

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

EIGHTY-FOURTH DAY (CONTINUED) — WEDNESDAY, MAY 25, 2011

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

The roll of the house was called and a quorum was announced present (Record 1402).

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

Absent, Excused — Harless.

The invocation was offered by Reverend Estee Valendy, pastor, First United Methodist Church, Arlington, as follows:

Creator God, ruler of the universe, in you we find the way of peace and reconciliation and hope. We give you thanks for the privilege and freedom of selecting those who govern us. I pray this morning for these members who have been elected to the task of representing your people. Theirs is a large responsibility. The issues they face are complex and challenging. Guide them, O God, to see their decisions in the light of your purpose. Illuminate for them the ways of justice and compassion. Grant them insight to recognize the needs of those they represent and remove their suspicions and misunderstandings, that they may honor all people. In this final week of anxiety and stress, sustain and empower them to work swiftly and diligently to serve the common good.

As we prepare for the work of this day, we lift to you our state and its citizens. Look graciously, O Lord, upon this land. Where it is in pride, subdue it. Where it is in need, supply it. Where it is in error, rectify it. Where it is in default, restore it; and where it holds to that which is just and compassionate, support it.

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

### **LEAVE OF ABSENCE GRANTED**

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

Harless on motion of Deshotel.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Naishtat who presented Dr. Elliot Trester of Austin as the "Doctor for the Day."

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

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

(Aliseda in the chair)

### **HR 1643 - PREVIOUSLY ADOPTED (by Deshotel)**

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

**HR 1643**, Honoring the Texas Small Farmers and Ranchers Community Based Organization.

On motion of Representative Brown, the names of all the members of the house were added to **HR 1643** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Deshotel who introduced members of the Texas Small Farmers and Ranchers Community Based Organization.

### **HCR 153 - PREVIOUSLY ADOPTED (by Dukes)**

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

**HCR 153**, Honoring the Austin Area Urban League.

On motion of Representatives D. Howard and Rodriguez, the names of all the members of the house were added to **HCR 153** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Naishtat who introduced representatives of the Austin Area Urban League.

#### **HR 2424 - ADOPTED** **(by S. Miller)**

Representative S. Miller moved to suspend all necessary rules to take up and consider at this time **HR 2424**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2424**, Congratulating Eddy D. Edmondson on his retirement as president of the Texas Nursery & Landscape Association.

**HR 2424** was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 2424** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative S. Miller who introduced Eddy D. Edmondson and members of his family and friends.

#### **HR 2135 - ADOPTED** **(by Rodriguez)**

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 2135**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2135**, 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.

**HR 2135** was read and was adopted.

On motion of Representative Workman, the names of all the members of the house were added to **HR 2135** as signers thereof.

### INTRODUCTION OF GUEST

The chair recognized Representative Rodriguez who introduced Matthew Curtis.

#### **HR 2406 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2406**, suspending the limitations on the conferees for **SB 321**.

**HR 2163 - PREVIOUSLY ADOPTED****(by Brown)**

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

**HR 2163**, Commemorating the 40th anniversary of the Texas Sea Grant College Program.

On motion of Representative Branch, the names of all the members of the house were added to **HR 2163** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Brown who introduced representatives of the Texas Sea Grant College Program.

**HR 1955 - ADOPTED****(by Chisum, Craddick, Lewis, Gallego, and Perry)**

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 1955**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1955**, Urging the United States Fish and Wildlife Service to withdraw its proposal to list the dunes sagebrush lizard under the Endangered Species Act of 1973.

**HR 1955** was adopted.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 1955** as signers thereof.

**RESOLUTIONS ADOPTED**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 2423** and **HR 2432**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 2423** (by Dutton), Congratulating the honorees of the 2011 KEW Learning Academy Profiles of Prominence Awards Banquet.

**HR 2432** (by Dutton), Congratulating Terena Tichelle Cloud on her graduation from Klein Collins High School.

The resolutions were adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 2423** and **HR 2432** as signers thereof.

**HCR 166 - ADOPTED**  
**(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HCR 166**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 166**, Commemorating the 10th anniversary of the death of John Austin Pena and the naming of the John Austin Pena Memorial Center in Edinburg.

**HCR 166** was adopted.

**HCR 167 - ADOPTED**  
**(by Otto)**

The following privileged resolution was laid before the house:

**HCR 167**

WHEREAS, **HB 2203** has been adopted by the senate and the house of representatives and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED, by the 82nd Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections:

(1) In SECTION 1 of the house engrossment (page 1, line 11), strike "three-year" and substitute "four-year [~~three-year~~]".

(2) In SECTION 1 of the house engrossment (page 1, line 14), strike "one-year" and substitute "two-year".

(3) Between SECTIONS 3 and 4 of the house engrossment (page 3, between lines 19 and 20) insert the following and renumber subsequent SECTIONS of the bill accordingly:

SECTION 4. Section 2003.916, Government Code, is amended to read as follows:

Sec. 2003.916. EXPIRATION. This subchapter expires January 1, 2014 [~~2013~~].

**HCR 167** was adopted by (Record 1403): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Bertram; 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; 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.

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

Absent, Excused — Harless.

### **SB 717 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Kolkhorst, Representative Naishtat was authorized as a house sponsor to **SB 717**.

(Speaker pro tempore in the chair)

### **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. 37).

### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING**

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

**CSSB 40** (Callegari - House Sponsor), A bill to be entitled An Act relating to the composition and functions of the Texas Guaranteed Student Loan Corporation.

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

Representative Callegari offered the following amendment to **CSSB 40**:

Amend **CSSB 40** (house committee printing), in SECTION 14 of the bill, by striking added Section 57.24(f), Education Code (page 12, lines 9 through 13).

Amendment No. 1 was adopted.

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

Representative Callegari offered the following amendment to **CSSB 40**:

Amend **CSSB 40** (house committee printing) as follows:

(1) Strike SECTION 4 of the bill, amending Sections 57.13(a) and (b), Education Code (page 3, line 26, through page 4, line 16), and substitute the following:

SECTION 4. Section 57.13(b), Education Code, is amended to read as follows:

(b) The governor, with the advice and consent of the senate, shall appoint the ~~[40]~~ members of ~~[to]~~ the board as follows:

(1) five members who must have knowledge of or experience in finance, including management of funds or business operations;

(2) one member who must be a student enrolled at a postsecondary educational institution for the number of credit hours required by the institution to be classified as a full-time student of the institution; and

(3) ~~five~~ ~~[four]~~ members who must be members the faculty or administration of a ~~[an eligible]~~ postsecondary educational institution that is an eligible institution for purposes of the Higher Education Act of 1965, as amended ~~[, as defined by Section 57.46]~~.

(2) Strike SECTION 6 of the bill, amending Section 57.14, Education Code (page 5, lines 9 through 14), and substitute the following:

SECTION 6. Section 57.14, Education Code, is amended to read as follows:

Sec. 57.14. DIRECTORS' TERMS OF OFFICE. Members of the board ~~[appointed by the governor]~~ serve for terms of six years, with the terms of three or four members, as applicable, expiring on January 31 of each odd-numbered year.

(3) Strike SECTION 24 of the bill (page 17, line 21 through page 18, line 8), and substitute the following:

SECTION 24. Notwithstanding any other law, to comply with the requirements of Section 57.13, Education Code, as amended by this Act, and Section 30a, Article XVI, Texas Constitution, as soon as practicable on or after September 1, 2011, the governor shall appoint one additional member to the board of directors of the Texas Guaranteed Student Loan Corporation under Section 57.13(b)(3), Education Code, for a term to expire January 31, 2015.

Amendment No. 2 was adopted.

**CSSB 49** (Guillen - House Sponsor), A bill to be entitled An Act relating to school district requirements regarding parental notification in connection with disciplinary alternative education programs. (Berman, Bonnen, Craddick, Flynn, Hamilton, Harper-Brown, Harless, P. King, Landtroop, Laubenberg, Madden, Parker, Paxton, Perry, Phillips, Sheets, Sheffield, Solomons, Truitt, Weber, Zedler, and Zerwas recorded voting no.)

**SB 197** (Phillips - House Sponsor), A bill to be entitled An Act relating to the compulsory inspection of motor vehicles; providing penalties. (Berman, Bohac, Bonnen, Burkett, Cain, Carter, Craddick, Flynn, Harless, Harper-Brown, Hamilton, P. King, Landtroop, Laubenberg, Legler, Madden, Paxton, Perry, Sheets, Sheffield, Solomons, Parker, Truitt, Weber, Zedler, and Zerwas recorded voting no.)

**Amendment No. 1**

Representative Phillips offered the following amendment to **SB 197**:

Amend **SB 197** (house committee report) as follows:

(1) In SECTION 5 of the bill, after added Section 548.6015(b), Transportation Code, insert the following:

(c) A penalty imposed under this section is in lieu of a civil or administrative penalty imposed under another provision of this chapter for the same violation.

(2) In SECTION 6 of the bill, in added Section 548.6036(a), Transportation Code, after "subject to", add "an administrative or civil penalty or criminal".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Phillips offered the following amendment to **SB 197**:

Amend **SB 197** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) The Department of Public Safety and the Texas Department of Motor Vehicles shall conduct a study regarding the feasibility of and best practices for using an electronic motor vehicle inspection system to consolidate the inspection and registration of motor vehicles in this state.

(b) Not later than December 1, 2012, the Department of Public Safety and the Texas Department of Motor Vehicles shall report the results of the study conducted under this section to the standing committees in the senate and the house of representatives that have primary jurisdiction over transportation.

Amendment No. 2 was adopted.

**SB 244** (Fletcher - House Sponsor), A bill to be entitled An Act relating to the continuing education requirements for certain peace officers.

**CSSB 286** (Hartnett - House Sponsor), A bill to be entitled An Act relating to attorney's fees and other costs in guardianship proceedings. (Cain, Laubenberg, and Paxton recorded voting no.)

**SB 348** was withdrawn.

**SB 365** (Strama - House Sponsor), A bill to be entitled An Act relating to distributed generation of electric power.

**SB 390** was withdrawn.

**CSSB 391** (Eissler - House Sponsor), A bill to be entitled An Act relating to the provision of electronic samples of a textbook adopted by the State Board of Education.

**SB 433** was withdrawn.



**CSSB 462** (Veasey and Gallego - House Sponsors), A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest. (Berman, Bonnen, Flynn, Laubenberg, Paxton, Sheffield, and Zedler recorded voting no.)

**Amendment No. 1**

Representative Veasey offered the following amendment to **CSSB 462**:

Amend **CSSB 462** (house committee report) in SECTION 1 of the bill as follows:

(1) In amended Article 55.01(a)(2)(A), Code of Criminal Procedure (page 2, lines 1 and 2), strike "felony or misdemeanor offense arising out of the" and substitute "misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same".

(2) Strike added Articles 55.01(a)(2)(A)(i)(a)-(c), Code of Criminal Procedure (page 2, lines 6-14), and substitute the following:

(a) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c) at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

Amendment No. 1 was adopted.

**SB 475** (Fletcher - House Sponsor), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Berman, Bonnen, Flynn, Madden, Sheffield, and Zedler recorded voting no.)

**SB 623** was deferred until the end of today's local, consent, and resolutions calendar.

**SB 631** was withdrawn.

**SB 801** (Weber - House Sponsor), A bill to be entitled An Act relating to the authority of the seawall commission in Matagorda County to build and maintain recreational facilities near the seawall.

**CSSB 841** (S. Miller, Hernandez Luna, and Gallego - House Sponsors), A bill to be entitled An Act relating to the prosecution of and punishment for the offense of breach of computer security.

**CSSB 844** (Hunter, Gallego, Christian, Rodriguez, Zedler, et al. - House Sponsors), A bill to be entitled An Act relating to the offense of escape from custody by a person lawfully detained. (Lewis recorded voting no.)

**SB 847** (J. Davis - House Sponsor), A bill to be entitled An Act relating to the authority of certain hospital districts to contract for the performance of administrative functions and services.

**SB 937** (Naishtat - House Sponsor), A bill to be entitled An Act relating to priorities for restoration of electric service following an extended power outage.

**SB 969** (Kolkhorst - House Sponsor), A bill to be entitled An Act relating to the establishment of the Public Health Funding and Policy Committee within the Department of State Health Services. (Cain, Landtroop, Paxton, Perry, and White recorded voting no.)

**CSSB 1003** (W. Smith - House Sponsor), A bill to be entitled An Act relating to penalties for, and emergency orders suspending, the operation of a rock crusher or certain concrete plants without a current permit under the Texas Clean Air Act. (Bohac and Cain recorded voting no.)

**SB 1042** (Jackson - House Sponsor), A bill to be entitled An Act relating to the eligibility of employees convicted of certain offenses to provide services under a contract with a public school.

**SB 1055** (Madden and White - House Sponsors), A bill to be entitled An Act relating to reports concerning and the reporting of the use of certain funds by community supervision and corrections departments and to the preparation of commitment reduction plans by those departments.

**SB 1058** (White - House Sponsor), A bill to be entitled An Act relating to the transfer of certain state property from the Department of Aging and Disability Services to the Angelina and Neches River Authority.

#### **SB 1058 - HOUSE SPONSOR AUTHORIZED**

On motion of Representative Ritter, Representative Beck was authorized as a house sponsor to **SB 1058**.

**SB 1070** was withdrawn.

**CSSB 1170** (Hamilton - House Sponsor), A bill to be entitled An Act relating to the regulation of barbers and cosmetologists. (Flynn, Madden, Landtroop, Laubenberg, Paxton, Perry, Sheets, Sheffield, White, and Zedler recorded voting no.)

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

On behalf of Representative Kuempel, Representative Hamilton offered the following amendment to **CSSB 1170**:

Amend **CSSB 1170** (house committee printing) as follows:

(1) In SECTION 20 of the bill, in proposed Section 1602.303(b)(3)(B)(i), Occupations Code, strike "2,000" and substitute "2,800".

(2) In SECTION 20 of the bill, in proposed Section 1602.303(b)(3)(B)(i), Occupations Code, strike "municipality" and substitute "county".

(3) In SECTION 20 of the bill, in proposed Section 1602.303(b)(3)(B)(i), Occupations Code, strike "50,000" and substitute "100,000".

(4) In SECTION 20 of the bill, in proposed Section 1602.303(b)(3)(B)(ii), Occupations Code, strike "1,000" and substitute "1,800".

(5) In SECTION 20 of the bill, in proposed Section 1602.303(b)(3)(B)(ii), Occupations Code, strike "municipality with a population of 50,000 or less or in an unincorporated area of a county" and substitute "county with a population of 100,000 or less".

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

SECTION \_\_\_\_\_. To the extent of any conflict, the change in law made by this Act to Section 1602.303(b)(3)(B), Occupations Code, prevails over a change in law made by any other Act of the 82nd Legislature, Regular Session, 2011, regardless of the relative dates of enactment.

Amendment No. 1 was adopted.

**SB 1200** (Fletcher, Riddle, and Coleman - House Sponsors), A bill to be entitled An Act relating to the venue for prosecution of misdemeanor cases in justice of the peace courts located in certain counties.

**SB 1225** was withdrawn. (The objections were withdrawn later today, and **SB 1225** was passed to third reading.)

**SB 1244** was deferred until the end of today's local, consent, and resolutions calendar.

**SB 1290** (Hunter - House Sponsor), A bill to be entitled An Act relating to the creation of the Calhoun County Groundwater Conservation District; providing authority to issue bonds.

**SB 1302** was withdrawn.

**SB 1383** (Eissler - House Sponsor), A bill to be entitled An Act relating to an appraisal and professional development system for public school principals. (Berman, Bonnen, Cain, Flynn, Legler, Paxton, Sheffield, White, and Zedler recorded voting no.)

**SB 1545** (Woolley - House Sponsor), A bill to be entitled An Act relating to the liability of a volunteer health care practitioner who conducts a physical examination or medical screening of a student athlete.

**SB 1546** (Murphy - House Sponsor), A bill to be entitled An Act relating to the right to a new hearing before an appraisal review board following a failure to attend a hearing. (Beck recorded voting no.) (The vote was reconsidered later today, and **SB 1546**, as amended, was passed to third reading.)

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

Representative Murphy offered the following amendment to **SB 1546**:

Amend **SB 1546** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 2003.912(b), (c), and (d), Government Code, are amended to read as follows:

(b) The determination:

(1) must include a determination of the appraised or market value, as applicable, of the property that is the subject of the appeal;

(2) must contain a brief analysis of the administrative law judge's rationale for and set out the key findings in support of the determination but is not required to contain a detailed discussion of the evidence admitted or the contentions of the parties;

(3) may include any remedy or relief a court may order under Chapter 42, Tax Code, in an appeal relating to the appraised or market value of property and, if Subsection (c) applies, shall include an award of reasonable attorney's fees in an amount that does not exceed the amount specified by ~~under~~ Section 42.29, Tax Code; and

(4) shall specify whether the appraisal district or the property owner is required to pay the costs of the hearing and the amount of those costs.

(c) If the administrative law judge determines that the appraised or market value, as applicable, of the property that is the subject of the appeal is nearer to the property owner's opinion of the appraised or market value, as applicable, of the property as stated in the ~~request for the~~ hearing ~~submitted by the property owner~~ than the appraisal district's opinion of value as stated in the hearing ~~determined by the appraisal review board~~:

(1) the office, on receipt of a copy of the determination, shall refund the property owner's filing fee;

(2) the appraisal district, on receipt of a copy of the determination, shall pay the costs of the appeal as specified in the determination; and

(3) the chief appraiser shall correct the appraised or market value, as applicable, of the property as shown in the appraisal roll to reflect the administrative law judge's determination.

(d) If the administrative law judge determines that the appraised or market value, as applicable, of the property that is the subject of the appeal is not nearer to the property owner's opinion of the appraised or market value, as applicable, of the property as stated in the ~~property owner's request for a~~ hearing than the appraisal district's opinion of value as stated in the hearing ~~determined by the appraisal review board~~:

(1) the office, on receipt of a copy of the determination, shall retain the property owner's filing fee;

(2) the chief appraiser shall correct the appraised or market value, as applicable, of the property as shown in the appraisal roll to reflect the administrative law judge's determination if the value as determined by the administrative law judge is less than the value as determined by the appraisal review board; and

(3) the property owner shall pay the difference between the costs of the appeal as specified in the determination and the property owner's filing fee.

SECTION \_\_\_\_\_. Section 42.29, Tax Code, is amended to read as follows:

Sec. 42.29. ATTORNEY'S FEES. (a) A property owner who prevails in an appeal to the court under Section 42.25 or 42.26 or in an appeal to the court of a determination of an appraisal review board on a motion filed under Section 25.25 shall ~~may~~ be awarded reasonable attorney's fees. The amount of the award may not exceed the greater of:

(1) \$15,000; or

(2) 20 percent of the total amount by which the property owner's tax liability is reduced as a result of the appeal.

(b) Notwithstanding Subsection (a), the amount of an award of attorney's fees may not exceed ~~[the lesser of:~~

~~[(1)] \$100,000[; or~~

~~[(2) the total amount by which the property owner's tax liability is reduced as a result of the appeal].~~

SECTION \_\_\_\_\_. The change in law made by this Act to Section 2003.912, Government Code, applies only to an appeal filed under Subchapter Z, Chapter 2003, Government Code, on or after the effective date of this Act. An appeal filed under Subchapter Z, Chapter 2003, Government Code, before the effective date of this Act is governed by the law in effect when the appeal was filed, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 42.29, Tax Code, applies only to an appeal filed under Chapter 42, Tax Code, on or after the effective date of this Act. An appeal filed under Chapter 42, Tax Code, before the effective date of this Act is governed by the law in effect when the appeal was filed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn.)

### **Amendment No. 2**

Representative Villarreal offered the following amendment to **SB 1546**:

Amend **SB 1546** (house committee printing) in SECTION 1 of the bill, in amended Section 41.45 (e-1), Tax Code (page 1, line 8), by striking "under Section 1.111" and substituting "~~under Section 1.111~~".

Amendment No. 2 was adopted.

**SB 1619** (Aycock - House Sponsor), A bill to be entitled An Act relating to participation of public high school students in college credit programs.

**SB 1620** (Aycock - House Sponsor), A bill to be entitled An Act relating to substitution of certain career and technology courses for certain mathematics and science courses otherwise required under the recommended high school program. (Cain recorded voting no.)

### **Amendment No. 1**

Representative Aycock offered the following amendment to **SB 1620**:

Amend **SB 1620** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 28.027(b), Education Code (page 2, line 17), following the underlined period, insert:

The State Board of Education may only approve a course to substitute for a mathematics course taken after successful completion of Algebra I and geometry and after successful completion of or concurrently with Algebra II. The State Board of Education may only approve a course to substitute for a science course taken after successful completion of biology and chemistry and after successful completion of or concurrently with physics.

(2) In SECTION 2 of the bill, strike added Section 28.027(e), Education Code (page 3, line 23, through page 4, line 4).

(3) In SECTION 3 of the bill, strike amended Section 28.025(b-2), Education Code (page 4, lines 7 through 21), and substitute the following:

(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements for a mathematics course under Subsection (b-1)(1) taken after the successful completion of Algebra I and geometry and either after the successful completion of or concurrently with [an] Algebra II [course] or a science course under Subsection (b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with [a] physics [course] by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses.

(4) In SECTION 4 of the bill, in added Section 61.0517(b), Education Code (page 5, lines 5 and 6), strike "ensure that academic credit for an applied STEM course is freely transferable among all" and substitute "work with institutions of higher education to ensure that credit for an applied STEM course may be applied to relevant degree programs offered by".

(5) In SECTION 4 of the bill, in added Section 61.0517(c), Education Code (page 5, line 9), strike "listing of courses approved" and substitute "review of courses considered for approval".

Amendment No. 1 was adopted.

**SB 1695** was withdrawn.

**SB 1702** was withdrawn.

**SB 1788** (Huberty - House Sponsor), A bill to be entitled An Act relating to the development of a model individualized education program form by the Texas Education Agency. (Phillips recorded voting no.)

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

Representatives Huberty, Turner, J. Davis, Bonnen, L. Taylor, Berman, Weber, Riddle, Thompson, and Brown offered the following amendment to **SB 1788**:

Amend **SB 1788** by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_ . FISCAL MATTERS REGARDING FOUNDATION SCHOOL PROGRAM AND TAX INCREMENT FUND

SECTION \_\_\_\_ .01. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2511 to read as follows:

Sec. 42.2511. FUNDING LEVELS BASED ON CERTAIN TAX INCREMENT FUND PAYMENTS. (a) This section applies only to a school district that:

(1) deposited taxes before May 1, 2011, in a tax increment fund created under Chapter 311, Tax Code, for a reinvestment zone plan; and

(2) received a notice from the commissioner of a reduction in state funding for the 2004-2005, 2005-2006, 2006-2007, 2007-2008, and 2008-2009 school years based on the deposit of taxes into the tax increment fund that were reported to the commissioner by the district but not on the form used by the agency to calculate entitlements under this chapter.

(b) Notwithstanding any other law, the state and local revenue a school district subject to this section is entitled to receive for the state fiscal biennium beginning September 1, 2011, is reduced by one-half of the reduction calculated by the commissioner due to the taxes deposited in the tax increment fund for the 2004-2005, 2005-2006, 2006-2007, 2007-2008, and 2008-2009 school years.

(c) This section expires September 1, 2013.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representatives Rodriguez, Larson, Scott, Orr, Farias, and Harper-Brown offered the following amendment to **SB 1788**:

Amend **SB 1788** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0111 to read as follows:

Sec. 29.0111. BEGINNING OF TRANSITION PLANNING. Appropriate state transition planning under the procedure adopted under Section 29.0111 must begin for a student not later than when the student reaches 14 years of age.

Amendment No. 2 was adopted.

**SB 1796** (S. Miller - House Sponsor), A bill to be entitled An Act relating to the creation of the Texas Coordinating Council for Veterans Services.

### **Amendment No. 1**

Representative S. Miller offered the following amendment to **SB 1796**:

Amend **SB 1796** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 434.153(3), Government Code (page 1, line 38), strike "and".

(2) In SECTION 1 of the bill, in added Section 434.153(4), Government Code (page 1, line 39), strike the period and substitute "; and".

(3) In SECTION 1 of the bill, in added Section 434.153, Government Code (page 1, between lines 39 and 40), insert the following:

(5) the State Bar of Texas.

Amendment No. 1 was adopted.

**SB 1877** (Isaac - House Sponsor), A bill to be entitled An Act relating to the creation of the Oatman Hill Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Carter and Kuempel recorded voting no.)

**SB 1899** (Pitts - House Sponsor), A bill to be entitled An Act relating to compensation for services and reimbursement for expenses of a member of the board of directors of the Lake View Management and Development District.

**SB 1913** (Rodriguez - House Sponsor), A bill to be entitled An Act relating to the creation of the Southeast Travis County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds. (Carter and V. Taylor recorded voting no.)

**SB 1916** (Rodriguez - House Sponsor), A bill to be entitled An Act relating to the creation of the Southeast Travis County Municipal Utility District No. 4; providing authority to impose a tax and issue bonds. (Carter, Kuempel, and V. Taylor recorded voting no.)

**SB 1920** (Eiland - House Sponsor), A bill to be entitled An Act relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds. (Berman, Bonnen, Carter, Craddick, Flynn, Hamilton, Harless, Harper-Brown, P. King, Kuempel, Laubenberg, Madden, Parker, Paxton, Sheffield, Solomons, V. Taylor, Truitt, Weber, Zedler, and Zerwas recorded voting no.)

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

Representative Eiland offered the following amendment to **SB 1920**:

Amend **SB 1920** as follows:

In SECTION 2 of the bill, on page 5, line 17, insert "state or federal" between "by" and "law".

Amendment No. 1 was adopted.

**SB 1925** (Cain - House Sponsor), A bill to be entitled An Act relating to the designation of a portion of U.S. Highway 271 as the Sergeant Jay M. Hoskins Memorial Highway.

**SB 1926** (Lucio - House Sponsor), A bill to be entitled An Act relating to the Colonel H. William "Bill" Card, Jr., Outpatient Clinic.

**HCR 156** (by Raymond), Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium. (Landtroop and Perry recorded voting no.)

**HCR 165** (by Guillen), Honoring the 2011 and 2012 Texas State Artist appointees.

**SB 623** was withdrawn.



### **SB 1225 - OBJECTIONS WITHDRAWN**

Objections were withdrawn to **SB 1225** which was previously withdrawn from the local, consent, and resolutions calendar.

**SB 1225** (Isaac - House Sponsor), A bill to be entitled An Act relating to the disannexation of land in Caldwell County by the Gonzales County Underground Water Conservation District or the Plum Creek Conservation District.

**SB 1225** was read second time and was passed to third reading. (Kuempel, Sheffield, and Zedler recorded voting no.)

**SB 1244** was withdrawn.

### **ADJOURNMENT**

At 12:37 p.m., the chair announced that the house would stand adjourned until 2 p.m. today.

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### **ADDENDUM**

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### **SIGNED BY THE SPEAKER**

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

#### **House List No. 37**

**HB 33, HB 92, HB 109, HB 257, HB 260, HB 268, HB 378, HB 397, HB 530, HB 592, HB 826, HB 970, HB 1010, HB 1168, HB 1179, HB 1201, HB 1241, HB 1278, HB 1341, HB 1353, HB 1456, HB 1523, HB 1555, HB 1593, HB 1608, HB 1812, HB 1818, HB 1839, HB 1932, HB 1959, HB 2006, HB 2077, HB 2103, HB 2109, HB 2127, HB 2132, HB 2135, HB 2139, HB 2382, HB 2387, HB 2422, HB 2471, HB 2510, HB 2579, HB 2603, HB 2610, HB 2649, HB 2703, HB 2707, HB 2735, HB 2758, HB 2826, HB 2889, HB 2904, HB 2911, HB 2940, HB 2971, HB 3017, HB 3199, HB 3309, HB 3314, HB 3329, HB 3337, HB 3352, HB 3391, HB 3579, HB 3616, HB 3722, HB 3808, HB 3815, HB 3821, HB 3852, HCR 42, HCR 163, HJR 63, HJR 130**

