regular meeting annually.

(b) The member of the steering committee affiliated with the institution of higher education that is administering the bureau as provided by Section 490D.002(b) serves as the presiding officer.

(c) The steering committee shall meet subject to the call of the presiding officer.

Sec. 490D.005. DUTIES. (a) Subject to Subsection (b), the bureau shall:

(1) facilitate research in fields of study affecting the economy in the border region;

(2) make recommendations to the legislature regarding the provision of economic and financial education to persons living in the border region;

(3) draft and submit reports to advise the legislature about economic development opportunities in the border region;

(4) provide evaluation of specific proposals for use of economic development funds in the border region, including tax abatement agreements;

(5) consult with the Texas Economic Development and Tourism Office within the office of the governor on issues related to the border region;

(6) study and report on opportunities to improve trade across the international border; and

(7) make recommendations to the legislature about the establishment of infrastructure projects to assist multiple counties in the border region.

(b) Before a recommendation or evaluation is made under Subsection (a), two-thirds of the members of the steering committee present at a meeting at which a quorum is present must approve the recommendation or evaluation.

Sec. 490D.006. FUNDING. (a) The bureau or any member of the bureau's steering committee may solicit and accept pledges, gifts, and endowments from private sources on the bureau's behalf. The bureau shall actively seek gifts from businesses and organizations that represent businesses to support the bureau's functions. A pledge, gift, or endowment solicited under this section must be consistent with the purposes of the bureau.

(b) The legislature may not make an appropriation for the duties or functions of the bureau.

Sec. 490D.007. FACILITIES AND OTHER ASSISTANCE. The institution of higher education that administers the bureau may provide facilities and services to further the purposes of the bureau.

Sec. 490D.008. DURATION. Section 2110.008 does not apply to the bureau.

SECTION 2. In appointing the initial appointed members of the steering committee of the Bureau for Economic Development of the Border Region under Section 490D.002, Government Code, as added by this Act:

(1) the lieutenant governor shall appoint one member to serve a term expiring September 1, 2013;

(2) the speaker of the house of representatives shall appoint the member under Section 490D.002(c)(2), as added by this Act, to serve a term expiring September 1, 2013;

(3) the administration of The University of Texas at Brownsville shall appoint one member to serve a term expiring September 1, 2013;

(4) the administration of The University of Texas–Pan American shall appoint one member to serve a term expiring September 1, 2013;

(5) the administration of The University of Texas at El Paso shall appoint one member to serve a term expiring September 1, 2014;

(6) the administration of The University of Texas at San Antonio shall appoint one member to serve a term expiring September 1, 2014; and

(7) the administration of Texas A&M International University shall appoint one member to serve a term expiring September 1, 2014.

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

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

Amend **CSHB 397** (senate committee printing) on third reading in SECTION 2 of the bill (page 3, lines 35, 38, and 41), by striking "2014" each place it appears and substituting "2012".

SB 201 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Callegari submitted the conference committee report on **SB 201**.

Representative Callegari moved to adopt the conference committee report on **SB 201**.

The motion to adopt the conference committee report on **SB 201** prevailed by (Record 1338): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Coleman; Davis, Y.; King, P.; Villarreal.

STATEMENT OF VOTE

When Record No. 1338 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

HJR 109 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HJR 109, A joint resolution proposing a constitutional amendment to clarify references to the permanent school fund and to allow the General Land Office or other entity to distribute revenue derived from permanent school fund land or other properties to the available school fund.

Representative Orr moved to concur in the senate amendments to **HJR 109**.

The motion to concur in the senate amendments to **HJR 109** prevailed by (Record 1339): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Cain; Callegari; Carter; Castro; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; 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; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Bonnen(C).

Absent, Excused — Menendez.

Absent — Button; Chisum; Coleman; Otto.

Senate Committee Substitute

CSHJR 109, A Joint Resolution proposing a constitutional amendment to clarify references to the permanent school fund, to allow the General Land Office to distribute revenue derived from permanent school fund land or other properties to the available school fund, and to provide for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

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

SECTION 1. Section 49-b(h), Article III, Texas Constitution, is amended to read as follows:

(h) Lands purchased and comprising a part of the Veterans' Land Fund are declared to be held for a governmental purpose, but the individual purchasers of those lands shall be subject to taxation to the same extent and in the same manner as are purchasers of lands dedicated to the Permanent [~~Free Public~~] School Fund. The lands shall be sold to veterans in quantities, on terms, at prices, and at fixed, variable, floating, or other rates of interest, determined by the Board and in accordance with rules of the Board. Notwithstanding any provisions of this section to the contrary, lands in the Veterans' Land Fund that are offered for sale to veterans and that are not sold may be sold or resold to the purchasers in quantities, on terms, at prices, and at rates of interest determined by the Board and in accordance with rules of the Board.

SECTION 2. Sections 2 and 4, Article VII, Texas Constitution, are amended to read as follows:

Sec. 2. All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a permanent [~~perpetual public~~] school fund.

Sec. 4. The lands herein set apart to the Permanent [~~Public Free~~] School fund, shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The proceeds of such sales must be used to acquire other land for the Permanent [~~Public Free~~] School fund as provided by law or the proceeds shall be invested by the comptroller of public accounts, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

SECTION 3. Section 5, Article VII, Texas Constitution, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) The permanent school fund consists of all land appropriated for public schools by this constitution or the other laws of this state, other properties belonging to the permanent school fund, and all revenue derived from the land or other properties. The available school fund consists of the distributions made to it from the total return on all investment assets of the permanent school fund, the taxes authorized by this constitution or general law to be part of the available school fund, and appropriations made to the available school fund by the legislature. The total amount distributed from the permanent school fund to the available school fund:

(1) in each year of a state fiscal biennium must be an amount that is not more than six percent of the average of the market value of the permanent school fund, excluding real property belonging to the fund that is managed, sold, or acquired under Section 4 of this article, but including discretionary real assets investments and cash in the state treasury derived from property belonging to the fund, on the last day of each of the 16 state fiscal quarters preceding the regular session of the legislature that begins before that state fiscal biennium, in accordance with the rate adopted by:

(A) a vote of two-thirds of the total membership of the State Board of Education, taken before the regular session of the legislature convenes; or

(B) the legislature by general law or appropriation, if the State Board of Education does not adopt a rate as provided by Paragraph (A) of this subdivision; and

(2) over the 10-year period consisting of the current state fiscal year and the nine preceding state fiscal years may not exceed the total return on all investment assets of the permanent school fund over the same 10-year period.

(g) Notwithstanding any other provision of this constitution or of a statute, the General Land Office or an entity other than the State Board of Education that has responsibility for the management of permanent school fund land or other properties may in its sole discretion distribute to the available school fund each year revenue derived during that year from the land or properties, not to exceed \$300 million each year.

SECTION 4. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by HJR 109, 82nd Legislature, Regular Session, 2011, providing for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

(b) The change to Section 5(a), Article VII, of this constitution made by the amendment applies to a distribution from the permanent school fund to the available school fund made on or after September 1, 2011.

(c) This temporary provision expires December 1, 2015.

SECTION 5. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment clarifying references to the permanent school fund, allowing the

General Land Office to distribute revenue from permanent school fund land or other properties to the available school fund to provide additional funding for public education, and providing for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund."

HB 1168 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1168, A bill to be entitled An Act relating to smoke alarms and fire extinguishers in residential rental units.

Representative D. Miller moved to concur in the senate amendments to **HB 1168**.

The motion to concur in the senate amendments to **HB 1168** prevailed by (Record 1340): 144 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; 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 — Howard, C.; Landtroop; Perry.

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

Absent, Excused — Menendez.

Senate Committee Substitute

CSHB 1168, A bill to be entitled An Act relating to smoke alarms and fire extinguishers in residential rental units.

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

SECTION 1. Sections 92.006(a) and (b), Property Code, are amended to read as follows:

(a) A landlord's duty or a tenant's remedy concerning security deposits, security devices, the landlord's disclosure of ownership and management, or utility cutoffs, as provided by Subchapter C, D, E, or G, respectively, may not be waived. A landlord's duty to install a smoke alarm [~~detector~~] under Subchapter F may not be waived, nor may a tenant waive a remedy for the landlord's noninstallation or waive the tenant's limited right of installation and removal. The landlord's duty of inspection and repair of smoke alarms [~~detectors~~] under Subchapter F may be waived only by written agreement.

(b) A landlord's duties and the tenant's remedies concerning security devices, the landlord's disclosure of ownership and management, or smoke alarms [~~detectors~~], as provided by Subchapter D, E, or F, respectively, may be enlarged only by specific written agreement.

SECTION 2. The heading to Subchapter F, Chapter 92, Property Code, is amended to read as follows:

SUBCHAPTER F. SMOKE ALARMS AND FIRE EXTINGUISHERS
[DETECTORS]

SECTION 3. Sections 92.251, 92.252, 92.253, 92.254, 92.255, 92.257, 92.2571, 92.258, and 92.259, Property Code, are amended to read as follows:

Sec. 92.251. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Bedroom" means a room designed with the intent that it be used for sleeping purposes.

(2) "Dwelling [,-"dwelling"] unit" means a home, mobile home, duplex unit, apartment unit, condominium unit, or any dwelling unit in a multiunit residential structure. It also means a "dwelling" as defined by Section 92.001.

(3) "Smoke alarm" means a device designed to detect and to alert occupants of a dwelling unit to the visible and invisible products of combustion by means of an audible alarm.

Sec. 92.252. APPLICATION OF OTHER LAW; MUNICIPAL REGULATION. (a) The duties of a landlord and the remedies of a tenant under this subchapter are in lieu of common law, other statutory law, and local ordinances regarding a residential landlord's duty to install, inspect, or repair a fire extinguisher or smoke alarm [~~detector~~] in a dwelling unit. However, this subchapter does not:

(1) affect a local ordinance adopted before September 1, 1981, that requires landlords to install smoke alarms [~~detectors~~] in new or remodeled dwelling units before September 1, 1981, if the ordinance conforms with or is amended to conform with this subchapter;

(2) limit or prevent adoption or enforcement of a local ordinance relating to fire safety as a part of a building, fire, or housing code, including any requirements relating to the installation of smoke alarms [~~detectors~~] or the type of smoke alarms [~~detectors~~];

(3) otherwise limit or prevent the adoption of a local ordinance that conforms to this subchapter but which contains additional enforcement provisions, except as provided by Subsection (b); or

(4) affect a local ordinance that requires regular inspections by local officials of smoke alarms ~~[detectors]~~ in dwelling units and that requires smoke alarms ~~[detectors]~~ to be operational at the time of inspection.

(b) If a smoke alarm ~~[detector]~~ powered by battery has been installed in a dwelling unit built before September 1, 1987, in compliance with this subchapter and local ordinances, a local ordinance may not require that a smoke alarm ~~[detector]~~ powered by alternating current be installed in the unit unless:

(1) the interior of the unit is repaired, remodeled, or rebuilt at a projected cost of more than \$5,000 ~~[\$2,500]~~ and:

(A) the repair, remodeling, or rebuilding requires a municipal building permit; and

(B) either:

(i) the repair, remodeling, or rebuilding results in the removal of interior walls or ceiling finishes exposing the structure; or

(ii) the interior of the unit provides access for building wiring through an attic, crawl space, or basement without the removal of interior walls or ceiling finishes;

(2) an addition occurs to the unit at a projected cost of more than \$5,000 ~~[\$2,500]~~;

(3) a smoke alarm ~~[detector]~~ powered by alternating current was actually installed in the unit at any time prior to September 1, 1987; or

(4) a smoke alarm ~~[detector]~~ powered by alternating current was required by lawful city ordinance at the time of initial construction of the unit.

Sec. 92.253. EXEMPTIONS. (a) This subchapter does not apply to:

(1) a dwelling unit that is occupied by its owner, no part of which is leased to a tenant;

(2) a dwelling unit in a building five or more stories in height in which smoke alarms ~~[detectors]~~ are required or regulated by local ordinance; or

(3) a nursing or convalescent home licensed by the ~~[Texas]~~ Department of State Health Services and certified to meet the Life Safety Code under federal law and regulations.

(b) Notwithstanding this subchapter, a person licensed ~~[by the State Board of Insurance]~~ to install fire alarms or fire detection devices under Chapter 6002 ~~[Article 5.43-2]~~, Insurance Code, shall comply with that chapter ~~[article]~~ when installing smoke alarms ~~[detectors]~~.

Sec. 92.254. SMOKE ALARM ~~[DETECTOR]~~. (a) A smoke alarm ~~[detector]~~ must be:

(1) designed to detect both the visible and invisible products of combustion;

(2) designed with an alarm audible to a person in the bedrooms it serves; and

(3) ~~[powered by battery, alternating current, or other power source as required by local ordinance;~~

~~[(4)]~~ tested and listed for use as a smoke alarm ~~[detector]~~ by Underwriters Laboratories, Inc., Factory Mutual Research Corporation, or United States Testing Company, Inc. ~~;~~ ~~and~~

~~[(5) in good working order.]~~

(a-1) If requested by a tenant as an accommodation for a person with a hearing-impairment disability or as required by law as a reasonable accommodation for a person with a hearing-impairment disability, a smoke alarm ~~[detector]~~ must, in addition to complying with Subsection (a), be capable of alerting a hearing-impaired person in the bedrooms it serves.

(b) Except as provided by Section 92.255(b), a smoke alarm may be powered by battery, alternating current, or other power source as required by local ordinance. The power system and installation procedure of a security device that is electrically operated rather than battery operated must comply with applicable local ordinances.

Sec. 92.255. INSTALLATION AND LOCATION ~~[IN NEW CONSTRUCTION]~~. (a) ~~A [Before the first tenant takes possession of a dwelling unit, the]~~ landlord shall install at least one smoke alarm in ~~[detector outside, but in the vicinity of,]~~ each separate bedroom in a ~~[the]~~ dwelling unit. In addition~~;~~ except:

(1) if the dwelling unit is designed to use a single room for dining, living, and sleeping, the smoke alarm ~~[detector]~~ must be located inside the room;

(2) if multiple ~~[the]~~ bedrooms are served by the same corridor, at least one smoke alarm ~~[detector]~~ must be installed in the corridor in the immediate vicinity of the bedrooms; and

(3) if the dwelling unit has multiple levels, at least one smoke alarm must be ~~[bedroom is]~~ located on each ~~[a]~~ level ~~[above the living and cooking area, the smoke detector for the bedrooms must be placed in the center of the ceiling directly above the top of the stairway].~~

(b) If a dwelling unit was occupied as a residence before September 1, 2011, or a certificate of occupancy was issued for the dwelling unit before that date, a smoke alarm installed in accordance with Subsection (a) may be powered by battery and is not required to be interconnected with other smoke alarms, except that a smoke alarm that is installed to replace a smoke alarm that was in place on the date the dwelling unit was first occupied as a residence must comply with residential building code standards that applied to the dwelling unit on that date or Section 92.252(b). [In this section, "bedroom" means a room designed with the intent that it be used for sleeping purposes.]

Sec. 92.257. INSTALLATION PROCEDURE. (a) Subject to Subsections (b) and (c), a smoke alarm ~~[detector]~~ must be installed according to the manufacturer's recommended procedures.

(b) A smoke alarm ~~[detector]~~ must be installed on a ceiling or wall. If on a ceiling, it must be no closer than six inches to a wall or otherwise located in accordance with the manufacturer's installation instructions. If on a wall, it must be no closer than six inches and no farther than 12 inches from the ceiling or otherwise located in accordance with the manufacturer's installation instructions.

(c) A smoke alarm ~~[detector]~~ may be located other than as required by Subsection (a) or (b) if a local ordinance or a local or state fire marshal approves.

Sec. 92.2571. ALTERNATIVE COMPLIANCE. A landlord complies with the requirements of this subchapter relating to the provision of smoke alarms [~~detectors~~] in the dwelling unit if the landlord:

(1) has a fire detection device, as defined by Section 6002.002 [~~Article 5-43-2~~], Insurance Code, that includes a fire alarm [~~smoke detection~~] device, as defined by Section 6002.002, Insurance Code, installed in a dwelling unit; or

(2) for a dwelling unit that is a one-family or two-family dwelling unit, installs smoke detectors in compliance with Chapter 766, Health and Safety Code.

Sec. 92.258. INSPECTION AND REPAIR. (a) The landlord shall inspect and repair a smoke alarm [~~detector~~] according to this section.

(b) The landlord shall determine that the smoke alarm [~~detector~~] is in good working order at the beginning of the tenant's possession by testing the smoke alarm [~~detector~~] with smoke, by operating the testing button on the smoke alarm [~~detector~~], or by following other recommended test procedures of the manufacturer for the particular model.

(c) During the term of a lease or during a renewal or extension, the landlord has a duty to inspect and repair a smoke alarm [~~detector~~], but only if the tenant gives the landlord notice of a malfunction or requests to the landlord that the smoke alarm [~~detector~~] be inspected or repaired. This duty does not exist with respect to damage or a malfunction caused by the tenant, the tenant's family, or the tenant's guests or invitees during the term of the lease or a renewal or extension, except that the landlord has a duty to repair or replace the smoke alarm [~~detector~~] if the tenant pays in advance the reasonable repair or replacement cost, including labor, materials, taxes, and overhead.

(d) The landlord must comply with the tenant's request for inspection or repair of a smoke alarm within a reasonable time, considering the availability of material, labor, and utilities.

(e) The landlord has met the duty to inspect and repair if the smoke alarm [~~detector~~] is in good working order after the landlord tests the smoke alarm [~~detector~~] with smoke, operates the testing button on the smoke alarm [~~detector~~], or follows other recommended test procedures of the manufacturer for the particular model.

(f) The landlord is not obligated to provide batteries for a battery-operated smoke alarm [~~detector~~] after a tenant takes possession if the smoke alarm [~~detector~~] was in good working order at the time the tenant took possession.

(g) A smoke alarm [~~detector~~] that is in good working order at the beginning of a tenant's possession is presumed to be in good working order until the tenant requests repair of the smoke alarm [~~detector~~] as provided by this subchapter.

Sec. 92.259. LANDLORD'S FAILURE TO INSTALL, INSPECT, OR REPAIR. (a) A landlord is liable according to this subchapter if:

(1) the landlord did not install a smoke alarm [~~detector~~] at the time of initial occupancy by the tenant as required by this subchapter or a municipal ordinance permitted by this subchapter; or

(2) the landlord does not install, inspect, or repair the smoke alarm [~~detector~~] on or before the seventh day after the date the tenant gives the landlord written notice that the tenant may exercise his remedies under this subchapter if the landlord does not comply with the request within seven days.

(b) If the tenant gives notice under Subsection (a)(2) and the tenant's lease is in writing, the lease may require the tenant to make the initial request for installation, inspection, or repair of a smoke alarm in writing.

SECTION 4. The heading to Section 92.2611, Property Code, is amended to read as follows:

Sec. 92.2611. TENANT'S DISABLING OF A SMOKE ALARM [~~DETECTOR~~].

SECTION 5. Section 92.2611, Property Code, is amended by amending Subsections (a), (b), (c), (d), and (f) and adding Subsection (d-1) to read as follows:

(a) A tenant is liable according to this subchapter if the tenant removes a battery from a smoke alarm [~~detector~~] without immediately replacing it with a working battery or knowingly disconnects or intentionally damages a smoke alarm [~~detector~~], causing it to malfunction.

(b) Except as provided in Subsection (c), a landlord of a tenant who is liable under Subsection (a) may obtain a judgment against the tenant for damages suffered by the landlord because the tenant removed a battery from a smoke alarm [~~detector~~] without immediately replacing it with a working battery or knowingly disconnected or intentionally damaged the smoke alarm [~~detector~~], causing it to malfunction.

(c) A tenant is not liable for damages suffered by the landlord if the damage is caused by the landlord's failure to repair the smoke alarm [~~detector~~] within a reasonable time after the tenant requests it to be repaired, considering the availability of material, labor, and utilities.

(d) A landlord of a tenant who is liable under Subsection (a) may obtain or exercise one or more of the remedies in Subsection (e) if:

(1) a lease between the landlord and tenant contains a notice, in underlined or boldfaced print, which states in substance that the tenant must not disconnect or intentionally damage a smoke alarm [~~detector~~] or remove the battery without immediately replacing it with a working battery and that the tenant may be subject to damages, civil penalties, and attorney's fees under Section 92.2611 of the Property Code for not complying with the notice; and

(2) the landlord has given notice to the tenant that the landlord intends to exercise the landlord's remedies under this subchapter if the tenant does not reconnect, repair, or replace the smoke alarm [~~detector~~] or replace the removed battery within seven days after being notified by the landlord to do so.

(d-1) The notice in Subsection (d)(2) [~~Subdivision (2)~~] must be in a separate document furnished to the tenant after the landlord has discovered that the tenant has disconnected or damaged the smoke alarm [~~detector~~] or removed a battery from it.

(f) A tenant's guest or invitee who suffers damage because of a landlord's failure to install, inspect, or repair a smoke alarm ~~[detector]~~ as required by this subchapter may recover a judgment against the landlord for the damage. A tenant's guest or invitee who suffers damage because the tenant removed a battery without immediately replacing it with a working battery or because the tenant knowingly disconnected or intentionally damaged the smoke alarm ~~[detector]~~, causing it to malfunction, may recover a judgment against the tenant for the damage.

SECTION 6. Subchapter F, Chapter 92, Property Code, is amended by adding Sections 92.263 and 92.264 to read as follows:

Sec. 92.263. INSPECTION OF RESIDENTIAL FIRE EXTINGUISHER.

(a) If a landlord has installed a 1A10BC residential fire extinguisher as defined by the National Fire Protection Association or other non-rechargeable fire extinguisher in accordance with a local ordinance or other law, the landlord or the landlord's agent shall inspect the fire extinguisher:

(1) at the beginning of a tenant's possession; and

(2) within a reasonable time after receiving a written request by a tenant.

(b) At a minimum, an inspection under this section must include:

(1) checking to ensure the fire extinguisher is present; and

(2) checking to ensure the fire extinguisher gauge or pressure indicator indicates the correct pressure as recommended by the manufacturer of the fire extinguisher.

(c) A fire extinguisher that satisfies the inspection requirements of Subsection (b) at the beginning of a tenant's possession is presumed to be in good working order until the tenant requests an inspection in writing.

Sec. 92.264. DUTY TO REPAIR OR REPLACE. (a) The landlord shall repair or replace a fire extinguisher at the landlord's expense if:

(1) on inspection, the fire extinguisher is found:

(A) not to be functioning; or

(B) not to have the correct pressure indicated on the gauge or pressure indicator as recommended by the manufacturer of the fire extinguisher;
or

(2) a tenant has notified the landlord that the tenant has used the fire extinguisher for a legitimate purpose.

(b) If the tenant or the tenant's invited guest removes, misuses, damages, or otherwise disables a fire extinguisher:

(1) the landlord is not required to repair or replace the fire extinguisher at the landlord's expense; and

(2) the landlord is required to repair or replace the fire extinguisher within a reasonable time if the tenant pays in advance the reasonable repair or replacement cost, including labor, materials, taxes, and overhead.

SECTION 7. Section 92.256, Property Code, is repealed.

SECTION 8. With respect to a dwelling unit first occupied or for which a certificate of occupancy was issued before September 1, 2011, a landlord shall comply with the change in law made by Section 92.255, Property Code, as amended by this Act, on or before January 1, 2013.

SECTION 9. This Act takes effect September 1, 2011.

POSTPONED BUSINESS

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

SB 499 ON SECOND READING

(Guillen - House Sponsor)

SB 499, A bill to be entitled An Act relating to the identification of breeder deer by microchips.

SB 499 was read second time on May 20, postponed until 8 a.m. today, and was again postponed until this time.

Representative Guillen moved to postpone consideration of **SB 499** until 8 a.m. tomorrow.

The motion prevailed.

SB 1543 ON SECOND READING

(Larson - House Sponsor)

SB 1543, A bill to be entitled An Act relating to the authority of an independent school district to invest in corporate bonds.

SB 1543 was read second time on May 20, an amendment was offered and disposed of, and **SB 1543** was postponed until 8 a.m. today. **SB 1543** was laid out as postponed business earlier today and was again postponed until this time.

Amendment No. 2

Representative Larson offered the following amendment to **SB 1543**:

Amend **SB 1543** (house committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 2256.0204(a), Government Code (page 1, line 9), strike "senior secured".

(2) In added Section 2256.0204(a)(1), Government Code (page 1, line 15), after the semicolon, add "or".

(3) In added Section 2256.0204(a), Government Code, strike Subdivisions (2) and (3) (page 1, lines 16-20).

(4) In added Section 2256.0204(a), Government Code (page 1, line 21), strike "(4)" and substitute "(2)".

(5) In added Section 2256.0204, Government Code, strike Subsection (c) (page 2, lines 1-11) and substitute the following:

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of

purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(6) In added Section 2256.0204(d)(1), Government Code (page 2, line 17), after the semicolon, add "or".

(7) In added Section 2256.0204(d)(2), Government Code (page 2, line 20), strike "; or" and substitute ".".

(8) In added Section 2256.0204(d), Government Code, strike Subdivision (3) (page 2, lines 21-22).

(9) In added Section 2256.0204(e)(1), Government Code (page 2, line 27), after the semicolon, add "and".

(10) In added Section 2256.0204(e)(2), Government Code (page 3, line 5), strike "; and" and substitute ".".

(11) In added Section 2256.0204(e), Government Code, strike Subdivision (3) (page 3, lines 6-8).

(12) In added Section 2256.0204(f)(1), Government Code (page 3, line 17), strike "AA" and substitute "AA-".

(13) In added Section 2256.0204, Government Code, strike Subsection (g) (page 3, lines 20-21).

Amendment No. 2 was adopted.

Amendment No. 3

Representative Coleman offered the following amendment to **SB 1543**:

Amend **SB 1543** (house committee printing) as follows:

On page 2, line 14, between "than" and "percent" strike "20" and insert "15".

Amendment No. 3 was adopted.

SB 1543, as amended, was passed to third reading. (Berman and Flynn recorded voting no.)

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

SB 773 ON SECOND READING (Gallego and Muñoz - House Sponsors)

SB 773, A bill to be entitled An Act relating to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.

Amendment No. 1

Representative Brown offered the following amendment to **SB 773**:

Amend **SB 773** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.064 to read as follows:

Sec. 2054.064. ADVERTISING ON STATE ELECTRONIC INTERNET PORTALS. (a) In this section:

(1) "Department" means the Department of Information Resources or a successor agency.

(2) "State agency" means any department, board, commission, or other agency in the executive branch of state government, including the office of the governor. The term does not include an institution of higher education, as defined by Section 61.003, Education Code.

(b) In accordance with rules adopted by the department and to the extent allowed under federal law:

(1) a state agency shall contract with a private entity to lease advertising space on the agency's official electronic Internet portal; and

(2) the department shall contract with a private entity by awarding a 10-year license to the entity to lease advertising space on the official electronic Internet portal for the State of Texas.

(c) The department shall develop a standard contract for the lease of advertising space on an electronic Internet portal under this section. The standard contract developed by the department must include terms that:

(1) provide for the payment of a fee by the person leasing the advertising space in an amount set by department rule; and

(2) require the advertisements to comply with the rules adopted by the department relating to content and composition.

(d) The department shall adopt rules to implement this section. The rules must establish:

(1) guidelines relating to the content and composition of advertisements that may be placed on an electronic Internet portal;

(2) procedures for procuring advertisements that relate, to the greatest extent practicable, to the stated purpose of the state agency;

(3) policies that require:

(A) each advertisement to be clearly labeled on the electronic Internet portal as an advertisement; and

(B) a disclaimer on each electronic Internet portal that clearly states that the State of Texas does not endorse the products or services advertised on the state agency electronic Internet portal;

(4) a schedule of fees to be charged for the lease of advertising space under this section; and

(5) the amount of the lease payment that a private entity may retain for administering the lease contract.

(e) A private entity administering a lease under this section shall collect the fees due from the leasing entity. After deduction of the private entity's fees, the remainder of the fees collected under this section shall be forwarded to the comptroller to be deposited to the credit of the general revenue fund.

(f) Before entering into a contract under this section, a state agency or the department must evaluate:

(1) the effect of the contract on the bandwidth that the agency or the department requires to perform its official duties; and

(2) whether the contract increases vulnerability to malware or other potential threats to the security of the electronic Internet portal or computer network.

(g) Except as provided by Subsection (h), using the results of the evaluation required under Subsection (f), a state agency or the department shall develop and implement a plan to ensure that state electronic Internet portals and computer networks are secure and that sufficient bandwidth is available to host the advertising required under the contract and to allow for performance of official duties. The plan must include provisions to:

(1) prevent inappropriate content on electronic Internet portals and computer networks associated with this state;

(2) efficiently route data used by the agency or the department to perform its official duties;

(3) manage and reduce the quantity of bandwidth used by the agency or the department; and

(4) ensure the continued security and integrity of electronic Internet portals, computer networks, and confidential and sensitive data associated with this state.

(h) A state agency or the department may accept free or discounted services to assist in performing the evaluation and planning requirements under Subsections (f) and (g) from a provider designated as qualified by the department. The department shall maintain a list of qualified providers on the department's electronic Internet portal.

(i) A state agency or the department is not required to implement a plan developed under Subsection (g) if:

(1) money appropriated to the agency or the department may not be lawfully spent for the purposes of this section; or

(2) the agency or the department determines that the cost of implementing the plan will exceed the income received from a contract under this section.

Amendment No. 2

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

Amend Amendment No. 1 by Brown to **SB 773** (house committee printing) on page 3 of the amendment, line 28, by striking "deposited" and substituting "allocated as follows:"

(1) 50 percent to the credit of the foundation school fund; and

(2) the remainder".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

SB 773, as amended, was passed to third reading by (Record 1341): 117 Yeas, 19 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Beck; Bohac; Cain; Carter; Flynn; Gooden; Harper-Brown; Huberty; Isaac; Laubenberg; Legler; Madden; Simpson; Taylor, V.; Weber; White; Workman; Zedler.

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

Absent, Excused — Menendez.

Absent — Alonzo; Button; Coleman; Eiland; Gutierrez; Kolkhorst; Orr; Phillips; Sheets; Veasey; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1341. I intended to vote no.

Berman

I was shown voting no on Record No. 1341. I intended to vote yes.

Bohac

I was shown voting no on Record No. 1341. I intended to vote yes.

Huberty

When Record No. 1341 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

I was shown voting yes on Record No. 1341. I intended to vote no.

Parker

I was shown voting yes on Record No. 1341. I intended to vote no.

Paxton

When Record No. 1341 was taken, my vote failed to register. I would have voted no.

Phillips

When Record No. 1341 was taken, I was in the house but away from my desk. I would have voted no.

Sheets

When Record No. 1341 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

CSSB 17 ON SECOND READING
(Truitt - House Sponsor)

CSSB 17, A bill to be entitled An Act relating to the regulation of residential mortgage loan servicers; providing an administrative penalty.

Amendment No. 1

Representative Rodriguez offered the following amendment to **CSSB 17**:

Amend **CSSB 17** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 5, Finance Code, is amended by adding Chapter 397 to read as follows:

CHAPTER 397. RESIDENTIAL MORTGAGE SERVICERS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 397.001. DEFINITION. In this chapter, "mortgagee" and "mortgage servicer" have the meanings assigned by Section 51.0001, Property Code.

Sec. 397.002. APPLICABILITY. This chapter applies only to a loan secured by a first lien on residential real property that:

(1) is not a federally related mortgage loan, as defined by 12 U.S.C. Section 2602; and

(2) is serviced by a mortgage servicer other than the mortgagee of the loan.

[Sections 397.003-397.050 reserved for expansion]

SUBCHAPTER B. DEBTOR REQUESTS FOR INFORMATION

Sec. 397.051. RECORDKEEPING. A mortgage servicer shall maintain written or electronic records of each written request for information regarding a dispute or error involving the debtor's account until the loan is paid in full, otherwise satisfied, or sold.

Sec. 397.052. PROVISION OF GENERAL INFORMATION ON REQUEST. (a) A mortgage servicer shall provide the following to a debtor in response to a debtor's written request:

(1) a copy of the original note or, if the original note is unavailable, an affidavit of lost note; and

(2) a statement that:

(A) identifies and itemizes all fees and charges assessed under the loan transaction and provides a full payment history identifying in a clear and conspicuous manner all of the debits, credits, application of and disbursement of all payments received from or for the benefit of the debtor, and other activity on the loan, including any escrow or suspense account activity; and

(B) covers the two years preceding the receipt of the request or the period for which the servicer has serviced the loan, whichever is shorter.

(b) If the mortgage servicer claims that delinquent or outstanding sums were owed on the loan before the two-year period preceding the receipt of the request under Subsection (a) or before the servicer began servicing the loan, whichever is shorter, the servicer shall provide an account history beginning with the earliest month for which the servicer claims outstanding sums were owed on the loan and ending on the date of the request for information. For purposes of this subsection, the date of the request for information is presumed to be not later than the 30th day before the date the servicer receives the request.

(c) A mortgage servicer must provide a statement under Subsection (a) on or before the 25th business day after the date the servicer receives a written request from the debtor that:

(1) includes or otherwise enables the servicer to identify the name and account of the debtor; and

(2) includes a statement that the account is or may be in error or otherwise provides sufficient detail to the servicer regarding information sought by the debtor.

Sec. 397.053. PROVISION OF INFORMATION REGARDING DISPUTE OR ERROR. (a) A mortgage servicer shall provide a written statement to a debtor in response to a debtor's written request for information regarding a dispute or error involving the debtor's account that includes the following information, if requested:

(1) whether the account is current and an explanation of any default and the date the account went into default;

(2) the current balance due on the loan, including the principal due, the amount of any funds held in a suspense account, the amount of any escrow balance known to the servicer, and whether there are any escrow deficiencies or shortages known to the servicer;

(3) the identity, address, and other relevant information about the current holder, owner, or assignee of the loan; and

(4) the telephone number and mailing address of a servicer representative with the information and authority to answer questions and resolve disputes.

(b) A mortgage servicer must provide a statement under Subsection (a) on or before the 10th day after the date the servicer receives a written request from the debtor that:

(1) includes or otherwise enables the servicer to identify the name and account of the debtor; and

(2) includes a statement that the account is or may be in error or otherwise provides sufficient detail to the servicer regarding information sought by the debtor.

[Sections 397.054-397.100 reserved for expansion]

SUBCHAPTER C. REMEDIES

Sec. 397.101. ENFORCEMENT GENERALLY. The Department of Savings and Mortgage Lending, the attorney general, or any party to a loan to which this chapter applies may enforce this chapter.

Sec. 397.102. ACTION BY DEBTOR. In addition to any other legal and equitable remedy available, a debtor injured by a violation of this chapter may bring an action for recovery of actual damages, including reasonable attorney's fees.

Amendment No. 1 was withdrawn.

CSSB 17 was passed to third reading. (V. Taylor recorded voting no.)

CSSB 731 ON SECOND READING (Kolkhorst - House Sponsor)

CSSB 731, A bill to be entitled An Act relating to the attorney general's legal sufficiency review of a comprehensive development agreement.

CSSB 731 was passed to third reading.

CSSB 332 ON SECOND READING (Ritter - House Sponsor)

CSSB 332, A bill to be entitled An Act relating to the ownership of groundwater below the surface of land, the right to produce that groundwater, and the management of groundwater in this state.

Amendment No. 1

Representative Ritter offered the following amendment to **CSSB 332**:

Amend **CSSB 332** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 36.002(b)(1), Water Code (page 1, line 20), strike "his" and substitute "that landowner's".

(2) In SECTION 1 of the bill, in added Section 36.002(e)(2), Water Code (page 3, line 3), strike "Coastal".

(3) In SECTION 2 of the bill, in added Section 36.101(a)(4), Water Code (page 3, line 26), strike "water" and substitute "groundwater".

(4) In SECTION 2 of the bill, in added Section 36.101(a)(5), Water Code (page 4, line 3), strike "comprehensive".

Amendment No. 1 was adopted.

CSSB 332 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **CSSB 332** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Ritter moved to postpone consideration of **CSSB 332** until 11:30 p.m. today.

The motion prevailed.

SB 773 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Gallego, Representatives Strama and Chisum were authorized as house sponsors to **SB 773**.

CSSB 223 ON SECOND READING
(Gonzalez - House Sponsor)

CSSB 223, A bill to be entitled An Act relating to certain facilities and care providers, including providers under the state Medicaid program; providing penalties.

CSSB 223 was passed to third reading.

CSSB 1909 ON SECOND READING
(Oliveira - House Sponsor)

CSSB 1909, A bill to be entitled An Act relating to The University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District.

CSSB 1909 was passed to third reading.

SB 173 ON SECOND READING
(Dutton - House Sponsor)

SB 173, A bill to be entitled An Act relating to civil remedy of violations of certain municipal health and safety ordinances.

The chair postponed consideration of **SB 173** until 11:30 p.m. today.

SB 370 ON SECOND READING
(Ritter - House Sponsor)

SB 370, A bill to be entitled An Act relating to the authority of the Texas Water Development Board to provide financial assistance for certain projects if the applicant has failed to complete a request for information relevant to the project.

SB 370 was passed to third reading.

SB 681 ON SECOND READING
(J. Davis - House Sponsor)

SB 681, A bill to be entitled An Act relating to the establishment of a task force to study the assessments of children in the child welfare system.

Amendment No. 1

Representative J. Davis offered the following amendment to **SB 681**:

Amend **SB 681** (house committee printing) in SECTION 1 of the bill, adding Section 40.074(g), Human Resources Code (page 3, line 8), by striking "adopt" and substituting "recommend to the legislature".

Amendment No. 1 was adopted.

SB 681, as amended, failed to pass to third reading by (Record 1342): 63 Yeas, 76 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Branch; Brown; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Isaac; Johnson; Keffer; King, T.; Lavender; Lewis; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Morrison; Murphy; Naishtat; Patrick; Peña; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Scott; Simpson; Smithee; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Madden; Margo; Miller, D.; Miller, S.; Nash; Orr; Otto; Parker; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Menendez.

Absent — Callegari; Elkins; Lozano; Muñoz; Oliveira; Rodriguez; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1342. I intended to vote no.

Lewis

When Record No. 1342 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

I was shown voting yes on Record No. 1342. I intended to vote no.

Peña

I was shown voting yes on Record No. 1342. I intended to vote no.

Pitts

SB 781 ON SECOND READING (Cook - House Sponsor)

SB 781, A bill to be entitled An Act relating to the repeal of certain legislative oversight committees.

(Speaker in the chair)

Amendment No. 1

Representatives D. Miller, T. King, and Hilderbran offered the following amendment to **SB 781**:

Amend **SB 781** (house committee printing), in SECTION 1 of the bill, as follows:

(1) At the end of Subdivision (2), immediately following the semicolon, insert "and".

(2) At the end of Subdivision (3), strike "; and" and substitute "."

(3) Strike Subdivision (4), repealing Section 3.01, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

Amendment No. 1 was adopted.

SB 781, as amended, was passed to third reading.

SB 1799 ON SECOND READING
(Branch and Alonzo - House Sponsors)

SB 1799, A bill to be entitled An Act relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

SB 1799 was passed to third reading.

CSSB 1714 ON SECOND READING
(Chisum - House Sponsor)

CSSB 1714, A bill to be entitled An Act relating to certain actions against an employer by an employee who is not covered by workers' compensation insurance.

Amendment No. 1

Representative Chisum offered the following amendment to **CSSB 1714**:

Amend **CSSB 1714** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 406.034(d), Labor Code (page 2, line 8), strike "under" and substitute "in connection with".

(2) In SECTION 3 of the bill, in Subsection (b) of that section (page 2, lines 25 and 26), strike "accrues" each time that word appears and substitute "is filed".

Amendment No. 1 was adopted.

CSSB 1714, as amended, was passed to third reading.

SB 542 ON SECOND READING
(Fletcher - House Sponsor)

SB 542, A bill to be entitled An Act relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

Amendment No. 1

Representative Fletcher offered the following amendment to **SB 542**:

Amend **SB 542** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 96.641, Education Code, is amended to read as follows:

Sec. 96.641. INITIAL TRAINING AND CONTINUING EDUCATION FOR POLICE CHIEFS AND COMMAND STAFF.

SECTION _____. Section 96.641, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The institute may establish and offer a continuing education program for command staff for individuals who are second in command to police chiefs. The command staff continuing education program must satisfy the requirements for the police chief continuing education program under Subsection (a).

SECTION _____. Section 1701.351, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) A peace officer who is second in command to a police chief of a law enforcement agency and who attends a continuing education program for command staff provided by the Bill Blackwood Law Enforcement Management Institute of Texas under Section 96.641, Education Code, is exempt from the continuing education requirements of this subchapter.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Walle offered the following amendment to **SB 542**:

Amend **SB 542** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Subchapter M, Chapter 1701, Occupations Code, is amended to read as follows:

SUBCHAPTER M. SCHOOL ~~[VISITING]~~ RESOURCE OFFICERS AND ~~[OFFICER IN PUBLIC]~~ SCHOOL DISTRICT PEACE OFFICERS

SECTION _____. Subchapter M, Chapter 1701, Occupations Code, is amended by adding Section 1701.604 to read as follows:

Sec. 1701.604. EDUCATION AND TRAINING PROGRAM. (a) Except as provided by Subsection (b), this section applies only to:

(1) a school district peace officer commissioned under Section 37.081, Education Code; or

(2) a school resource officer, as defined by Section 1701.601.

(b) This section does not apply to a peace officer while the peace officer is assigned to a school-sponsored event at which formal classroom instruction is not offered.

(c) A peace officer may not serve as a school district peace officer for more than 30 days unless the peace officer has completed a 16-hour or longer education and training program approved by the commission under this section, except as provided by Subsection (d), and has received a certificate under Subsection (e). A peace officer may not serve as a school resource officer for

more than 90 days unless the officer has completed a 16-hour or longer education and training program approved by the commission under this section, except as provided by Subsection (d), and has received a certificate under Subsection (e).

(d) A peace officer who has received comparable education and training through the Bexar County children's crisis intervention training program or the Texas School Safety Center at Texas State University is not required to complete the education and training program approved by the commission under this section to serve as a school district peace officer or school resource officer.

(e) The commission shall issue a professional achievement or proficiency certificate to a peace officer on successful completion of an education and training program:

(1) approved by the commission under this section; or

(2) described by Subsection (d).

(f) The commission shall appoint 12 members to a school resource curriculum committee to develop the curriculum for the education and training program under this section. The school resource curriculum committee shall be composed as follows:

(1) one representative of the Bexar County children's crisis intervention training program;

(2) one representative of the Texas School Safety Center at Texas State University;

(3) one representative of the commission;

(4) one representative of the Texas Municipal Police Association;

(5) one representative of the Texas Education Agency;

(6) one representative of a local mental health authority, as defined by Section 571.003, Health and Safety Code;

(7) a peace officer with certification in crisis intervention;

(8) a school district peace officer;

(9) one representative of an organization that advocates for juvenile justice;

(10) one representative of an organization that advocates for civil liberties;

(11) one representative of an organization representing parents of public school students; and

(12) one representative of the Texas School District Police Chiefs' Association.

(g) Members of the school resource curriculum committee serve terms of two years.

(h) The school resource curriculum committee shall develop the curriculum for the education and training program under this section based on the model curriculum used for the Bexar County children's crisis intervention training program and in accordance with Subsection (i). The curriculum must be approved by the commission. After developing the program, the committee may review and revise the curriculum for the program annually or as the committee determines

necessary. Any revision must be approved by the commission. In carrying out its duties, the committee may use technology, including teleconferencing or videoconferencing, to eliminate travel expenses.

(i) The curriculum for the education and training program under this section must incorporate learning objectives regarding:

(1) child and adolescent development and psychology;

(2) positive behavioral interventions and supports, conflict resolution techniques, and restorative justice techniques;

(3) force usage limitations, including physical restraint, and de-escalation techniques;

(4) children with disabilities or special needs, including mental or behavioral health needs; and

(5) cultural competency.

(j) The education and training program under this section may be provided:

(1) as a collaborative model within a community that:

(A) involves local stakeholders; and

(B) incorporates didactic and experiential training using the best practice model of the Bexar County children's crisis intervention training program;

(2) by a school determined appropriate for operation under Section 1701.251; or

(3) as an online training program sponsored by an online training provider if the training provider also provides training under Section 1701.251.

(k) A school district may offer additional, commission-approved preparatory education or training to its school district peace officers and school resource officers.

(l) The superintendent of a school district that employs a peace officer or to which a school resource officer is assigned shall maintain on file the certification issued to the officer under Subsection (e).

(m) Notwithstanding Section 1701.351(a), the commission may not suspend the license of a peace officer solely because the peace officer fails to meet the requirements of this section.

SECTION _____. Not later than March 31, 2012, the Commission on Law Enforcement Officer Standards and Education shall approve the curriculum for the education and training program as required by Section 1701.604, Occupations Code, as added by this Act.

SECTION _____. Section 1701.604, Occupations Code, as added by this Act, applies only to a school district peace officer or school resource officer who is serving or has been assigned, appointed, commissioned, or employed by a school district to serve in that capacity on or after March 31, 2012.

Amendment No. 2 was adopted.

SB 542, as amended, was passed to third reading.

**HB 2499 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2499, A bill to be entitled An Act relating to the continuation and functions of the Department of Information Resources and the transfer of certain department functions to the comptroller of public accounts.

Representative Cook 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 2499**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2499**: Cook, chair; Bonnen, Branch, Geren, and Menendez.

**HB 1951 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative L. Taylor called up with senate amendments for consideration at this time,

HB 1951, A bill to be entitled An Act relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

Representative L. Taylor 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 1951**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1951**: L. Taylor, chair; Smithee, Hancock, Vo, and Bonnen.

POSTPONED BUSINESS

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

**CSSB 332 ON SECOND READING
(Ritter - House Sponsor)**

CSSB 332, A bill to be entitled An Act relating to the ownership of groundwater below the surface of land, the right to produce that groundwater, and the management of groundwater in this state.

CSSB 332 was read second time earlier today, an amendment was offered and disposed of, and **CSSB 332** was postponed until this time.

CSSB 332 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **CSSB 332** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

CSSB 332 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PRICE: Mr. Chairman, you know I support this bill, and we worked hard in our committee to get this to the point where it is. But, I have a few questions I wanted to ask you for legislative intent. First, I wanted to ask you and clarify that water rights can be severed by the landowner and lease transferred or conveyed under current law, correct?

REPRESENTATIVE RITTER: Yes. That's true.

PRICE: So, this bill will not and is not intended to change the right to sever groundwater rights, is it?

RITTER: No, it does not.

PRICE: So, even though this bill refers to a landowner who owns groundwater below the surface of his land, it does not preclude an owner of water rights who is not also the surface owner from transferring, leasing, reserving, or conveying his water?

RITTER: No, it does not.

PRICE: Finally, there was a sentence in an earlier version of the bill that stated, "Groundwater ownership and rights may be transferred, conveyed, or leased in the same manner and by the same means as any other ownership interest in real property." That was removed in the final committee substitute as a redundant statement since the bill already states the landowner owns the groundwater below the surface as real property. Is that correct?

RITTER: That's correct.

PRICE: So, by removing that text I just read, there's no implication that one who owns groundwater rights, whether severed previously or not, is in any way precluded from transferring, conveying, or leasing their water rights. Is that accurate?

RITTER: That's accurate, Mr. Price.

REMARKS ORDERED PRINTED

Representative Price moved to print remarks between Representative Ritter and Representative Price.

The motion prevailed.

CSSB 332, as amended, was passed to third reading.

**HB 592 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 592, A bill to be entitled An Act relating to certain counties that are not required to operate a juvenile justice alternative education program.

Representative Pitts moved to concur in the senate amendments to **HB 592**.

The motion to concur in the senate amendments to **HB 592** prevailed by (Record 1343): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Howard, C.; Howard, D.; Huberty; 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; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; 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 — Menendez.

Absent — Callegari; Coleman; Davis, J.; Gallego; Hochberg; Hopson; Hughes; Naishtat.

STATEMENTS OF VOTE

When Record No. 1343 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

When Record No. 1343 was taken, I was in the house but away from my desk. I would have voted yes.

Hopson

When Record No. 1343 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

Senate Committee Substitute

CSHB 592, A bill to be entitled An Act relating to certain counties that are not required to operate a juvenile justice alternative education program.

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

SECTION 1. Section 37.011, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county:

(1) has a population of 250,000 or less;

(2) is adjacent to two counties, each of which has a population of more than 1.7 million, or is adjacent to two counties, each of which has a population of less than 150,000; and

(3) has seven or more school districts located wholly within the county's boundaries.

SECTION 2. This Act applies beginning with the 2011-2012 school year.

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.

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

Amend **CSHB 592** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 37.011(a-2)(1), Education Code (page 1, line 18), strike "250,000" and substitute "180,000".

(2) In SECTION 1 of the bill, in added Section 37.011(a-2)(2), Education Code (page 1, lines 20 and 21), strike ", or is adjacent to two counties, each of which has a population of less than 150,000".

PROVIDING FOR ADJOURNMENT

Representative Berman moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the signing of bills and resolutions in the presence of the house, and the receipt of senate messages, the house adjourn until 9 a.m. tomorrow.

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. 32).

(Hughes in the chair)

RESOLUTIONS REFERRED TO COMMITTEES

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

(Kolkhorst in the chair)

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. 6).

ADJOURNMENT

In accordance with a previous motion, the house, at 11:47 p.m., adjourned until 9 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

HR 2094 (By Allen), Congratulating Marivel Holguin on her 2011 graduation from the Texas School for the Deaf.

To Rules and Resolutions.

HR 2095 (By Perry), Commemorating the 100th anniversary of the founding of Slaton.

To Rules and Resolutions.

HR 2096 (By Reynolds), Honoring city council member Don Smith of Missouri City for his public service.

To Rules and Resolutions.

HR 2097 (By Reynolds), Honoring city council member Jerry Wyatt of Missouri City for his public service.

To Rules and Resolutions.

HR 2098 (By Reynolds), Honoring city council member Robin Elackatt of Missouri City for his public service.

To Rules and Resolutions.

HR 2099 (By Reynolds), Honoring city council member Bobby Marshall of Missouri City for his public service.

To Rules and Resolutions.

HR 2100 (By Reynolds), Honoring Mayor Allen Owen of Missouri City for his public service.

To Rules and Resolutions.

HR 2101 (By Reynolds), Honoring city council member Danny Nguyen of Missouri City for his public service.

To Rules and Resolutions.

HR 2102 (By Reynolds), Honoring Mayor Joe M. Gurecky for his many years of service to the citizens of Rosenberg.

To Rules and Resolutions.

HR 2103 (By Reynolds), Honoring Mayor Hilmar Moore of Richmond for his public service.

To Rules and Resolutions.

HR 2104 (By Carter), Honoring Dallas attorney Starlett Carter for her pro bono service.

To Rules and Resolutions.

HR 2105 (By Carter), Commending U.S. Army Private Heather Row for her desire to serve her country.

To Rules and Resolutions.

HR 2106 (By Carter), Congratulating Lanet Greenhaw of Richardson on her new position as director of education for the Dallas Regional Chamber.

To Rules and Resolutions.

HR 2107 (By Carter), Commending Linda Jaresh for serving as a campaign volunteer for the 2010 House District 102 election.

To Rules and Resolutions.

HR 2108 (By Dutton), In memory of Charles Edward Cheeks, Sr., of Houston.

To Rules and Resolutions.

HR 2109 (By Anchia), Honoring Edgar Morales for his participation in the 2011 Moreno/Rangel Legislative Leadership Program.

To Rules and Resolutions.

HR 2110 (By Anchia), Congratulating Roy R. Barrera, Sr., on the 60th anniversary of his State Bar of Texas licensure and his six decades as a practicing lawyer.

To Rules and Resolutions.

HR 2111 (By Gutierrez), Honoring Jorge L. Reyes of El Paso for his participation in the 2011 Moreno/Rangel Legislative Leadership Program.

To Rules and Resolutions.

HR 2112 (By Harper-Brown), Congratulating the City of Irving on its receipt of a 2011 Texas Award for Performance Excellence from the Quality Texas Foundation.

To Rules and Resolutions.

HR 2113 (By Paxton), Congratulating the McKinney Police Department 9-1-1 dispatchers on their receipt of the 2011 Team 9-1-1 Award of Merit.

To Rules and Resolutions.

HR 2114 (By Margo), Congratulating Maddison Kahner Dowdy, Alejandro Marquez, Mariana Villanueva, Natalie Felsen, and Katherine Nielson from Franklin High School in El Paso for placing first in the Stock Market Game Legislative Challenge, sponsored by the Texas Council on Economic Education.

To Rules and Resolutions.

HR 2115 (By Hopson), In memory of James Edgar Brown of Jacksonville.

To Rules and Resolutions.

HR 2116 (By Peña), In memory of Jaime J. "Bino" Zapata of Edinburg.

To Rules and Resolutions.

HR 2118 (By Workman), Congratulating J. O. and Nancy Duncan on their 60th wedding anniversary.

To Rules and Resolutions.

HR 2119 (By Geren), In memory of Colonel Philip J. Kuhl.

To Rules and Resolutions.

HR 2121 (By Reynolds), Honoring Joel F. Fitzgerald, Sr., for his service as chief of police in Missouri City.

To Rules and Resolutions.

HR 2122 (By Strama), Congratulating the Concordia University baseball team on winning the 2011 American Southwest Conference championship.

To Rules and Resolutions.

HR 2123 (By Christian), Commending Jonathon McClellan on his service as chief of staff to State Representative Wayne Christian.

To Rules and Resolutions.

HR 2124 (By Christian), Commending Brady Colby for his service as an intern in the office of State Representative Wayne Christian.

To Rules and Resolutions.

HR 2125 (By Christian), Commending Wesley Luke Bullock on his service as legislative director for State Representative Wayne Christian.

To Rules and Resolutions.

HR 2126 (By Christian), Commending Travis McCormick for his service as a legislative assistant in the office of State Representative Wayne Christian.

To Rules and Resolutions.

HR 2127 (By Christian), Congratulating Christopher Herrington on the occasion of his retirement as a teacher at the Martin School of Choice in Nacogdoches.

To Rules and Resolutions.

HR 2128 (By Christian), Commending Cameron Harley for his service as an intern in the office of State Representative Wayne Christian.

To Rules and Resolutions.

HR 2129 (By Christian), Honoring teacher and coach Kay Butler for her service to the Buna Independent School District.

To Rules and Resolutions.

HR 2130 (By Christian), Commending Gabriele Nestande for her service as an administrative aide in the office of State Representative Wayne Christian.

To Rules and Resolutions.

HR 2131 (By Cain), Recognizing Jarrian Roberts of Clarksville on being chosen for the Texas Association of Basketball Coaches 1A Division 1 All-State Team.

To Rules and Resolutions.

HR 2132 (By Cain), Honoring the fifth-grade choir of Chapel Hill Elementary School in Mount Pleasant on the occasion of its 2011 performance in the Capitol Rotunda.

To Rules and Resolutions.

HR 2134 (By Hilderbran), Honoring Joe Herring, Jr., of Kerrville for his contributions to his community and congratulating him on the publication of his book Home: Photographs of Kerrville.

To Rules and Resolutions.

HR 2135 (By Rodriguez), Congratulating Matthew Curtis on being named the 2011 Austinite of the Year at the Austin Under 40 Awards sponsored by the Young Women's Alliance and Young Men's Business League.

To Rules and Resolutions.

HR 2136 (By Rodriguez), Honoring Valerie Lila Danielle Vera for her participation in the 2011 Moreno/Rangel Legislative Leadership Program.

To Rules and Resolutions.

HR 2137 (By Deshotel), Congratulating Lamar University chief of police Dale Fontenot on his retirement.

To Rules and Resolutions.

HR 2138 (By Truitt), Congratulating the boys' swimming and diving team of Carroll High School in Southlake on winning the UIL 5A state championship.

To Rules and Resolutions.

HR 2139 (By W. Smith), Congratulating the Lady Rangers water polo team of Ross S. Sterling High School in Baytown on winning the 2010-2011 TISCA state title.

To Rules and Resolutions.

HR 2140 (By W. Smith), Recognizing May 21 to 27, 2011, as National Safe Boating Week.

To Rules and Resolutions.

HR 2141 (By Dukes), Honoring Juan Carlos Garcia of Dallas for his participation in the 2011 Moreno/Rangel Legislative Leadership Program.

To Rules and Resolutions.

HR 2143 (By Darby), In memory of Hope Wilson Huffman of San Angelo.

To Rules and Resolutions.

HR 2144 (By Isaac), Commending Gregory R. Bentsch for his service as an intern in the office of State Representative Jason Isaac.

To Rules and Resolutions.

HR 2145 (By Isaac), Honoring Brian C. Mitchell for his service as an intern in the office of State Representative Jason Isaac during the 82nd Legislative Session.

To Rules and Resolutions.

HR 2146 (By Harper-Brown), Commemorating the 25th anniversary of FigDesign in Irving.

To Rules and Resolutions.

HR 2147 (By Bohac), In memory of William Arnold McMinn, Jr., of Brookshire.

To Rules and Resolutions.

HR 2148 (By Workman), Congratulating Jacob Hume on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 2149 (By Workman), Congratulating Thomas Dunn on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 2150 (By Weber), In memory of Thomas Patton Alexander, Sr., of Pearland.

To Rules and Resolutions.

HR 2152 (By S. Miller), In memory of Michael Cook Walton of Stephenville.

To Rules and Resolutions.

HR 2153 (By S. Miller), In memory of Brack Barnard Jones.

To Rules and Resolutions.

HR 2154 (By Torres), Honoring Tristan Summers for his service in the office of State Representative Raul Torres.

To Rules and Resolutions.

HR 2155 (By Torres), Commending Katie Gleghorn for her service as an intern in the office of State Representative Raul Torres.

To Rules and Resolutions.

HR 2156 (By V. Taylor), Commending Drinda Randall for her service as district director for State Representative Van Taylor.

To Rules and Resolutions.

HR 2157 (By V. Taylor), Commending James Zhu for his service as an intern in the office of State Representative Van Taylor.

To Rules and Resolutions.

HR 2158 (By V. Taylor), Commending Rachel Pace for her service as an intern in the office of State Representative Van Taylor.

To Rules and Resolutions.

HR 2159 (By V. Taylor), Commending Jordan Williford for her service as a legislative aide in the office of State Representative Van Taylor.

To Rules and Resolutions.

HR 2160 (By V. Taylor), Commending Madeleine Bell for her service as a scheduler and legislative aide in the office of State Representative Van Taylor.

To Rules and Resolutions.

HR 2161 (By Torres), Honoring Chase Skjolsvik for his service in the office of State Representative Raul Torres.

To Rules and Resolutions.

HR 2162 (By Quintanilla), In memory of Alfonso "Poncho" Cardenas of El Paso.

To Rules and Resolutions.

HR 2164 (By Workman), Congratulating the Lake Travis High School boys' golf team on winning the 2011 UIL 4A state championship.

To Rules and Resolutions.

HR 2165 (By Workman), Congratulating Conor O'Rourke and Austin Mayo of Lake Travis High School on winning the 4A state championship in doubles tennis.

To Rules and Resolutions.

HR 2166 (By V. Gonzales), Honoring Katherine Mendiola of Edinburg for her participation in the 2011 Moreno/Rangel Legislative Leadership Program.

To Rules and Resolutions.

HR 2167 (By V. Gonzales), Recognizing April 2011 as National Foot Health Awareness Month.

To Rules and Resolutions.

HR 2168 (By V. Gonzales), In memory of Jaime Longoria, Jr., of Edinburg.

To Rules and Resolutions.

HR 2169 (By V. Gonzales), Congratulating Lupe Silva on being named the March 2011 McAllen Cancer Fighter of the Month by the American Cancer Society.

To Rules and Resolutions.

HR 2170 (By V. Gonzales), Commemorating the 20th anniversary of Gonzalez Elementary School in McAllen.

To Rules and Resolutions.

HR 2171 (By V. Gonzales), In memory of Stuart Mason Wilkinson of McAllen.

To Rules and Resolutions.

HR 2172 (By V. Gonzales), In memory of Grace Neuhaus Richards of McAllen.

To Rules and Resolutions.

HR 2173 (By V. Gonzales), In memory of Maria Teresa "Terrie" Rabago.

To Rules and Resolutions.

HR 2174 (By S. Miller), Congratulating State Representative Bill Callegari and his wife, Ann, on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2175 (By Madden), In memory of former Plano mayor James Wyatt Edwards.

To Rules and Resolutions.

HR 2176 (By Y. Davis), Commending Nimi Noble Kemuel for his service as an intern in the office of State Representative Yvonne Davis.

To Rules and Resolutions.

HR 2178 (By Truitt), In memory of Clayton Eugene "Gene" Reynolds of North Richland Hills.

To Rules and Resolutions.

HR 2179 (By Harper-Brown), Congratulating Bethany Noel Harper on her graduation from Kaufman High School.

To Rules and Resolutions.

HR 2180 (By Torres), Honoring Gene Seaman for his service during the 82nd Legislative Session.

To Rules and Resolutions.

HR 2182 (By Madden), Congratulating Captain Kevin Hughes on his retirement from the Richardson Police Department.

To Rules and Resolutions.

HR 2183 (By Madden), Congratulating Assistant Chief Mike Corley on his retirement from the Richardson Police Department.

To Rules and Resolutions.

HR 2184 (By Madden), Congratulating Officer Diane Bartek on her retirement from the Richardson Police Department.

To Rules and Resolutions.

HR 2185 (By Madden), Congratulating Dan White on his retirement as a full-time officer with the Richardson Police Department.

To Rules and Resolutions.

HR 2186 (By Madden), Congratulating Sergeant Tommy Ellis on his retirement from the Richardson Police Department.

To Rules and Resolutions.

HR 2187 (By Madden), Congratulating Officer Tom Koch on being named the 2010 Rookie of the Year by the Richardson Police Department.

To Rules and Resolutions.

HR 2188 (By Madden), Congratulating Sergeant Ed Coleman on his retirement from the Richardson Police Department.

To Rules and Resolutions.

HR 2189 (By Madden), Congratulating Sergeant Steve Moore of the Richardson Police Department on being named the 2010 Officer of the Year.

To Rules and Resolutions.

HR 2190 (By Madden), Congratulating Officer John Corbitt on his retirement from the Richardson Police Department.

To Rules and Resolutions.

HR 2192 (By Craddick), Congratulating the boys' track team of Midland Christian School on winning the 2011 TAPPS 4A state championship.

To Rules and Resolutions.

HR 2193 (By Craddick), Commemorating the 25th anniversary of the Helen L. Greathouse Children's Center in 2011.

To Rules and Resolutions.

HR 2194 (By Schwertner), Congratulating the girls' track and field team of C. H. Yoe High School in Cameron on winning the UIL 2A state championship.

To Rules and Resolutions.

HR 2195 (By Schwertner), Congratulating the Cooke family on 100 consecutive years of ownership of the Rockdale Reporter.

To Rules and Resolutions.

HR 2196 (By Harper-Brown), Commending Valeria Dayer for her service as an intern in the district office of State Representative Linda Harper-Brown.

To Rules and Resolutions.

HR 2197 (By Harper-Brown), Congratulating Helen Bradley of the Irving Independent School District on her receipt of a 2010-2011 Outstanding Teaching of the Humanities Award.

To Rules and Resolutions.

HR 2198 (By Harper-Brown), Commending Katie Rebecca Bennett for her service as an administrative assistant in the office of State Representative Linda Harper-Brown.

To Rules and Resolutions.

HR 2199 (By Harper-Brown), Commending James W. Carter for his service as legislative director in the office of State Representative Linda Harper-Brown.

To Rules and Resolutions.

HR 2200 (By C. Anderson), Congratulating Tiffany Kristen Jeske and Bryan Clay Fleming of Riesel on their wedding.

To Rules and Resolutions.

HR 2201 (By C. Anderson), In memory of Jo Ann Darden of Waco.

To Rules and Resolutions.

HR 2202 (By C. Anderson), In memory of Ruby Jewel King of Robinson.

To Rules and Resolutions.

HR 2203 (By Flynn), Congratulating Van High School's Way Off Broadway theater company on winning the 2011 UIL Conference 3A State One-Act Play Contest.

To Rules and Resolutions.

HR 2204 (By Flynn), Commemorating the 75th anniversary of the Canton FFA.

To Rules and Resolutions.

HR 2205 (By C. Anderson), In memory of Glidden D. O'Connor, Jr., of Waco.

To Rules and Resolutions.

HR 2206 (By C. Anderson), In memory of Judy Letitia Bales of Waco.

To Rules and Resolutions.

HR 2207 (By C. Anderson), Congratulating Betty Lou and Paul D. Marable of Waco on their 65th wedding anniversary.

To Rules and Resolutions.

HR 2208 (By C. Anderson), In memory of Bette Pape Skinner of Waco.

To Rules and Resolutions.

HR 2209 (By C. Anderson), In memory of Julius Albert Backus of Waco.

To Rules and Resolutions.

HR 2210 (By C. Anderson), In memory of Laura Lumpkin of Waco.

To Rules and Resolutions.

HR 2211 (By C. Anderson), In memory of Margaret Sugg McNamara of Waco.

To Rules and Resolutions.

HR 2212 (By C. Anderson), In memory of Dr. Albert Ray Niederer of Woodway.

To Rules and Resolutions.

HR 2213 (By C. Anderson), In memory of Bob L. Corbitt of Speegleville.

To Rules and Resolutions.

HR 2214 (By C. Anderson), In memory of Margaret Vandever of Waco.

To Rules and Resolutions.

HR 2215 (By C. Anderson), In memory of Lewis Edwards Champ of Waco.

To Rules and Resolutions.

HR 2216 (By C. Anderson), In memory of Geraldine Howard of Waco.

To Rules and Resolutions.

HR 2217 (By C. Anderson), In memory of Ina Mae Allen of McGregor.

To Rules and Resolutions.

HR 2218 (By C. Anderson), In memory of Maria Emma Castro of Waco.

To Rules and Resolutions.

HR 2219 (By C. Anderson), In memory of James Edward Jones of Waco.

To Rules and Resolutions.

HR 2220 (By C. Anderson), In memory of Esther Hilda Schimschat of Waco.

To Rules and Resolutions.

HR 2221 (By C. Anderson), In memory of Martha Louise "Suzie" Hamilton of Waco.

To Rules and Resolutions.

HR 2222 (By C. Anderson), In memory of Mary Ann McManus of Waco.

To Rules and Resolutions.

HR 2223 (By C. Anderson), Congratulating Louis and Shirley Sims of Waco on their 38th wedding anniversary.

To Rules and Resolutions.

HR 2224 (By C. Anderson), Congratulating Wilburn and Doris Schuette of McGregor on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2225 (By C. Anderson), In memory of Audrey Ellen Davidson of Waco.

To Rules and Resolutions.

HR 2226 (By C. Anderson), In memory of Ruth Marie Warren of Axtell.

To Rules and Resolutions.

HR 2227 (By C. Anderson), In memory of Marion Herring of Waco.

To Rules and Resolutions.

HR 2228 (By C. Anderson), In memory of Bob Parsons of Waco.

To Rules and Resolutions.

HR 2229 (By C. Anderson), In memory of Betty Jane Dalrymple of Waco.

To Rules and Resolutions.

HR 2230 (By C. Anderson), In memory of Sam Moses of Waco.

To Rules and Resolutions.

HR 2231 (By C. Anderson), In memory of Bridger Wayne Hogan of Eddy.

To Rules and Resolutions.

HR 2232 (By C. Anderson), In memory of Ross S. Tennison of Waco.

To Rules and Resolutions.

HR 2233 (By C. Anderson), In memory of Lawrence James Tanner, Jr., of Waco.

To Rules and Resolutions.

HR 2234 (By C. Anderson), In memory of Richard Buck Ashley of Waco.

To Rules and Resolutions.

HR 2235 (By C. Anderson), In memory of Professor F. Gordon A. Stone of Waco.

To Rules and Resolutions.

HR 2236 (By C. Anderson), In memory of Gladys Virginia Burton of Moody and Waco.

To Rules and Resolutions.

HR 2237 (By C. Anderson), In memory of Donald E. Harris of Lorena.

To Rules and Resolutions.

HR 2238 (By C. Anderson), In memory of Nora Mae Sommerfeld England of Waco.

To Rules and Resolutions.

HR 2239 (By C. Anderson), Congratulating A. J. and Mickey Uptmore on their 65th wedding anniversary.

To Rules and Resolutions.

HR 2240 (By C. Anderson), In memory of Nell Yates Helka of Waco.

To Rules and Resolutions.

HR 2241 (By C. Anderson), In memory of Helen Marie Brady Hunter of Waco.

To Rules and Resolutions.

HR 2242 (By C. Anderson), Congratulating Jake and Bettye Tucker of West on their 60th wedding anniversary.

To Rules and Resolutions.

HR 2243 (By C. Anderson), In memory of Norvil Lavel Flatt.

To Rules and Resolutions.

HR 2244 (By C. Anderson), In memory of Johnna Lynn Behringer of Waco.

To Rules and Resolutions.

HR 2245 (By C. Anderson), In memory of Wayne Roy Neumann.

To Rules and Resolutions.

HR 2246 (By C. Anderson), In memory of Benjamin Aviles of McGregor.

To Rules and Resolutions.

HR 2247 (By C. Anderson), In memory of Ernest E. "Gene" King of Robinson.

To Rules and Resolutions.

HR 2248 (By C. Anderson), In memory of Dora Kate Howell of Waco.

To Rules and Resolutions.

HR 2249 (By C. Anderson), In memory of Ernest "Ray" Hicks of Waco.

To Rules and Resolutions.

HR 2250 (By C. Anderson), In memory of Gloria St. John of Waco.

To Rules and Resolutions.

HR 2251 (By C. Anderson), In memory of Ida Mae Niekamp of Waco.

To Rules and Resolutions.

HR 2252 (By C. Anderson), In memory of Mary Ann Harold of Waco.

To Rules and Resolutions.

HR 2253 (By C. Anderson), In memory of Dorothy Nolan of Waco.

To Rules and Resolutions.

HR 2254 (By Isaac), Congratulating State Representative Paul Workman and his wife, Sherry, on the occasion of their 40th wedding anniversary.

To Rules and Resolutions.

HR 2255 (By Bohac), In memory of U.S. Army Specialist Andrew J. Roughton of Houston.

To Rules and Resolutions.

HR 2256 (By Woolley), Congratulating David and Caroline Pierce of Houston on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2257 (By Alvarado), Honoring Drayton McLane, Jr., on his successful tenure as the owner of the Houston Astros.

To Rules and Resolutions.

HR 2258 (By Sheffield), Congratulating D. L. and Aggie Shannon of Temple on their 70th wedding anniversary.

To Rules and Resolutions.

HR 2259 (By Sheffield), Congratulating Robert and Kathy Ranly of Temple on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2260 (By Sheffield), Congratulating Felipe and Corina Martinez of Temple on their 55th wedding anniversary.

To Rules and Resolutions.

HR 2261 (By Marquez), Honoring the Good Luck Cafe in El Paso and recognizing its owners, the Puentes family, for more than 50 years in the restaurant business.

To Rules and Resolutions.

HR 2262 (By Marquez), In memory of Carlos Marquez, Sr., of El Paso.

To Rules and Resolutions.

HR 2263 (By Marquez), In memory of Cesar Marquez of El Paso.

To Rules and Resolutions.

HR 2264 (By Marquez), In memory of Daisy Marquez-Starr of El Paso.

To Rules and Resolutions.

HR 2265 (By Marquez), Congratulating the boys' track and field team from Chapin High School in El Paso on winning the District 1-4A championship.

To Rules and Resolutions.

HR 2266 (By Marquez), Honoring the Braden Aboud Memorial Foundation.

To Rules and Resolutions.

HR 2267 (By Marquez), Congratulating the Mithoff Burton Partners advertising firm in El Paso on its 80th anniversary.

To Rules and Resolutions.

HR 2268 (By Marquez), Honoring the life of Rosa Macias Van Sweringen of El Paso and recognizing her bequest to the Bowie Alumni Association.

To Rules and Resolutions.

HR 2269 (By Marquez), Honoring the El Paso County Sheriff's Office Special Operations Bureau for its contributions to area public safety.

To Rules and Resolutions.

HR 2270 (By Frullo), Congratulating the Texas Home School Coalition on the 25th anniversary of its founding.

To Rules and Resolutions.

HR 2271 (By Frullo), Congratulating Art and Nancy Howard of Lubbock on their 60th wedding anniversary.

To Rules and Resolutions.

HR 2272 (By Hilderbran), In memory of Rodney Dean Castleberry of Luling.

To Rules and Resolutions.

HR 2273 (By Isaac), Commending Laura Campos for her service as an intern in the office of State Representative Jason Isaac.

To Rules and Resolutions.

HR 2274 (By Anchia), Commemorating the groundbreaking for the Adelfa Botello Callejo Elementary School in Dallas.

To Rules and Resolutions.

HR 2275 (By Strama), Congratulating Cynthia Diaz de Leon on being named the 2010-2011 Teacher of the Year at Union Hill Elementary School in Round Rock.

To Rules and Resolutions.

HR 2276 (By L. Gonzales), Honoring the buddies and volunteers of the Miracle League of Austin.

To Rules and Resolutions.

HR 2278 (By Coleman), Recognizing the Texas Legislative Internship Program and congratulating its alumni and all those who have contributed to the program's success.

To Rules and Resolutions.

HR 2279 (By Martinez Fischer), Congratulating the Harlandale Independent School District on its receipt of the 2011 H-E-B Excellence in Education Award for large districts.

To Rules and Resolutions.

HR 2280 (By Gooden), Honoring Richard E. Dwelle of Athens for his service to this country and to the Lone Star State.

To Rules and Resolutions.

HR 2281 (By Gooden), Honoring Major General (Ret.) Paul E. Landers, Jr., for his service to the United States.

To Rules and Resolutions.

HR 2282 (By Gooden), In memory of Charles Benjamin Stiff of Gun Barrel City.

To Rules and Resolutions.

HR 2283 (By Gooden), Honoring John Trischitti III for his service as the assistant director of the Riter C. Hulsey Public Library in Terrell.

To Rules and Resolutions.

HR 2284 (By Gooden), Honoring George Robert Ludwig for his heroism during the Vietnam War.

To Rules and Resolutions.

HR 2285 (By Gooden), Congratulating Connor Oakley of Terrell on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 2286 (By Madden), Honoring Dixie Clem for her service to the Collin County Republican Party.

To Rules and Resolutions.

HR 2287 (By Y. Davis), Commending Shalette N. Mitchell for her service as a legislative intern in the office of State Representative Yvonne Davis.

To Rules and Resolutions.

HR 2288 (By C. Anderson), In memory of Roy E. Kokel of Waco.

To Rules and Resolutions.

HR 2289 (By Torres), Commending Evan Grady Stewart for his service as a staff member in the office of State Representative Raul Torres.

To Rules and Resolutions.

HR 2290 (By Lewis), In memory of U.S. Army Sergeant John Paul Castro.

To Rules and Resolutions.

HR 2291 (By V. Taylor), Commending Thomas Fulton for his service as an intern in the office of State Representative Van Taylor.

To Rules and Resolutions.

HR 2292 (By Zedler), Congratulating Carol Daley of Arlington on her selection as America's Most Deserving Mom.

To Rules and Resolutions.

HR 2294 (By McClendon), Honoring the 2011 Class of UTSA Legislative Scholars.

To Rules and Resolutions.

HR 2295 (By Dukes), Honoring State Representative Ruth Jones McClendon for her work in developing the McClendon Legislative Scholars Program.

To Rules and Resolutions.

HR 2296 (By D. Howard), Congratulating Janet Espinosa of Westlake High School on her selection as the 2011 Eanes Independent School District Teacher of the Year.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 35

HB 150, HB 265, HB 361, HB 596, HB 707, HB 960, HB 969, HB 976, HB 1110, HB 1120, HB 1215, HB 1379, HB 1383, HB 1395, HB 1426, HB 1481, HB 1514, HB 1525, HB 1614, HB 1666, HB 1678, HB 1682, HB 1771, HB 1830, HB 1866, HB 1906, HB 2286, HB 2289, HB 2295, HB 2366, HB 2370, HB 2385, HB 2418, HB 2482, HB 2519, HB 2538, HB 2582, HB 2624, HB 2633, HB 2690, HB 2742, HB 2809, HB 2825, HB 2937, HB 2978, HB 3146, HB 3174, HB 3307, HB 3465, HB 3470, HB 3506, HB 3573, HB 3818, HB 3857, HCR 151

Senate List No. 32

SB 31, SB 36, SB 41, SB 58, SB 74, SB 80, SB 122, SB 131, SB 155, SB 219, SB 246, SB 247, SB 256, SB 258, SB 264, SB 310, SB 311, SB 315, SB 387, SB 400, SB 402, SB 419, SB 431, SB 432, SB 436, SB 514, SB 520, SB 540, SB 545, SB 558, SB 601, SB 794, SB 795, SB 813, SB 822, SB 860, SB 882, SB 896, SB 910, SB 953, SB 992, SB 1047, SB 1057, SB 1154, SB 1187, SB 1208, SB 1248, SB 1295, SB 1311, SB 1352, SB 1410, SB 1414, SB 1578, SB 1598, SB 1660, SB 1667, SB 1668, SB 1669, SB 1687, SB 1692, SB 1719, SB 1755, SB 1831, SCR 57

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

Monday, May 23, 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:

HB 159 Raymond SPONSOR: Zaffirini
Relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

HB 254 Hilderbran SPONSOR: Wentworth
Relating to establishing the Texas Derbies.

(Amended)

HB 338 Aycock SPONSOR: Seliger
Relating to disclaimers by certain entities promulgating lists of noxious or
invasive terrestrial plant species.

(Amended)

HB 364 Turner SPONSOR: Ellis
Relating to condominiums in certain municipalities, including the exercise of
eminent domain authority by those municipalities with respect to certain
condominiums.

(Amended)

HB 725 Callegari SPONSOR: Fraser
Relating to the operation, powers, and duties of certain water districts.
(Committee Substitute/Amended)

HB 886 Smith, Wayne SPONSOR: Gallegos
Relating to the creation of the Harris County Municipal Utility District No. 528;
providing authority to impose a tax and issue bonds; granting a limited power of
eminent domain.

HB 1242 Geren SPONSOR: Harris
Relating to the regulation of certain metal dealers; providing criminal penalties.
(Committee Substitute/Amended)

HB 1315 Aliseda SPONSOR: Zaffirini
Relating to the use of municipal hotel occupancy tax revenue in certain
municipalities.
(Committee Substitute)

HB 1469 Hernandez Luna SPONSOR: Gallegos
Relating to exempting certain fraternal and veterans organizations from certain
bond requirements to obtain an alcoholic beverage permit or license.

HB 1610 Gonzales, Larry SPONSOR: Patrick
Relating to employment termination procedures applicable to a teacher who is
convicted of or receives deferred adjudication for a felony.
(Committee Substitute/Amended)

HB 2507 Chisum SPONSOR: Seliger
Relating to the offense of installing an irrigation system without a license.

HB 2604 Taylor, Larry SPONSOR: Harris
Relating to unencumbered assets held by title agents.
(Committee Substitute)

HB 2729 Callegari SPONSOR: Watson
Relating to local government contracts with private entities for civil works
projects and improvements to real property.
(Amended)

HB 3727 Hilderbran SPONSOR: Uresti
Relating to the appraisal for ad valorem tax purposes of certain commercial
aircraft that are temporarily located in this state for manufacturing or assembly
purposes.

(Amended)

SB 1193

Rodriguez

Relating to coordination of services provided by Medicaid managed care organizations and certain community centers and local mental health or mental retardation authorities.

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 1811

Senate Conferees: Duncan - Chair/Deuell/Patrick/West/Williams

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 23, 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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 61	(30 Yeas, 0 Nays)
SB 116	(30 Yeas, 0 Nays)
SB 141	(30 Yeas, 0 Nays)
SB 260	(30 Yeas, 0 Nays)
SB 544	(30 Yeas, 0 Nays)
SB 639	(30 Yeas, 0 Nays)
SB 690	(30 Yeas, 0 Nays)
SB 1431	(30 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 23, 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:

HB 336 Marquez SPONSOR: Rodriguez
Relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.
(Amended)

HB 675 Lucio III SPONSOR: Lucio
Relating to football helmet safety requirements in public schools.

HB 1010 Bonnen SPONSOR: Jackson
Relating to enforcement of commercial motor vehicle safety standards in certain municipalities.

HB 1178 Flynn SPONSOR: Birdwell
Relating to employment protection for members of the state military forces.
(Amended)

HB 1353 Elkins SPONSOR: Williams
Relating to speed limits.

HB 1371 Gonzalez, Naomi SPONSOR: Rodriguez
Relating to vehicle parking requirements in certain municipal housing authority communities.
(Committee Substitute)

HB 1619 Orr SPONSOR: Patrick
Relating to emergency service districts.
(Committee Substitute)

HB 1732 Ritter SPONSOR: Hinojosa
Relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.
(Committee Substitute/Amended)

HB 1756 Rodriguez, Eddie SPONSOR: Watson
Relating to the creation of the Pilot Knob Municipal Utility District No. 2; providing authority to impose a tax and issue bonds.

(Committee Substitute)

HB 1757 Rodriguez, Eddie SPONSOR: Watson
Relating to the creation of the Pilot Knob Municipal Utility District No. 1;
providing authority to impose a tax and issue bonds.

(Committee Substitute)

HB 1942 Patrick, Diane SPONSOR: Van de Putte
Relating to bullying in public schools.

(Committee Substitute)

HB 2136 Guillen SPONSOR: Zaffirini
Relating to regional contracted brokers and subcontractors of regional contracted
brokers providing Medicaid nonemergency medical transportation services.

(Committee Substitute/Amended)

HB 2226 Truitt SPONSOR: Carona
Relating to authorized investments for governmental entities.

(Amended)

HB 2277 Eiland SPONSOR: Williams
Relating to the sale, exchange, or replacement of life insurance and annuity
contracts.

(Amended)

HB 2380 Shelton SPONSOR: Shapiro
Relating to employment by school districts of certain persons under probationary
contracts.

(Amended)

HB 2396 McClendon SPONSOR: Zaffirini
Relating to the pledge of advanced transportation district sales and use taxes to
certain bonds.

(Committee Substitute)

HB 2408 Darby SPONSOR: Harris
Relating to title insurance.

(Committee Substitute)

HB 2490 Solomons SPONSOR: Carona
Relating to the regulation of crafted precious metal dealers; providing criminal
penalties.

(Committee Substitute/Amended)

HB 2779 Bohac SPONSOR: Patrick
Relating to provisions in the dedicatory instruments of property owners'
associations regarding display of flags.

(Committee Substitute)

HB 2902 Zerwas SPONSOR: Hegar
Relating to the extraterritorial jurisdiction of certain municipalities.

HB 3109 Craddick SPONSOR: Seliger
Relating to the rulemaking power of certain groundwater conservation districts.

(Committee Substitute)

HB 3111 Craddick SPONSOR: Seliger

Relating to fees to finance capital improvements in certain municipalities.
(Amended)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 23, 2011 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 33 Branch SPONSOR: Zaffirini
Relating to measures to increase the affordability of textbooks used for courses at public or private institutions of higher education.

HB 530 Shelton SPONSOR: Davis
Relating to the definition of local law enforcement authority for purposes of the sex offender registration program.

HB 826 Farias SPONSOR: Zaffirini
Relating to facilitating the enrollment in or transfer to a public school district of a student in the conservatorship of the state.

HB 1228 Dutton SPONSOR: West
Relating to payment and collection of assessments and other charges owed to a property owners' association and foreclosure of a property owners' association assessment lien.
(Committee Substitute/Amended)

HB 1568 Coleman SPONSOR: Gallegos
Relating to the authority of certain local governmental entities in certain populous counties to appoint, contract for, or employ physicians.
(Committee Substitute)

HB 1758 Rodriguez, Eddie SPONSOR: Watson
Relating to the creation of the Pilot Knob Municipal Utility District No. 3; providing authority to impose a tax and issue bonds.
(Committee Substitute)

HB 1812 Phillips SPONSOR: Seliger
Relating to the type of newspaper required for publication of notice in certain counties.

HB 1821 Anderson, Rodney SPONSOR: West
Relating to certain information or guidelines provided by or concerning a property owners' association or concerning subdivisions that are subject to restrictive covenants.

(Committee Substitute/Amended)

HB 1932 Schwertner SPONSOR: Ogden
Relating to the powers and duties of the Williamson-Liberty Hill Municipal Utility District.

HB 2173 Torres SPONSOR: Van de Putte
Relating to the adoption of certain voting procedures and to certain elections, including procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, deadlines for declaration of candidacy and dates for certain elections, and to terms of certain elected officials.

(Committee Substitute/Amended)

HB 2207 Oliveira SPONSOR: Lucio
Relating to the authority of the board of trustees to set rates for certain municipal utility systems.

(Committee Substitute/Amended)

HB 2560 Sheffield SPONSOR: Estes
Relating to transporting a foster child in a vehicle where a handgun is in the possession of a foster parent licensed to carry a concealed handgun.

(Amended)

HB 2784 Alonzo SPONSOR: Hinojosa
Relating to the refund policy for courses and programs at career schools and colleges.

(Committee Substitute/Amended)

HB 3161 Hancock SPONSOR: Van de Putte
Relating to limited purpose subsidiary life insurance companies.

(Committee Substitute)

HB 3268 Lyne SPONSOR: Estes
Relating to permits for air contaminant emissions of stationary natural gas engines used in combined heating and power systems.

(Amended)

HB 3278 Shelton SPONSOR: Shapiro
Relating to membership of the commissioner of education and the Texas Education Agency in certain advisory committees, commissions, task forces, and other similar entities.

(Committee Substitute)

HB 3324 McClendon SPONSOR: Watson
Relating to the operations and monitoring of fusion centers in this state.

(Committee Substitute)

HB 3722 Guillen SPONSOR: Zaffirini
Relating to the boater education program of the Parks and Wildlife Department.

Respectfully,

Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 23, 2011 - 5

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 411 Laubenberg SPONSOR: Deuell
Relating to the confidentiality of newborn screening information.
(Committee Substitute/Amended)

HB 1173 Riddle SPONSOR: Huffman
Relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.
(Amended)

HB 1334 Allen SPONSOR: Davis
Relating to the effect of a delay by the State Board for Educator Certification in renewing an educator's certification.
(Committee Substitute)

HB 1335 Allen SPONSOR: Van de Putte
Relating to certain resources available to teachers of a public school student with a disability under the statewide plan for delivery of services to public school students with disabilities.
(Committee Substitute/Amended)

HB 1386 Coleman SPONSOR: Ellis
Relating to the public health threat presented by youth suicide.
(Committee Substitute/Amended)

HB 1616 Geren SPONSOR: Estes
Relating to the reporting of political contributions, political expenditures, and personal financial information, and to complaints filed with the Texas Ethics Commission.
(Committee Substitute/Amended)

HB 1839 Phillips SPONSOR: Jackson
Relating to excluding a provider of recreational classes that do not lead to an educational credential from regulation as a career school or college.

HB 1969 Christian SPONSOR: Nichols

Relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains.

(Amended)

HB 2169 Aycock SPONSOR: Shapiro

Relating to the authority of the governing body of a taxing unit to rescind a discount for early payment of ad valorem taxes.

(Amended)

HB 2592 Truitt SPONSOR: Carona

Relating to notice and disclosure requirements for certain credit services organizations regarding charges and consumer borrowing; providing an administrative penalty.

(Committee Substitute)

HB 2594 Truitt SPONSOR: Carona

Relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

(Amended)

HB 2608 Harper-Brown SPONSOR: Hinojosa

Relating to the continuation and functions of the Texas Department of Housing and Community Affairs.

(Committee Substitute/Amended)

HB 2707 Burnam SPONSOR: Davis

Relating to the holding of an interest in certain alcoholic beverage licenses, permits, or premises by certain persons whose alcoholic beverage license or permit has been revoked.

HB 2735 Madden SPONSOR: Hinojosa

Relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

HB 2911 Branch SPONSOR: Patrick

Relating to guaranteed student loans and alternative education loans.

HB 3199 Cain SPONSOR: Estes

Relating to the repeal of requirements and penalties related to the grading of roses.

HB 3404 Naishtat SPONSOR: Watson

Relating to establishing a child care advisory committee to advise the Texas Facilities Commission.

HCR 42 Madden SPONSOR: Williams

Expressing support for the current FBI effort to reevaluate existing policies, standards, and protocols for forensic DNA testing laboratories and expressing support for any new policies, standards, and protocols that would hold public and private labs to the same standards, audits, and review process, urging Congress to pass any necessary federal legislation that ensures continued quality in forensic

science while holding public and private lab DNA analysis to the same standards, and encouraging Texas law enforcement agencies to use forensic science review methods that will eliminate DNA testing backlogs.

HJR 63 Pickett SPONSOR: Wentworth
Proposing a constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 23, 2011 - 6

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 272 Smithee SPONSOR: Carona
Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.
(Committee Substitute/Amended)

HB 359 Allen SPONSOR: Lucio
Relating to discipline in public schools, including the use of corporal punishment and the prosecution of certain children for school-related offenses.
(Amended)

HB 1090 Gonzalez, Naomi SPONSOR: Seliger
Relating to the calculation of interest on certain ad valorem tax refunds.
(Amended)

HB 1451 Thompson SPONSOR: Whitmire
Relating to the licensing and regulation of certain dog and cat breeders; providing penalties.
(Committee Substitute/Amended)

HB 1797 Naishtat SPONSOR: Rodriguez
Relating to a person's eligibility to obtain a license in social work.

(Amended)

HB 2093 Thompson SPONSOR: Van de Putte
Relating to the operation and regulation of certain consolidated insurance programs.

(Amended)

HB 2734 Madden SPONSOR: Williams
Relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.

(Amended)

HB 2889 Madden SPONSOR: Hinojosa
Relating to the expunction of records and files relating to a person's arrest.

HCR 163 Pickett SPONSOR: Van de Putte
Convening a joint memorial session to honor Texans killed while serving in the Global War on Terrorism, commemorating Memorial Day 2011, and paying tribute to all those who have died in the service of the United States.

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

SB 166 (31 Yeas, 0 Nays)

SB 233 (31 Yeas, 0 Nays)

SB 234 (31 Yeas, 0 Nays)

SB 650 (31 Yeas, 0 Nays)

SB 864 (31 Yeas, 0 Nays)

SB 900 (31 Yeas, 0 Nays)

SB 1082 (31 Yeas, 0 Nays)

SB 1106 (31 Yeas, 0 Nays)

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

SB 23

Senate Conferees: Nelson - Chair/Deuell/Hinojosa/Shapiro/Williams

SB 263

Senate Conferees: Carona - Chair/Eltife/Rodriguez/Seliger/Zaffirini

SB 652

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

SB 655

Senate Conferees: Hegar - Chair/Hinojosa/Huffman/Nelson/Nichols

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 275

Senate Conferees: Ogden - Chair/Duncan/Eltife/Fraser/Patrick

HB 1286

Senate Conferees: Davis - Chair/Deuell/Nichols/Ogden/Patrick

HB 2154

Senate Conferees: Ellis - Chair/Deuell/Duncan/Lucio/Van de Putte

HB 2457

Senate Conferees: Jackson - Chair/Eltife/Fraser/Shapiro/Watson

HB 2694

Senate Conferees: Huffman - Chair/Fraser/Hegar/Hinojosa/Nichols

HB 3302

Senate Conferees: Hegar - Chair/Eltife/Hinojosa/Jackson/Patrick

HB 3726

Senate Conferees: Van de Putte - Chair/Eltife/Uresti/Wentworth/Zaffirini

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE
COMMITTEE REPORTS:

HB 1555 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 21

Criminal Jurisprudence - **SB 348**

Defense and Veterans' Affairs - **SB 34**

Energy Resources - **SB 1296**

Environmental Regulation - **SB 1520**

Higher Education - **SB 945**

Homeland Security and Public Safety - **SB 9, SB 1572, SB 1658, SB 1696,**
SB 1787

Judiciary and Civil Jurisprudence - **SB 286**

Licensing and Administrative Procedures - **SB 1036, SB 1334**

Natural Resources - **SB 907, SB 1225, SB 1920**

Public Education - **SB 49, SB 66, SB 127, SB 205, SB 570, SB 1214, SB 1511, SB 1581**

Public Health - **SB 44, SB 270, SB 622, SB 1081**

State Affairs - **SB 365, SB 937, SB 1219**

Transportation - **SB 1138, SB 1402, SB 1742**

ENROLLED

May 21 - HB 114, HB 123, HB 253, HB 265, HB 451, HB 533, HB 549, HB 627, HB 649, HB 824, HB 942, HB 962, HB 976, HB 1128, HB 1135, HB 1245, HB 1381, HB 1383, HB 1426, HB 1514, HB 1529, HB 1559, HB 1643, HB 1678, HB 1694, HB 1772, HB 1774, HB 1908, HB 1965, HB 1983, HB 2061, HB 2069, HB 2108, HB 2162, HB 2189, HB 2245, HB 2258, HB 2289, HB 2312, HB 2354, HB 2385, HB 2482, HB 2538, HB 2624, HB 2633, HB 2727, HB 2908, HB 2928, HB 3065, HB 3470, HB 3547, HB 3814

SENT TO THE GOVERNOR

May 21 - HB 215, HB 423, HB 555, HB 591, HB 901, HB 1550, HB 1770, HB 2007, HB 2014, HB 2342, HB 2851, HB 3051, HB 3234

SIGNED BY THE GOVERNOR

May 21 - HB 438, HB 444, HB 571, HB 610, HB 755, HB 841, HB 1322, HB 1404, HB 1527, HB 1806, HB 1832, HB 1917, HB 2559, HB 2680, HB 2785, HCR 116, HCR 119, HCR 132, HCR 139