

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-NINTH DAY (CONTINUED) — FRIDAY, MAY 10, 2013

The house met at 9 a.m. and, at the request of the speaker, was called to order by Representative Geren.

The roll of the house was called and a quorum was announced present (Record 759).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Giddings; Lucio.

Absent — Ashby; Cortez; Farney; Johnson; Naishtat; Sheffield, J.

The chair recognized Representative Kacal who introduced Ralph Powers, senior pastor, First Baptist Church, Calvert, who offered the invocation as follows:

Heavenly Father, we thank you for this opportunity to serve our fellow citizens. Thank you for bringing these men and women together, and give them your wisdom, discernment, and the determination to work together to get the job done. Let them put the interests of the people who sent them here first. Bless them, Father. We ask this in the name of Jesus Christ. Amen.

The chair recognized Representative Bell and his son Charlie who led the house in singing "Amazing Grace."

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

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of a death in the family:

Giddings on motion of T. King.

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

Lucio on motion of T. King.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 9:30 a.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 9:30 a.m. today, 3W.9, for a formal meeting, to set a calendar.

CAPITOL PHYSICIAN

The chair recognized Representative Toth who presented Dr. Jasmine Sulaiman of The Woodlands as the "Doctor for the Day."

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

(Speaker pro tempore in the chair)

(Farney now present)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

(Ashby now present)

LEAVE OF ABSENCE GRANTED

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

Clardy on motion of Ashby.

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

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

CSHB 315 (by Otto), A bill to be entitled An Act relating to the applicability of the law governing the ad valorem taxation of a dealer's motor vehicle inventory.

HB 577 was deferred until the end of today's local, consent, and resolutions calendar.

HB 709 (by Isaac), A bill to be entitled An Act relating to ad valorem tax payments and refunds. (Flynn recorded voting no.)

HB 862 (by S. King), A bill to be entitled An Act relating to the transfer of the limitation on school district, county, municipal, or junior college district ad valorem taxes on the residence homestead of a person who is elderly or disabled to a subsequent homestead of that person. (Flynn and Harper-Brown recorded voting no.)

CSHB 868 (by Villarreal and Burkett), A bill to be entitled An Act relating to exceptions to mental health information disclosure prohibitions. (Capriglione, Fallon, Kolkhorst, R. Sheffield, and Toth recorded voting no.)

Amendment No. 1

On behalf of Representative Carter, Representative Anderson offered the following amendment to **CSHB 868**:

Amend **CSHB 868** (house committee report) on page 1, between lines 16 and 17, by inserting the following:

"(2-a) to the patient's immediate family if:

(A) the patient has communicated to the professional an explicit threat of imminent death or serious physical harm to the patient or an identifiable person or group of persons;

(B) the professional determines that the patient has the apparent intent and ability to carry out that threat; and

(C) the professional determines in good faith that disclosure of the information is necessary to protect the health and safety of the patient or identifiable person or group of persons at risk, as appropriate;

(2-b) to an identifiable person or group of persons at risk if:

(A) the patient has communicated to the professional an explicit threat of imminent death or serious physical harm to that identifiable person or group of persons;

(B) the professional determines that the patient has the apparent intent and ability to carry out that threat; and

(C) the professional determines in good faith that disclosure of the information is necessary to protect the health and safety of that identifiable person or group of persons at risk;"

Amendment No. 1 was adopted.

HB 1125 (by Lavender), A bill to be entitled An Act relating to the rights of an accused person in and the written waiver of extradition proceedings.

CSHB 1199 (by Taylor), A bill to be entitled An Act relating to the use of human remains for forensic science education, including the training of search and rescue animals.

(J. Sheffield now present)

HB 1303 (by R. Miller and Wu), A bill to be entitled An Act relating to identification for poll watchers. (The vote was reconsidered later today, **SB 160** in lieu of **HB 1303** was passed to third reading, and **HB 1303** was laid on the table subject to call.)

SB 352 (N. Gonzalez - House Sponsor), in lieu of **HB 1453**, A bill to be entitled An Act relating to visitation for certain children in the temporary managing conservatorship of the Department of Family and Protective Services. (Capriglione and Fallon recorded voting no.)

Representative N. Gonzalez moved to lay **HB 1453** on the table subject to call, and the motion prevailed.

HB 1461 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 1511 (by Larson), A bill to be entitled An Act relating to the rates of sales and use taxes imposed by municipalities; authorizing an increase or decrease in the rate of those taxes. (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

HB 1650 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 1829 (by N. Gonzalez), A bill to be entitled An Act relating to safe patient handling and movement practices at hospitals and nursing homes. (Capriglione, Fallon, Flynn, Frullo, Geren, Goldman, Gooden, Kuempel, Perry, Phillips, Schaefer, Simmons, and Simpson recorded voting no.)

CSSB 1240 (Keffer - House Sponsor), in lieu of **HB 2184**, A bill to be entitled An Act relating to the partition of mineral interests of a charitable trust.

Representative Keffer moved to lay **HB 2184** on the table subject to call, and the motion prevailed.

HB 2224 was deferred until the end of today's local, consent, and resolutions calendar.

HB 2233 (by Simmons), A bill to be entitled An Act relating to signature verification on an early voting ballot voted by mail.

Amendment No. 1

Representative Simmons offered the following amendment to **HB 2233**:

Amend **HB 2233** on page 1, by striking lines 10 through 12 and substituting "file with the voter registrar [~~the signature on the voter's registration application~~] to confirm that the".

Amendment No. 1 was adopted.

CSHB 2234 (by Orr), A bill to be entitled An Act relating to authorizing home-taught driver education course providers to administer certain examinations required to obtain a driver's license.

HB 2314 (by Otto), A bill to be entitled An Act relating to annual training for certain members of the board of directors of an appraisal district. (Gooden, Perry, and Schaefer recorded voting no.)

CSSB 1541 (Allen - House Sponsor), in lieu of **HB 2367**, A bill to be entitled An Act relating to discipline of public school students by school bus drivers. (Toth recorded voting no.)

Representative Farney moved to lay **HB 2367** on the table subject to call, and the motion prevailed.

HB 2373 (by Klick), A bill to be entitled An Act relating to the use of an electronic device to capture a voter's signature for the signature roster.

HB 2385 (by Capriglione, et al.), A bill to be entitled An Act relating to eliminating the requirement that a combined group include in its franchise tax report information about gross receipts of members who do not have nexus with this state.

(Naishtat now present)

HB 2408 was deferred until the end of today's local, consent, and resolutions calendar.

HB 2419 (by Elkins), A bill to be entitled An Act relating to a pilot program authorizing an administrative district judge to appoint special magistrates to assist in hearing ad valorem tax protests.

Amendment No. 1

Representative Elkins offered the following amendment to **HB 2419**:

Amend **HB 2419** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subchapter C,".
(2) On page 1, line 7, strike "Section 41.463" and substitute "Subchapter E".

(3) Strike page 1, line 8, through page 6, line 14, and substitute the following:

SUBCHAPTER E. PILOT PROGRAM: APPOINTMENT OF SPECIAL
MAGISTRATES TO HEAR CERTAIN PROPERTY TAX PROTESTS IN
HARRIS COUNTY

Sec. 41.81. APPLICABILITY. This subchapter applies only to a protest filed under this chapter that relates to property:

(1) with an appraised or market value, whichever is greater, of at least \$1 million as determined by the appraisal district; and

(2) that is used in a manner consistent with commercial use.

Sec. 41.82. APPOINTMENT OF SPECIAL MAGISTRATES; TERMS. (a) The local administrative district judge and the board of directors of the appraisal district shall determine the number of special magistrates necessary to conduct

timely hearings on taxpayer protests to which this subchapter applies. The local administrative district judge shall appoint the appropriate number of special magistrates as determined under this subsection.

(b) A special magistrate appointed under this section is not required to be a resident of the county in which the appraisal district is located. A person may not serve as a special magistrate if the person:

(1) would be ineligible to serve as a member of an appraisal review board under Section 6.412, 6.413, or 41.69;

(2) is a registered property tax consultant under Chapter 1152, Occupations Code; or

(3) is an elected or appointed official or an employee of:

(A) the appraisal district;

(B) a taxing unit that participates in the appraisal district; or

(C) the comptroller.

(c) Except as provided by Section 41.90, special magistrates are appointed to serve staggered two-year terms, with the terms of as close to one-half of the members as possible expiring December 31 of each year. Special magistrates may serve consecutive terms.

(d) The local administrative district judge shall consult with the chair of the appraisal review board to determine the particular needs of the board when appointing special magistrates under this section. To the extent practicable, the local administrative district judge shall appoint as special magistrates persons who are:

(1) members of the State Bar of Texas who have experience in property tax law to conduct hearings on protests related to exemptions and property classification;

(2) state-licensed real estate appraisers who have at least five years of experience appraising real property to conduct hearings on protests related to real property valuation; and

(3) certified public accountants or members of a nationally recognized appraiser's organization with experience in personal property valuation to conduct hearings on protests related to tangible personal property valuation.

(e) The appointment of a special magistrate under this section must be made on the basis of the magistrate's qualifications and may not be influenced by the chief appraiser.

Sec. 41.83. COMPENSATION. A special magistrate is entitled to a per diem set by the board of directors of the appraisal district for each day the magistrate conducts a hearing on a protest. The per diem shall be paid out of the appraisal district's operating account.

Sec. 41.84. REQUIRED TRAINING. (a) Before conducting a protest hearing under this subchapter, a special magistrate shall complete a training program approved by the comptroller.

(b) The comptroller may require a special magistrate, to satisfy the requirement under Subsection (a), to attend the training provided to members of an appraisal review board.

Sec. 41.85. POWERS OF SPECIAL MAGISTRATE. A special magistrate may conduct a hearing on a protest to which this subchapter applies and in conducting the hearing has the same powers as an appraisal review board or a panel of the appraisal review board under this chapter.

Sec. 41.86. ASSIGNMENT OF HEARING TO SPECIAL MAGISTRATE. (a) Notwithstanding Section 41.45(d), the chair of the appraisal review board shall assign special magistrates to conduct hearings on protests to which this subchapter applies.

(b) To the extent practicable, the chair shall assign a hearing to a special magistrate based on the subject of the protest and the magistrate's area of expertise as described by Section 41.82(d).

(c) The chair may not assign a hearing to a special magistrate based on that magistrate's record of recommending determinations favorable to the board.

Sec. 41.87. NOTICE; HEARING; PROCEDURE. (a) The provisions of Subchapters C and D relating to scheduling, notice, and procedures of a protest hearing apply to a hearing conducted by a special magistrate under this subchapter.

(b) On completion of a hearing, the special magistrate hearing a protest shall recommend a determination of the protest to the appraisal review board in writing.

(c) After reviewing the special magistrate's recommendation, the appraisal review board may:

(1) adopt the special magistrate's recommendation; or

(2) subject to Subsection (d), reject the special magistrate's recommendation and:

(A) refer the protest to a different special magistrate for rehearing;

or

(B) determine the protest by majority vote at a subsequent meeting of the board.

(d) If the appraisal review board refers a protest under Subsection (c)(2)(A) or determines a protest under Subsection (c)(2)(B), notice of the rehearing or meeting must be provided as provided under Subchapter C.

Sec. 41.88. RESTRICTION ON APPEARANCE BEFORE APPRAISAL REVIEW BOARD. A person may not represent an individual in a hearing on a protest filed under this chapter with an appraisal review board if, during the preceding 12-month period, the person served as a special magistrate for the board.

Sec. 41.89. EX PARTE COMMUNICATIONS. A special magistrate is considered a member of an appraisal review board for purposes of Sections 6.411 and 41.66(f).

Sec. 41.90. TERMINATION. A person appointed as a special magistrate under this subchapter serves as an independent contractor of the appraisal review board and may be terminated at any time by a vote of a majority of the members of the board.

Sec. 41.91. EFFECTIVE DATE; EXPIRATION. (a) The pilot program shall be implemented in Harris County for a four-year period beginning with the ad valorem tax year that begins January 1, 2014.

(b) This subchapter expires January 1, 2018.

SECTION 2. (a) Beginning September 1, 2013, the local administrative district judge of Harris County shall meet with the board of directors of the Harris County Appraisal District to determine the number of special magistrates necessary to timely conduct hearings on protests to which Subchapter E, Chapter 41, Tax Code, as added by this Act, applies.

(b) Not later than November 1, 2013:

(1) the local administrative district judge shall appoint the required number of special magistrates; and

(2) the comptroller of public accounts shall adopt rules relating to the training required under Section 41.84, Tax Code, as added by this Act.

(c) Notwithstanding Section 41.82(c), Tax Code, as added by this Act, the local administrative district judge, in making the initial appointments of special magistrates under Subsection (b)(1) of this section, shall appoint one-half of the number of special magistrates to serve a one-year term beginning on January 1, 2014, and the other one-half to serve two-year terms beginning January 1, 2014. Subsequent appointees shall serve two-year terms beginning on January 1 of each year.

(4) On page 6, line 15, strike "SECTION 7. This" and substitute "SECTION 3. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2014.

(b) Section 2 of this".

Amendment No. 1 was adopted.

HB 2423 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 2518 (by Springer), A bill to be entitled An Act relating to reimbursement for jury service.

CSHB 2625 (by Coleman, Rose, and J. Davis), A bill to be entitled An Act relating to disease management practices of local mental health authorities. (Bell, Burkett, Capriglione, Craddick, Creighton, Crownover, Dale, Darby, Elkins, Fallon, Flynn, Goldman, Gonzales, Gooden, Harless, Harper-Brown, Hunter, Isaac, Kleinschmidt, Krause, Larson, Lavender, Laubenberg, Leach, Parker, Perry, Phillips, Price, Sanford, Schaefer, Sheets, R. Sheffield, Simpson, Stickland, Taylor, Toth, and E. S. Turner recorded voting no.)

Amendment No. 1

On behalf of Representative S. Thompson, Representative Coleman offered the following amendment to **CSHB 2625**:

Amend **CSHB 2625** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 533.0354, Health and Safety Code, is amended by adding Subsections (a-1), (a-2), (b-1), and (f) to read as follows:

(a-1) In addition to the services required under Subsection (a), a local mental health authority shall ensure the provision of assessment services, crisis services, and intensive and comprehensive services using disease management practices for children with serious emotional, behavioral, or mental disturbance not described by Subsection (a) and adults with severe mental illness who are experiencing significant functional impairment due to a mental health disorder not described by Subsection (a) that is defined by the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), including:

(1) major depressive disorder, including single episode or recurrent major depressive disorder;

(2) post-traumatic stress disorder;

(3) schizoaffective disorder, including bipolar and depressive types;

(4) obsessive compulsive disorder;

(5) anxiety disorder;

(6) attention deficit disorder;

(7) delusional disorder;

(8) bulimia nervosa, anorexia nervosa, or other eating disorders not otherwise specified; or

(9) any other diagnosed mental health disorder.

(a-2) The local mental health authority shall ensure that individuals described by Subsection (a-1) are engaged with treatment services in the manner described by Subsection (a).

(b-1) The department shall require each local mental health authority to incorporate jail diversion strategies into the authority's disease management practices to reduce the involvement of the criminal justice system in managing adults with the following disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), who are not described by Subsection (b):

(1) post-traumatic stress disorder;

(2) schizoaffective disorder, including bipolar and depressive types;

(3) anxiety disorder; or

(4) delusional disorder.

(f) The department may not use any appropriated state money to implement or fund services under Subsection (a-1), (a-2), or (b-1).

SECTION 2. The Department of State Health Services may implement Sections 533.0354(a-1), (a-2), and (b-1), Health and Safety Code, as added by this Act, only if a new statewide waiver or authorization using local matching funds to fund the additional populations is granted by the appropriate federal agency. If a new statewide waiver or authorization is not granted, the department may not implement Sections 533.0354(a-1), (a-2), and (b-1), Health and Safety Code.

SECTION 3. This Act takes effect January 1, 2014.

Amendment No. 1 was adopted.

SB 1225 (Smith - House Sponsor), in lieu of **HB 2635**, A bill to be entitled An Act relating to the facilities to which Chapter 68, Water Code, applies. (Murphy recorded voting no.)

Representative Smith moved to lay **HB 2635** on the table subject to call, and the motion prevailed.

HB 2676 (by Y. Davis), A bill to be entitled An Act relating to the confidentiality of certain home address information in ad valorem tax appraisal records. (Gooden, Perry, and Schaefer recorded voting no.)

HB 2869 (by Carter and S. King), A bill to be entitled An Act relating to the provision of durable medical equipment and supplies under the Medicaid program.

HB 2971 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 3029 (by Fletcher), A bill to be entitled An Act relating to new systems and technologies for the financial responsibility verification program. (Goldman and Simpson recorded voting no.)

CSHB 3081 (by Wu), A bill to be entitled An Act relating to the requirements for a person who has recently moved to vote in the precinct of the person's former or current residence. (Capriglione, Fallon, Gooden, Krause, Perry, Sanford, Schaefer, and Stickland recorded voting no.)

CSHB 3279 (by Morrison), A bill to be entitled An Act relating to the uprooting of seagrass plants; creating an offense. (Capriglione, Fallon, Goldman, Gooden, Hunter, Krause, Perry, Sanford, Schaefer, Simpson, Stickland, Taylor, Toth, and E. S. Turner recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

HR 797 - PREVIOUSLY ADOPTED (by Callegari)

The chair laid out the following previously adopted resolution:

HR 797, Commemorating the 70th anniversary of the Katy Independent School District FFA Livestock Show and Rodeo and paying tribute to founder L. D. Robinson.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced representatives of the Katy Independent School District FFA Livestock Show and Rodeo.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

HB 3350 (by E. Rodriguez), A bill to be entitled An Act relating to homestead preservation districts and reinvestment zones. (Bell, Burkett, Capriglione, Craddick, Creighton, Crownover, Dale, Darby, Elkins, Fallon, Flynn, Frullo, Geren, Goldman, Gonzales, Gooden, Harless, Hunter, Isaac, Kleinschmidt, Kolkhorst, Kuempel, Lavender, Laubenberg, Leach, Parker, Perry, Phillips, Price, Sanford, Schaefer, Sheets, R. Sheffield, Simmons, Simpson,

Taylor, Toth, E. S. Turner, and White recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

CSHB 3399 (by Raymond), A bill to be entitled An Act relating to the stability of placements for children in the conservatorship of the Department of Family and Protective Services. (Capriglione and Fallon recorded voting no.)

CSHB 3437 (by Otto), A bill to be entitled An Act relating to the procedure for obtaining an allocation for ad valorem tax purposes of the value of certain property that is used in this state and outside this state.

CSHB 3442 (by Otto), A bill to be entitled An Act relating to the obligation of an appraisal review board to respond to a property owner's request to postpone a hearing of the board.

CSHB 3476 (by Paddie), A bill to be entitled An Act relating to the liability of certain sports officials and organizations.

HB 3552 (by Oliveira), A bill to be entitled An Act relating to the release of extraterritorial jurisdiction by certain municipalities. (Gooden, Perry, and Schaefer recorded voting no.)

Amendment No. 1

On behalf of Representative Oliveira, Representative Coleman offered the following amendment to **HB 3552**:

Amend **HB 3552** (house committee printing) on page 1, between lines 19 and 20 by adding:

(c) This section does not apply to a municipality with a population of more than 300,000 that is located in a county that borders the Gulf of Mexico.

Amendment No. 1 was adopted.

CSHB 3597 (by Burnam), A bill to be entitled An Act relating to application and notification requirements for a permit to drill an oil or gas well in or near an easement held by the Texas Department of Transportation. (Flynn and Harper-Brown recorded voting no.)

CSHB 3643 (by Harper-Brown), A bill to be entitled An Act relating to the allocation of revenue from the municipal hotel occupancy tax by certain municipalities. (Capriglione, Craddick, Dale, Darby, Elkins, Fallon, Flynn, Frullo, Geren, Goldman, Gonzales, Harless, Hunter, Kolkhorst, Kuempel, Lavender, Laubenberg, Leach, Murphy, Parker, Price, Sanford, Sheets, R. Sheffield, Simmons, Simpson, Taylor, E. S. Turner, and White recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

CSHB 3769 (by Coleman), A bill to be entitled An Act relating to the authority of a municipality to impose a civil penalty on owners of certain motor vehicles parked on a highway under the jurisdiction of the municipality that do not display a valid registration insignia or inspection certificate. (Bell, Burkett, Capriglione, Craddick, Creighton, Crownover, Dale, Darby, Elkins, Fallon,

Flynn, Frullo, Geren, Goldman, Gonzales, Gooden, Harless, Hunter, Isaac, Kleinschmidt, Kolkhorst, Kuempel, Larson, Lavender, Laubenberg, Leach, Murphy, Parker, Perry, Phillips, Price, Sanford, Schaefer, Sheets, R. Sheffield, Simpson, Taylor, Toth, E. S. Turner, and White recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

CSHB 3793 (by Coleman), A bill to be entitled An Act relating to powers, duties, and services of counties and entities serving counties. (Crownover, Gooden, Harless, Perry, and Schaefer recorded voting no.)

SB 1811 (Zerwas - House Sponsor), in lieu of **HB 3807**, A bill to be entitled An Act relating to the Fort Bend Subsidence District.

Representative Zerwas moved to lay **HB 3807** on the table subject to call, and the motion prevailed.

CSSB 715 (Farney - House Sponsor), in lieu of **HB 3809**, A bill to be entitled An Act relating to counselors employed by school districts, including the use of consistent terminology in the Education Code to refer to school counselors and a license requirement for licensed professional counselors employed by school districts. (Capriglione, Fallon, Flynn, Goldman, Gooden, Krause, Lavender, Perry, Sanford, Schaefer, Simmons, Simpson, Stickland, Taylor, and E. S. Turner recorded voting no.)

Representative Farney moved to lay **HB 3809** on the table subject to call, and the motion prevailed.

(Johnson now present)

SB 1825 (Zerwas - House Sponsor), in lieu of **HB 3866**, A bill to be entitled An Act relating to the composition of the board of directors of the Fort Bend Subsidence District.

Representative Zerwas moved to lay **HB 3866** on the table subject to call, and the motion prevailed.

SB 1868 (Isaac - House Sponsor), in lieu of **HB 3918**, A bill to be entitled An Act relating to the creation of the Needmore Ranch Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes. (E. Thompson recorded voting no.)

Amendment No. 1

Representative Isaac offered the following amendment to **SB 1868**:

Amend **SB 1868** (house committee printing) as follows:

(1) On page 5, between lines 12 and 13, by insert the following:

Sec. 8471.103. RESIDENTIAL OR PLANNED COMMUNITY DEVELOPMENT; WASTEWATER TREATMENT FACILITY. (a) In the event that a residential subdivision or planned community is developed in the territory of the district, the district shall develop a wastewater treatment facility in coordination with Hays County and the City of Wimberley.

(b) A developer who proposes to build a residential subdivision or planned community in the territory of the district must agree to develop the property in a manner that works in conjunction with the design and specifications of any wastewater treatment facility developed under Subsection (a).

(c) If a residential subdivision or planned community is developed in the district, the district shall import water to provide for the needs of that development.

Sec. 8471.104. LIMITATION ON USE OF EMINENT DOMAIN. (a) The district may not exercise the power of eminent domain except for the purpose of importing surface water or nonlocal groundwater into the district.

(b) For purposes of this section, nonlocal groundwater includes only groundwater that is withdrawn from a source outside the Edwards Aquifer and the Trinity Aquifer.

Sec. 8471.105. LIMITATION ON ANNEXATION. The district may not add land by petition of less than all the landowners under Section 49.302, Water Code, unless the petition required under that section is signed by the owners of a two-thirds majority of the assessed value of the land in the defined area described by the petition.

(2) On page 37, line 9, between "(a)" and "If" insert the following:

Section 8471.104, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b)

(3) On page 37, line 12, strike "8471.103" and substitute "8471.104".

(4) On page 37, line 13, strike "8471.103" and substitute "8471.104".

(5) On page 37, line 15, strike "(b)" and substitute "(c)".

Amendment No. 1 was adopted.

SB 1868 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISAAC: The district will work with Hays County and the City of Wimberley on water infrastructure options that utilize the MUD as a constructive tool for conservation. The district will work with the recommended development and density recommendations from local government, aquifer, and water planning entities.

REMARKS ORDERED PRINTED

Representative Isaac moved to print his remarks.

The motion prevailed.

Representative Isaac moved to lay **HB 3918** on the table subject to call, and the motion prevailed.

CSHB 3934 (by Riddle), A bill to be entitled An Act relating to powers of the North Harris County Regional Water Authority relating to certain wells. (Flynn recorded voting no.)

HB 3952 (by Nevárez), A bill to be entitled An Act relating to the composition of the juvenile board of Val Verde County.

SB 33 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the electronic monitoring of residents at state supported living centers; providing criminal penalties. (Gooden, Perry, and Schaefer recorded voting no.)

SB 61 (Cortez - House Sponsor), A bill to be entitled An Act relating to the licensing and regulation of military physicians who provide voluntary charity health care.

SB 92 (S. Thompson - House Sponsor), A bill to be entitled An Act relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking. (Gooden, Perry, and Schaefer recorded voting no.)

SB 94 (S. Thompson - House Sponsor), A bill to be entitled An Act relating to civil liability for compelled prostitution and certain promotion of prostitution.

SB 169 (Morrison - House Sponsor), A bill to be entitled An Act relating to ballot language for an election to approve and finance a municipal or county venue project.

SB 229 (C. Turner, Farias, Flynn, Moody, et al. - House Sponsors), A bill to be entitled An Act relating to an exception to the domicile requirement for issuance of a commercial driver's license for certain military personnel.

SB 353 (Dukes - House Sponsor), A bill to be entitled An Act relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.

SB 425 (Farney, Raymond, and Cortez - House Sponsors), A bill to be entitled An Act relating to foster care placement decisions made by the Department of Family and Protective Services.

SB 560 (Coleman - House Sponsor), A bill to be entitled An Act relating to authorization for biweekly installment payments for the compensation of certain justices, judges, and district attorneys.

SB 642 (Kuempel - House Sponsor), A bill to be entitled An Act relating to the sale of distilled spirits to the holder of an industrial permit.

SB 764 (T. King - House Sponsor), A bill to be entitled An Act relating to a limitation on liability for prescribed burning conducted on agricultural or conservation land.

SB 1332 (Smithee - House Sponsor), A bill to be entitled An Act relating to who is an employee for large and small employers for health benefit plans. (Flynn, Gooden, Krause, Perry, Schaefer, and Stickland recorded voting no.)

CSSB 1461 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to addition of certain municipalities to the territory of a regional transportation authority. (Schaefer and Perry recorded voting no.)

SCR 28 (Guillen - House Sponsor), Designating the first Tuesday in March as Texas Assisted Living Awareness Day for a 10-year period beginning in 2013.

HB 577 (by Guillen), A bill to be entitled An Act relating to the representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

CSHB 1461 (by Aycocock), A bill to be entitled An Act relating to customer notification of water loss by a retail public utility. (Gooden, Harper-Brown, and Perry recorded voting no.)

CSHB 1650 (by Raymond), A bill to be entitled An Act relating to county and municipal land development regulation. (Bell, Capriglione, Craddick, Creighton, Dale, Darby, Elkins, Fallon, Flynn, Frullo, Geren, Goldman, Gonzales, Hunter, Isaac, Kleinschmidt, Kolkhorst, Kuempel, Lavender, Laubenberg, Leach, Parker, Phillips, Sanford, Sheets, R. Sheffield, Simmons, Simpson, Taylor, Toth, E. S. Turner, and White recorded voting no.)

Amendment No. 1

Representative Raymond offered the following amendment to **CSHB 1650**:

Amend **CSHB 1650** (house committee printing) on page 1, line 23 by striking "a" and substituting "each".

Amendment No. 1 was adopted.

CSHB 2224 (by Hilderbran), A bill to be entitled An Act relating to the qualifications of the chief appraiser of an appraisal district. (Capriglione, Fallon, and Flynn recorded voting no.)

SB 1896 (Naishtat - House Sponsor), in lieu of **HB 2408**, A bill to be entitled An Act relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges.

Representative Naishtat moved to lay **HB 2408** on the table subject to call, and the motion prevailed.

(Cortez now present)

CSHB 2423 (by Martinez), A bill to be entitled An Act relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds. (Capriglione, Fallon, Flynn, Frullo, Geren, Gooden, Harless, Isaac, Kleinschmidt, Krause, Kuempel, Lavender, Perry, Price, Sanford, Schaefer, Stickland, Taylor, Toth, and E. S. Turner recorded voting no.)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Canales on motion of Nevárez.

Márquez on motion of N. Gonzalez.

HB 2971 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

HB 1303 - VOTE RECONSIDERED

Representative R. Miller moved to reconsider the vote by which **HB 1303** was passed to engrossment.

The motion to reconsider prevailed.

SB 160 (R. Miller and Wu - House Sponsors), in lieu of **HB 1303**, A bill to be entitled An Act relating to the identification of a person as an election poll watcher. (Flynn, Goldman, and Simpson recorded voting no.)

Representative R. Miller moved to lay **HB 1303** on the table subject to call, and the motion prevailed.

ADJOURNMENT

Representative Harper-Brown moved that the house adjourn until 9:58 a.m. today.

The motion prevailed.

The house accordingly, at 9:53 a.m., adjourned until 9:58 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 28

HB 13, HB 487, HB 597, HB 1164, HB 1186, HB 1271, HB 1325, HB 1422, HB 1493, HB 1521, HB 1642, HB 1685, HB 1994, HB 2623, HCR 54