

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY (CONTINUED) — TUESDAY, MAY 12, 2009

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 745).

Present — Mr. Speaker; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent — Allen; Burnam.

The invocation was offered by Patrick Wilson, pastor, Westoak Woods Baptist Church, Austin, as follows:

Heavenly Father, we come together today to praise your name for you alone are worthy of all praise. We seek your guidance, recognizing that your word is right and true. You love righteousness and establish justice throughout the Earth. You are sovereign over the universe and have purposefully created everything that exists. We humble ourselves before you and pray that the impact of what is accomplished here today would further your kingdom on Earth as it is in heaven. We ask that you give wisdom and discernment to our government officials and that you guide this house today, that your plans might be accomplished and your eternal purposes achieved.

Heavenly Father, we ask for your blessings to be poured out on this great nation of ours as we seek you as our God. Look down upon us and consider the needs that are before us in these trying times. We do not rely on our own strength and ability but recognize that our lives and, ultimately, the life of these United States of America rest in your hands. We put our hope in you and your unfailing love. Be a shield of protection around our military forces and all of our citizens both home and abroad. We place our hope in you and trust in your holy name. May your unfailing love be upon us all. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Truitt who presented Dr. Erica Swegler of Keller as the "Doctor for the Day."

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

(Edwards 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. 1).

(Speaker in the chair)

HR 1468 - PREVIOUSLY ADOPTED (by Homer)

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

HR 1468, In memory of Marvin Wayne Kelley of Austin.

INTRODUCTION OF GUESTS

The speaker recognized Representative Homer who introduced family members of Marvin Wayne Kelley.

HR 1691 - ADOPTED (by Strama)

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 1691**.

The motion prevailed.

The following resolution was laid before the house:

HR 1691, Recognizing May 12, 2009, as Fibromyalgia Awareness Day.

HR 1691 was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Anchia who introduced representatives of UT Southwestern Medical Center.

HR 1619 - PREVIOUSLY ADOPTED
(by Anchia)

The chair laid out the following previously adopted resolution:

HR 1619, Honoring UT Southwestern Medical Center on its selection as the top medical school in the country for Hispanic students by Hispanic Business magazine.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 1619** as signers thereof.

HR 2030 - ADOPTED
(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 2030**.

The motion prevailed.

The following resolution was laid before the house:

HR 2030, Commemorating May 12, 2009, as Texas EMS Trauma & Acute Care Foundation Day at the Capitol.

HR 2030 was adopted.

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 2030** as signers thereof.

(Allen and Burnam now present)

(Hopson in the chair)

HCR 192 - ADOPTED
(by Allen, et al.)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HCR 192**.

The motion prevailed.

The following resolution was laid before the house:

HCR 192, Congratulating Duncan Elementary School in Fort Hood on its receipt of the 2009 Texas State School of Character Award.

HCR 192 was read and was adopted.

On motion of Representative Aycock, the names of all the members of the house were added to **HCR 192** as signers thereof.

HCR 211 - ADOPTED
(by Sheffield)

Representative Sheffield moved to suspend all necessary rules to take up and consider at this time **HCR 211**.

The motion prevailed.

The following resolution was laid before the house:

HCR 211, Congratulating the Blackland Research and Extension Center on its 100th anniversary.

HCR 211 was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HCR 211** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Sheffield who introduced representatives of the Blackland Research and Extension Center.

HR 2006 - ADOPTED (by Ritter)

Representative Ritter moved to suspend all necessary rules to take up and consider at this time **HR 2006**.

The motion prevailed.

The following resolution was laid before the house:

HR 2006, Honoring the centennial of the Beaumont Center agricultural research facility.

HR 2006 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Ritter who introduced representatives of the Beaumont Center.

HR 1639 - ADOPTED (by Coleman)

Representative Walle moved to suspend all necessary rules to take up and consider at this time **HR 1639**.

The motion prevailed.

The following resolution was laid before the house:

HR 1639, Honoring the Texas Legislative Internship Program and its participants during the 81st Legislative Session.

HR 1639 was read and was adopted.

On motion of Representative Chavez, the names of all the members of the house were added to **HR 1639** as signers thereof.

RESOLUTIONS ADOPTED

Representative Walle moved to suspend all necessary rules to take up and consider at this time **HR 1640 - HR 1672**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1640 (by Coleman, et al.), Honoring Tressie Bates for her participation in the Texas Legislative Internship Program.

HR 1641 (by Coleman, et al.), Honoring Rebecca Cohen for her participation in the Texas Legislative Internship Program.

HR 1642 (by Coleman, et al.), Honoring Kimberly M. Freeman for her participation in the Texas Legislative Internship Program.

HR 1643 (by Coleman, et al.), Commending Rahsaan J. Coefield on his service as a legislative intern in the office of Representative Abel Herrero.

HR 1644 (by Coleman, et al.), Honoring Dimetrius Holland for his participation in the Texas Legislative Internship Program.

HR 1645 (by Coleman, et al.), Honoring John Hefley for his participation in the Texas Legislative Internship Program.

HR 1646 (by Coleman, et al.), Congratulating Kierah Weber on her participation in the Texas Legislative Internship Program.

HR 1647 (by Coleman, et al.), Honoring Morris Williams for his participation in the Texas Legislative Internship Program.

HR 1648 (by Coleman, et al.), Honoring Miles Stiles for his participation in the Texas Legislative Internship Program.

HR 1649 (by Coleman, et al.), Honoring Eronn Putman for her participation in the Texas Legislative Internship Program.

HR 1650 (by Coleman, et al.), Commending Robert Edrozo for his service in the Texas Legislative Internship Program.

HR 1651 (by Coleman, et al.), Honoring Jonathan "JJ" Lietzke for his participation in the Texas Legislative Internship Program.

HR 1652 (by Coleman, et al.), Honoring Diana Cruz for her participation in the Texas Legislative Internship Program.

HR 1653 (by Coleman), Commending John White for his service in the Texas Legislative Internship Program.

HR 1654 (by Coleman, et al.), Congratulating Brittany Rosales on her participation in the Texas Legislative Internship Program.

HR 1655 (by Coleman, et al.), Honoring Chani Seals for her participation in the Texas Legislative Internship Program.

HR 1656 (by Coleman, et al.), Honoring Maria Molina for her participation in the Texas Legislative Internship Program.

HR 1657 (by Coleman), Commending Resha Thomas on her service as a legislative intern in the office of Representative Jim McReynolds.

HR 1658 (by Coleman, et al.), Honoring Stephen Rispoli for his participation in the Texas Legislative Internship Program.

HR 1659 (by Coleman), Honoring Amber Goodwin for her participation in the Texas Legislative Internship Program.

HR 1660 (by Coleman, et al.), Honoring Carlos Dantes Mejias for his participation in the Texas Legislative Internship Program.

HR 1661 (by Coleman), Commending Joshua Bekerman for his service in the Texas Legislative Internship Program.

HR 1662 (by Coleman, et al.), Honoring Curtis Smith for his participation in the Texas Legislative Internship Program.

HR 1663 (by Coleman, et al.), Commending Tanya Gripton on her service as a legislative intern in the office of Representative Helen Giddings.

HR 1664 (by Coleman), Commending Alexis Dugger for her service in the Texas Legislative Internship Program.

HR 1665 (by Coleman, et al.), Honoring Sandra Marek for her participation in the Texas Legislative Internship Program.

HR 1666 (by Coleman, et al.), Honoring Jorge Lopez for his participation in the Texas Legislative Internship Program.

HR 1667 (by Coleman), Congratulating Gloria E. Lopez on her participation in the Texas Legislative Internship Program.

HR 1668 (by Coleman), Honoring Rebecca Reyes for her participation in the Texas Legislative Internship Program.

HR 1669 (by Coleman, et al.), Honoring Tommy Micah for his participation in the Texas Legislative Internship Program.

HR 1670 (by Coleman, et al.), Honoring Sharonda Joy Thomas for her participation in the Texas Legislative Internship Program.

HR 1671 (by Coleman, et al.), Commending Melinda Griffith on her service as a legislative intern in the office of Representative Norma Chavez.

HR 1672 (by Coleman, et al.), Honoring Alejandro Martinez for his participation in the Texas Legislative Internship Program.

The resolutions were adopted.

On motion of Representative Hernandez, the names of all the members of the house were added to **HR 1640 - HR 1672** as signers thereof.

HR 1673 - PREVIOUSLY ADOPTED
(by Coleman and Y. Davis)

The chair laid out the following previously adopted resolution:

HR 1673, Honoring Natasha Egharevba for her participation in the Texas Legislative Internship Program.

On motion of Representative Hernandez, the names of all the members of the house were added to **HR 1673** as signers thereof.

HR 2037 - ADOPTED
(by Y. Davis)

Representative Walle moved to suspend all necessary rules to take up and consider at this time **HR 2037**.

The motion prevailed.

The following resolution was laid before the house:

HR 2037, Honoring Natasha Ehi Egharevba for her participation in the Texas Legislative Internship Program.

HR 2037 was adopted.

HR 1911 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1911**.

The motion prevailed.

The following resolution was laid before the house:

HR 1911, Congratulating the delegation from North Loop Elementary School in El Paso on their participation in the Texas Capitol Schoolhouse event.

HR 1911 was adopted.

SB 1011 - RECOMMITTED

Representative Y. Davis moved to recommit **SB 1011** to the Committee on Urban Affairs.

The motion prevailed.

(Speaker pro tempore in the chair)

HR 2040 - ADOPTED
(by Veasey)

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 2040**.

The motion prevailed.

The following resolution was laid before the house:

HR 2040, Recognizing the Fort Worth Metropolitan Black Chamber of Commerce and PATHS Forward participants for their achievements.

HR 2040 was adopted.

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):

HB 119 (by Heflin), A bill to be entitled An Act relating to the terms of court for the 110th District Court.

CSHB 121 (by Heflin), A bill to be entitled An Act relating to the fee for issuance of specialty license plates to certain wounded peace officers and to the families of certain peace officers killed in the line of duty.

CSHB 3180 (by Thompson, Lucio, Rodriguez, and Rose), A bill to be entitled An Act relating to the licensing and regulation of commercial dog and cat breeders and the regulation of dog and cat dealers; providing penalties. (B. Brown, F. Brown, Button, Christian, Craddick, Creighton, Darby, Flynn, Gattis, Geren, Hancock, Hardcastle, Harless, Homer, Hopson, C. Howard, P. King, T. King, Kleinschmidt, Kolkhorst, Legler, D. Miller, Morrison, Orr, Parker, Phillips, Riddle, Shelton, W. Smith, Swinford, and Weber recorded voting no.)

Amendment No. 1

On behalf of Representative Kuempel, Representative Thompson offered the following amendment to **CSHB 3180**:

Amend **CSHB 3180** (House committee printing) as follows:

(1) On page 1, line 24, strike "11 or more adult intact female animals" and substitute "adult intact female animals that produce 20 or more litters in one calendar year".

(2) On page 25, line 13, between "animal" and the semicolon, insert ", not to exceed 300 percent of the purchase price of the animal".

(3) On page 25, line 16, between "animal" and the period, insert ", not to exceed 300 percent of the purchase price of the animal".

(4) On page 25, strike lines 25 through 27, and substitute the following:

(3) retention of the animal with a health problem by the purchaser for a reasonable period of time and reimbursement of reasonable veterinary fees, not to exceed 300 percent of the purchase price of the animal.

Amendment No. 1 was adopted.

Amendment No. 2

On behalf of Representative Anderson, Representative Thompson offered the following amendment to **CSHB 3180**:

Amend **CSHB 3180** (house committee report) as follows:

(1) On page 3, line 13, after "individual" insert "employed and".

(2) On page 16, line 21, strike "eight" and substitute "six".

Amendment No. 2 was adopted.

HB 150 (by T. Smith), A bill to be entitled An Act relating to the application of the sales and use tax to the sale of certain food products sold at school events. (Madden recorded voting no.)

HB 229 (by Pitts, Parker, and Anchia), A bill to be entitled An Act relating to bond or insurance requirements for applicants for or holders of certain on-site sewage disposal system-related licenses.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hancock, Representative Parker offered the following committee amendment to **HB 229**:

Amend **HB 229** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 366.033, Health and Safety Code, is amended to read as follows:

Sec. 366.033. DELEGATION TO LOCAL GOVERNMENTAL ENTITIES. (a) The commission shall delegate to local governmental entities responsibility for the implementation and enforcement of applicable rules.

(b) A county shall adopt and implement safety standards governing the construction, installation, alteration, extension, servicing, maintenance, and repair of on-site sewage disposal systems.

Amendment No. 1 was adopted.

HB 240 (by Alonzo), A bill to be entitled An Act relating to the appointment of members to the governing body of a political subdivision. (Anderson, Aycock, Berman, Bohac, F. Brown, Button, Christian, Craddick, Creighton, Crownover, Fletcher, Flynn, Gattis, Geren, Hancock, Hardcastle, Harper-Brown, Hartnett, C. Howard, Hunter, P. King, Kolkhorst, Laubenberg, Legler, D. Miller, Orr, Parker, Phillips, Riddle, Shelton, W. Smith, Swinford, Taylor, and Weber recorded voting no.)

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 240**:

Amend **HB 240** (house committee report) as follows:

(1) On page 1, strike lines 5 and 6 and substitute the following:

SECTION 1. Section 180.005, Local Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(2) On page 1, between lines 14 and 15, insert the following:

(d) This section does not apply to an appointment to the governing body of a local government made by the governor.

Amendment No. 1 was adopted.

HB 258 (by Berman), A bill to be entitled An Act relating to the date on which a declaration of write-in candidacy must be filed.

CSHB 315 (by Raymond), A bill to be entitled An Act relating to the instruction of American Sign Language in public high schools. (Anderson and Riddle recorded voting no.)

CSHB 397 (by Hartnett), A bill to be entitled An Act relating to rules regarding return of service. (Christian and Weber recorded voting no.)

HB 433 was withdrawn.

HB 544 (by Raymond, et al.), A bill to be entitled An Act relating to the filing of an application for a place on the general primary election ballot. (Gattis, Phillips, Riddle, and Sheffield recorded voting no.)

HB 554 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 563 (by Menendez), A bill to be entitled An Act relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.

HB 585 (by Naishtat), A bill to be entitled An Act relating to records related to an estate of a decedent or incapacitated person.

HB 586 was withdrawn.

HB 587 (by Naishtat), A bill to be entitled An Act relating to the payment of attorney's fees to an attorney representing an applicant for the appointment of a guardian.

CSHB 640 (by Zerwas), A bill to be entitled An Act relating to personnel records of a deputy sheriff in certain counties.

SB 481 (Veasey - House Sponsor), in lieu of **HB 645**, A bill to be entitled An Act relating to safety regulations for certain contract carriers.

Representative Veasey moved to lay **HB 645** on the table subject to call, and the motion prevailed.

CSHB 781 (by Farabee), A bill to be entitled An Act relating to the Electra Hospital District.

CSHB 805 (by Quintanilla, Fletcher, and Flynn), A bill to be entitled An Act relating to the definitions of police vehicle and authorized emergency vehicle for the purposes of certain traffic laws.

SB 1105 (Jones - House Sponsor), in lieu of **HB 1004**, A bill to be entitled An Act relating to the authority of certain municipalities to extend the termination date for a reinvestment zone created under the Tax Increment Financing Act.

Representative Jones moved to lay **HB 1004** on the table subject to call, and the motion prevailed.

CSHB 1052 (by Mallory Caraway), A bill to be entitled An Act relating to the creation, powers, and duties of film districts. (Anderson, Aycok, Button, Christian, Craddick, Darby, Flynn, Gattis, Hardcastle, C. Howard, P. King, D. Miller, Morrison, Sheffield, Shelton, W. Smith, Swinford, and Weber recorded voting no.)

CSHB 1117 (by Hochberg), A bill to be entitled An Act relating to ballot instructions. (Berman and Flynn recorded voting no.)

CSHB 1117 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CHRISTIAN: Mr. Hochberg, just to clarify, this is for written purposes only, it is not to require any other verbal announcements or any responsibility by local poll volunteers?

REPRESENTATIVE HOCHBERG: That is exactly correct, sir.

REMARKS ORDERED PRINTED

Representative Christian moved to print remarks between Representative Hochberg and Representative Christian.

The motion prevailed.

HB 1193 (by Hancock, et al.), A bill to be entitled An Act relating to ballot certification of a political party presidential candidate.

HB 1275 (by Kolkhorst), A bill to be entitled An Act relating to the authority to impose a county hotel occupancy tax.

HB 1375 (by Thompson), A bill to be entitled An Act relating to staff development training for certain public school personnel regarding student disciplinary procedures. (Creighton, Flynn, Geren, Kolkhorst, Legler, Parker, and Shelton recorded voting no.)

HB 1448 was deferred to the end of today's local, consent, and resolutions calendar.

CSHB 1470 (by Thibaut), A bill to be entitled An Act relating to notification regarding entitlement of school district employees to leave time in circumstances involving assault.

HB 1472 (by Jones), A bill to be entitled An Act relating to the offense of cruelty to nonlivestock animals. (Burnam, Flynn, Geren, Hardcastle, Harper-Brown, Hodge, Homer, Kolkhorst, Laubenberg, McClendon, and Moody recorded voting no.)

SB 1274 (Thompson - House Sponsor), in lieu of **HB 1488**, A bill to be entitled An Act relating to the summoning of jurors to justice of the peace courts in certain counties.

Representative Thompson moved to lay **HB 1488** on the table subject to call, and the motion prevailed.

HB 1597 (by Zerwas), A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 202; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1600 (by Zerwas), A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 201; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1601 (by Zerwas), A bill to be entitled An Act relating to the creation of the Waller County Municipal Utility District No. 13; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 1691 (by Zerwas), A bill to be entitled An Act relating to the creation of the Waller County Municipal Utility District No. 14; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

CSHB 1779 (by T. Smith), A bill to be entitled An Act relating to education and examination requirements for the issuance of a driver's license to certain persons.

CSSB 434 (Bolton - House Sponsor), in lieu of **HB 1790**, A bill to be entitled An Act relating to the establishment and operation of a public transit motor-bus-only lane pilot program in certain counties. (Berman, Flynn, and Sheffield recorded voting no.)

Representative Bolton moved to lay **HB 1790** on the table subject to call, and the motion prevailed.

SB 1103 (Jones - House Sponsor), in lieu of **HB 1791**, A bill to be entitled An Act relating to the use of a perpetual trust fund for a cemetery by certain municipalities. (Christian and Phillips recorded voting no.)

Representative Jones moved to lay **HB 1791** on the table subject to call, and the motion prevailed.

CSHB 1841 (by Kleinschmidt), A bill to be entitled An Act relating to the creation of the XS Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 1163 (Kolkhorst - House Sponsor), in lieu of **HB 1865**, A bill to be entitled An Act relating to the penalties for theft of cattle, horses, exotic livestock, exotic fowl, sheep, swine, or goats.

Representative Kolkhorst moved to lay **HB 1865** on the table subject to call, and the motion prevailed.

HB 1872 (by Leibowitz and Castro), A bill to be entitled An Act relating to the creation of additional judicial districts in Bexar County.

SB 473 (Crownover - House Sponsor), in lieu of **HB 2024**, A bill to be entitled An Act relating to an intercollegiate athletics fee at the University of North Texas. (Phillips recorded voting no.)

HB 2057 (by Gallego), A bill to be entitled An Act relating to an optional county fee on registration of a vehicle in certain counties. (Berman recorded voting no.)

SB 1360 (Hopson - House Sponsor), in lieu of **HB 2108**, A bill to be entitled An Act relating to the deadlines for commencement and completion of the Lake Columbia reservoir project.

CSHB 2153 (by Edwards and C. Turner), A bill to be entitled An Act relating to certain registration requirements imposed on sex offenders.

HB 2181 (by Berman), A bill to be entitled An Act relating to the computation of a person's age under the Election Code.

HB 2253 was withdrawn.

HB 2284 (by Rodriguez), A bill to be entitled An Act relating to the ad valorem taxation of property owned by certain organizations and used to provide affordable housing. (Harper-Brown recorded voting no.)

CSHB 2346 (by Thibaut), A bill to be entitled An Act relating to the removal of illegally parked vehicles from residential parking permit areas in certain municipalities. (Anderson, Aycock, Berman, B. Brown, F. Brown,

Button, Craddick, Creighton, Darby, Driver, Gattis, Hancock, Hardcastle, C. Howard, Hunter, P. King, Madden, D. Miller, Morrison, Parker, Sheffield, Shelton, W. Smith, Swinford, and Weber recorded voting no.)

CSHB 2348 (by Dutton), A bill to be entitled An Act relating to a contract between a water district and a municipality for the provision of fire-fighting services in certain counties.

CSHB 2368 (by Hartnett), A bill to be entitled An Act relating to trusts.

SB 918 (Leibowitz - House Sponsor), in lieu of **HB 2416**, A bill to be entitled An Act relating to attorney general participation in proceedings involving charitable trusts.

Representative Leibowitz moved to lay **HB 2416** on the table subject to call, and the motion prevailed.

SB 917 (Leibowitz - House Sponsor), in lieu of **HB 2417**, A bill to be entitled An Act relating to the definition of charitable trust for purposes of court jurisdiction.

Representative Leibowitz moved to lay **HB 2417** on the table subject to call, and the motion prevailed.

HB 2425 (by Morrison), A bill to be entitled An Act relating to engineering recruitment programs established by the Texas Higher Education Coordinating Board.

Amendment No. 1

Representatives Menendez, Anchia, Morrison, Thompson, Gutierrez, and Orr offered the following amendment to **HB 2425**:

Amend **HB 2425** by adding the appropriately numbered sections to read as follows and renumber the subsequent sections accordingly:

SECTION _____. Sections 130.0012(a) and (b), Education Code, are amended to read as follows:

(a) The Texas Higher Education Coordinating Board shall authorize a public junior college ~~[colleges]~~ to offer a baccalaureate degree program that qualifies under Subsection (e) if:

(1) the program is [programs] in the field [fields] of applied science or [and] applied technology; or

(2) the public junior college previously participated in a pilot project to offer baccalaureate degree programs [under this section. Offering a baccalaureate degree program under this section does not otherwise alter the role and mission of a public junior college].

(b) Offering a baccalaureate degree program under this section does not otherwise alter the role and mission of a public junior college. [The coordinating board shall authorize baccalaureate degree programs at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs.]

SECTION _____. 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, 2009.

Amendment No. 1 was adopted.

HB 2024 - LAID ON THE TABLE SUBJECT TO CALL

Representative Crownover moved to lay **HB 2024** on the table subject to call.

The motion prevailed.

HB 2108 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hopson moved to lay **HB 2108** on the table subject to call.

The motion prevailed.

SB 1295 (C. Howard - House Sponsor), in lieu of **HB 2484**, A bill to be entitled An Act relating to the creation of the Aliana Management District; providing authority to impose a tax and issue bonds.

Representative C. Howard moved to lay **HB 2484** on the table subject to call, and the motion prevailed.

HB 2524 (by Anchia, Bohac, and Leibowitz), A bill to be entitled An Act relating to the accuracy, security, and reliability of certain electronic voting systems. (Laubenberg, Madden, and Woolley recorded voting no.)

CSHB 2585 (by Hartnett), A bill to be entitled An Act relating to digital or electronic signatures and witness signatures on advance directives.

SB 1638 (D. Miller - House Sponsor), in lieu of **HB 2608**, A bill to be entitled An Act relating to the powers of a recreation district board in a county with frontage on the Guadalupe and Comal Rivers. (Christian, Phillips, and W. Smith recorded voting no.)

Representative D. Miller moved to lay **HB 2608** on the table subject to call, and the motion prevailed.

SB 1047 (Oliveira - House Sponsor), in lieu of **HB 2653**, A bill to be entitled An Act relating to the procurement methods authorized for public projects by a combined municipally owned electric, water, and wastewater utility situated in an economically distressed area within 30 miles of the Lower Texas Gulf Coast.

Representative Oliveira moved to lay **HB 2653** on the table subject to call, and the motion prevailed.

CSSB 1122 (Thibaut and Homer - House Sponsors), in lieu of **HB 2671**, A bill to be entitled An Act relating to the requirement to keep records of game bird or animal carcasses placed in a cold storage or processing facility. (B. Brown,

F. Brown, Button, Craddick, Creighton, Darby, Driver, Flynn, Hardcastle, C. Howard, Hunter, P. King, D. Miller, Morrison, Orr, Parker, Sheffield, Shelton, Swinford, and Weber recorded voting no.)

Representative Thibaut moved to lay **HB 2671** on the table subject to call, and the motion prevailed.

SB 1121 (Thibaut and Homer - House Sponsors), in lieu of **HB 2680**, A bill to be entitled An Act relating to the retrieval and waste of game birds, game animals, and fish; providing a penalty. (Button, Craddick, Creighton, P. King, D. Miller, Morrison, Parker, and Shelton recorded voting no.)

Representative Thibaut moved to lay **HB 2680** on the table subject to call, and the motion prevailed.

HB 2703 (by Olivo), A bill to be entitled An Act relating to classification of a prekindergarten or kindergarten student who is retained at the request of the student's parent. (Harper-Brown and Laubenberg recorded voting no.)

CSHB 2732 (by Eissler and Strama), A bill to be entitled An Act relating to the regulation of barking dogs by certain counties as a nuisance.

Amendment No. 1

On behalf of Representative Laubenberg, Representative Eissler offered the following amendment to **CSHB 2732**:

Amend **CSHB 2732** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Chapter 285, Transportation Code, is amended to read as follows:

CHAPTER 285. COUNTY REGULATION OF ROADSIDE VENDOR AND SOLICITOR [~~IN CERTAIN COUNTIES~~]

SECTION _____. Section 285.001, Transportation Code, is amended to read as follows:

Sec. 285.001. REGULATION OF ROADSIDE VENDOR AND SOLICITOR. To promote the public safety, the commissioners court of a county [~~with a population of more than 1.3 million~~] by order may regulate the following in the unincorporated area of the county if they occur on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot:

- (1) the sale of items by a vendor of food or merchandise, including live animals;
- (2) the erection, maintenance, or placement of a structure by a vendor of food or merchandise, including live animals; and
- (3) the solicitation of money.

Amendment No. 1 was withdrawn. **CSHB 2732** was deferred until the end of today's local, consent, and resolutions calendar.

HB 2767 (by Anderson and Guillen), A bill to be entitled An Act relating to the issuance of specialty license plates for justices of the peace. (Sheffield and W. Smith recorded voting no.)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Pickett, Representative Anderson offered the following committee amendment to **HB 2767**:

Amend **HB 2767** as follows:

(1) On page 1, lines 7-9, strike "JUSTICES OF THE PEACE. (a) The department shall issue without charge specialty license plates for current justices of the peace of this state. The license plates shall bear the words "Justice of the Peace"" and substitute "MUNICIPAL JUDGES AND JUSTICES OF THE PEACE. (a) The department shall issue specialty license plates for elected or appointed Municipal Judges and Justices of the Peace for use during their term of office. The license plates must include a depiction of the scales of justice and the words "Municipal Judge" or "Justice of the Peace"".

Amendment No. 1 was adopted.

CSHB 2941 (by Paxton), A bill to be entitled An Act relating to the disclosure of certain ad valorem tax appraisal information and other confidential information.

CSHB 3044 (by Farias), A bill to be entitled An Act relating to the registration of certain vehicles used to provide emergency incident rehabilitation services.

HB 3075 (by Deshotel), A bill to be entitled An Act relating to the designation of convenience signers on certain accounts established at financial institutions.

CSHB 3085 (by Hartnett), A bill to be entitled An Act relating to the independent administration of a decedent's estate.

CSHB 3215 (by Farias), A bill to be entitled An Act relating to the establishment of a down payment assistance program for certain professional educators by the Texas State Affordable Housing Corporation. (Laubenberg recorded voting no.)

Amendment No. 1

Representative Farias offered the following amendment to **CSHB 3215**:

Amend **CSHB 3215** (house committee printing) as follows:

- (1) On page 2, line 4, strike ", as funds are available,".
- (2) On page 2, line 11, after the comma, insert "as funds are available and"
- (3) On page 3, line 10, strike "original" and substitute "outstanding".

Amendment No. 1 was adopted.

CSHB 3220 (by Hancock), A bill to be entitled An Act relating to the applicability of certain laws to open-enrollment charter schools. (Herrero, Kent, and Leibowitz recorded voting no.)

CSHB 3221 (by Hancock), A bill to be entitled An Act relating to required notification by an insurer before automatic premium payments may be increased. (Herrero, Kent, and Leibowitz recorded voting no.)

SB 2134 (D. Miller - House Sponsor), in lieu of **HB 3250**, A bill to be entitled An Act relating to the composition of the Comal County Juvenile Board.

Representative D. Miller moved to lay **HB 3250** on the table subject to call, and the motion prevailed.

SB 2052 (Parker - House Sponsor), in lieu of **HB 3378**, A bill to be entitled An Act relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain transportation facilities.

Representative Parker moved to lay **HB 3378** on the table subject to call, and the motion prevailed.

HB 3417 (by Oliveira and Lucio), A bill to be entitled An Act relating to the jurisdiction of criminal law hearing officers in Cameron County.

CSHB 3425 (by Hughes), A bill to be entitled An Act relating to the use of municipal hotel occupancy taxes.

CSHB 3485 (by Coleman), A bill to be entitled An Act relating to the administration of certain county services and duties, including the administration of county assistance districts.

Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 3485**:

Amend **CSHB 3485** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 632(f)(1), Texas Probate Code, is amended to read as follows:

(1) In cases in which it is provided that personal service shall be had with respect to a citation or notice, the citation or notice must be served on the attorney of record for the person who is being cited or notified. Notwithstanding the requirement of personal service, service may be made on the attorney by any method specified under this chapter for service on an attorney. If there is no attorney of record in the proceeding for the person who is being cited or notified, or if an attempt to make service on the attorney was unsuccessful, a citation or notice directed to a person within this state must be served [~~in person by the sheriff or constable~~] on the person who is being cited or notified by delivering to the person a true copy of the citation or notice at least 10 days before the return day on the citation or notice, exclusive of the date of service. If the person who is being cited or notified is absent from the state or is a nonresident, the citation or notice may be served by a disinterested person competent to make oath of the fact. The citation or notice served by a disinterested person shall be returnable at least 10 days after the date of service, exclusive of the date of service. The return of the person serving the citation or notice shall be endorsed on or attached to the citation or notice. The return must show the time and place of service, certify that a true copy of the citation or notice was delivered to the person directed to be served, be subscribed and sworn to before an officer authorized by the laws of this state to take affidavits, under the hand and official seal of the officer, and returned to the county clerk who issued the citation or notice. If the citation or

notice is returned with the notation that the person sought to be served, whether or not within this state, cannot be found, the clerk shall issue a new citation or notice directed to the person sought to be served and service shall be by publication.

SECTION _____. Section 633(c), Texas Probate Code, is amended to read as follows:

(c) The sheriff, constable, or other person authorized by law ~~[officer]~~ shall personally serve citation to appear and answer the application for guardianship on:

- (1) a proposed ward who is 12 years of age or older;
- (2) the parents of a proposed ward if the whereabouts of the parents are known or can be reasonably ascertained;
- (3) any court-appointed conservator or person having control of the care and welfare of the proposed ward;
- (4) a proposed ward's spouse if the whereabouts of the spouse are known or can be reasonably ascertained; and
- (5) the person named in the application to be appointed guardian, if that person is not the applicant.

SECTION _____. Section 875(e), Texas Probate Code, is amended to read as follows:

(e) On the filing of an application for temporary guardianship, the clerk shall issue citation to be served in any manner authorized by law ~~[notice that shall be served]~~ on the respondent, the respondent's appointed attorney, and the proposed temporary guardian named in the application, if that person is not the applicant. The citation ~~[notice]~~ must describe the rights of the parties and the date, time, place, purpose, and possible consequences of a hearing on the application. A copy of the application must be attached to the citation ~~[notice]~~.

SECTION _____. The changes in law made by this Act to Sections 632(f)(1), 633(c), and 875(e), Texas Probate Code, apply to a guardianship proceeding that is pending or commenced on or after the effective date of this Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Coleman offered the following amendment to **CSHB 3485**:

Amend **CSHB 3485** as follows:

(1) At the end of SECTION 29 of the bill add a new SECTION 30 to read as follows:

Section 30. Subchapter Z, Chapter 157, Local Government Code, is amended by adding Section 157.9031 to read as follows:

Sec. 157.9031. AUTHORITY TO REQUIRE REIMBURSEMENT FOR CERTAIN COVERAGE. An intergovernmental pool operating under Chapter 119 of this code or its successor may, pursuant to policies concerning the provision of coverage adopted by the pool's governing body or by a county

commissioners court obtaining coverage from such a pool, require reimbursement for the provision of punitive damage coverage from a person to whom the intergovernmental pool provides coverage.

(2) Renumber remaining SECTIONS of the bill appropriately.

Amendment No. 2 was adopted.

HB 3500 was withdrawn.

CSHB 3628 (by Jones), A bill to be entitled An Act relating to the date by which the executive director of the Texas Department of Licensing and Regulation must require compliance with certain elevator safety standards. (Burnam, Dukes, Hancock, Hodge, C. Howard, Leibowitz, Maldonado, McClendon, Miklos, and Veasey recorded voting no.)

HB 3666 (by Kolkhorst), A bill to be entitled An Act relating to the application for and issuance of a marriage license.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **HB 3666**:

Amend **HB 3666** (House Committee Report) as follows:

(1) On page 1, lines 21-22, strike "a current state-issued driver's license or identification card" and substitute "a driver's license or identification card issued by this state, another state, or a Canadian province that is current or has expired not more than two years preceding the date the identification is submitted to the county clerk in connection with an application for a license".

(2) On page 1, line 23, strike "current".

(3) On page 2, line 1, strike "with a valid entry stamp" and insert "or a consular document issued by a state or national government".

(4) On page 2, lines 2-4, strike "(4) proof of identification and age accepted by the Department of Public Safety for issuance of an original driver's license under Section 521.142, Transportation Code" and substitute the following:

(4) an unexpired Certificate of United States Citizenship, Certificate of Naturalization, United States Citizen Identification Card, Permanent Resident Card, Temporary Resident Card, Employment Authorization Card, or other document issued by the federal Department of Homeland Security or the United States Department of State including an identification photograph;

(5) an unexpired military identification card for active duty, reserve, or retired personnel with an identification photograph;

(6) an original or certified copy of a birth certificate issued by a bureau of vital statistics for a state or a foreign government;

(7) an original or certified copy of a Consular Report of Birth Abroad or Certificate of Birth Abroad issued by the United States Department of State;

(8) an original or certified copy of a court order relating to the applicant's name change or sex change;

(9) school records from a secondary school or institution of higher education;

(10) an insurance policy continuously valid for the two years preceding the date of the application for a license;

- (11) a motor vehicle certificate of title;
- (12) military records, including documentation of release or discharge from active duty or a draft record;
- (13) an unexpired military dependent identification card;
- (14) an original or certified copy of the applicant's marriage license or divorce decree;
- (15) a voter registration certificate;
- (16) a pilot's license issued by the Federal Aviation Administration or another authorized agency of the United States;
- (17) a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
- (18) temporary driving permit or a temporary identification card issued by the Department of Public Safety; or
- (19) an offender identification card issued by the Texas Department of Criminal Justice

Amendment No. 1 was withdrawn. **HB 3666** was deferred until the end of today's local, consent, and resolutions calendar.

HB 3691 (by Deshotel), A bill to be entitled An Act relating to shipping coordination services for state agencies. (Aycocock, F. Brown, Button, Craddick, Creighton, Driver, Flynn, Gattis, Geren, C. Howard, Hunter, P. King, Kolkhorst, Legler, Madden, D. Miller, Parker, Sheffield, Shelton, W. Smith, and Swinford recorded voting no.)

CSHB 3708 (by Oliveira), A bill to be entitled An Act relating to the appointment and qualifications of bailiffs for certain courts in Cameron County.

CSHB 3768 (by Paxton), A bill to be entitled An Act relating to title insurance coverage of property transferred into an inter vivos trust.

HB 3903 was withdrawn.

CSHB 4067 (by Gonzales, Chavez, Oliveira, and Martinez), A bill to be entitled An Act relating to the creation of the Bureau for Economic Development of the Border Region. (Christian, Flynn, Harper-Brown, Laubenberg, and Phillips recorded voting no.)

HB 4106 (by Bohac), A bill to be entitled An Act relating to information and assistance provided by the chief appraiser to emergency management authorities.

CSHB 4128 (by Bonnen, et al.), A bill to be entitled An Act relating to the eligibility of certain Texas Rangers for burial in the state cemetery.

CSHB 4186 (by Jones), A bill to be entitled An Act relating to weight limits on a vehicle loaded with certain agricultural products.

CSHB 4189 (by Rose), A bill to be entitled An Act relating to the conduct of compliance programs by institutions of higher education.

CSHB 4193 (by Herrero), A bill to be entitled An Act relating to a joint election for trustees of an independent school board. (Craddick, Creighton, Gattis, Geren, Kolkhorst, Laubenberg, Legler, and Parker recorded voting no.)

CSHB 4229 (by Otto and Thompson), A bill to be entitled An Act relating to the award of attorney's fees in a judicial appeal of certain ad valorem tax determinations.

CSHB 4230 (by Otto, Bohac, and Thompson), A bill to be entitled An Act relating to the rescheduling of a hearing before an appraisal review board.

CSHB 4295 (by Anchia, Hodge, Miklos, Kent, and Alonzo), A bill to be entitled An Act relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment. (Anderson, Aycock, Berman, B. Brown, F. Brown, Chisum, Christian, Craddick, Creighton, Crownover, Driver, Flynn, Gattis, Geren, Hancock, Hardcastle, Harper-Brown, C. Howard, Hunter, P. King, Kolkhorst, Laubenberg, Legler, Madden, Morrison, Orr, Parker, Phillips, Sheffield, Shelton, W. Smith, Swinford, Taylor, and Weber recorded voting no.)

CSHB 4433 (by Rodriguez), A bill to be entitled An Act relating to an exemption from the severance tax for gas and oil incidentally produced in the production of geothermal energy. (C. Howard, D. Miller, and Taylor recorded voting no.)

Amendment No. 1

On behalf of Representative Gonzalez Toureilles, Representative Rodriguez offered the following amendment to **CSHB 4433**:

Amend **CSHB 4433** by adding the following appropriately numbered section and renumbering the sections of the bill accordingly:

SECTION _____. Section 202.056, Tax Code, is amended by amending Subsections (c) and (d) and adding Subsection (d-1) to read as follows:

(c) If the commission designates a three-year inactive well under this section, it shall issue a certificate designating the well as a three-year inactive well as defined by Subsection (a)(3) of this section. The commission may not designate a three-year inactive well under this section after February 29, 1996. If the commission designated a two-year inactive well under this section, it shall issue a certificate designating the well as a two-year inactive well as defined by Subsection (a)(4) of this section. The commission may not designate a two-year inactive well under this section after February 28, 2020 [2010].

(d) An application for three-year inactive well certification shall be made during the period of September 1, 1993, through August 31, 1995, to qualify for the tax exemption under this section. An application for two-year inactive well certification shall be made during the period September 1, 1997, through August 31, 2019 [2009], to qualify for the tax exemption under this section. Hydrocarbons sold after the date of certification are eligible for the tax exemption.

(d-1) The comptroller shall certify the first date on which the prices of oil and gas have been at or below the respective prices described by Section 171.1011(s) for three continuous months. The commission may issue a certificate under Subsection (c) only if the application for certification is received by the commission not later than the 90th day after the date the comptroller makes the certification under this subsection.

SECTION _____. For purposes of making a certification under Section 202.056(d-1), Tax Code, as added by this Act, the comptroller may not consider the price of oil on dates before October 1, 2009.

Amendment No. 1 was adopted.

HB 4440 (by Kolkhorst), A bill to be entitled An Act relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.

CSHB 4456 (by Driver), A bill to be entitled An Act relating to the definition of a switchblade knife for purposes of the offense of prohibited weapons.

HB 4493 (by Eiland), A bill to be entitled An Act relating to contracts awarded through competitive bidding by certain port and harbor facilities. (Craddick, Creighton, Parker, and Shelton recorded voting no.)

CSHB 4533 (by Chavez), A bill to be entitled An Act relating to the conduct of charitable poker runs by certain nonprofit organizations. (B. Brown, Craddick, Creighton, Flynn, Gattis, Geren, Harless, C. Howard, Kent, P. King, Kolkhorst, Laubenberg, Legler, Parker, Shelton, Swinford, and Weber recorded voting no.)

CSHB 4542 (by Raymond), A bill to be entitled An Act relating to the exercise of urban renewal powers by certain counties. (Aycock, Gattis, and Riddle recorded voting no.)

CSHB 4594 (by Eiland), A bill to be entitled An Act relating to permits for the movement of oversize and overweight vehicles in a certain county.

CSHB 4722 (by Cohen), A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 11; providing authority to impose a tax and issue bonds.

HB 4745 (by Heflin), A bill to be entitled An Act relating to the Lockney General Hospital District.

HB 4757 (by Eissler), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 118; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4772 (by Kleinschmidt), A bill to be entitled An Act relating to the creation of the Bastrop County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

CSHB 4773 (by Eiland), A bill to be entitled An Act relating to the creation of Chambers County Improvement District No. 2; providing authority to levy an assessment, impose a tax, and issue bonds; granting a limited power of eminent domain.

CSHB 4774 (by Eiland), A bill to be entitled An Act relating to the creation of the Chambers County Improvement District No. 3; granting road powers; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

CSHB 4781 (by Gallego), A bill to be entitled An Act relating to the imposition and rate of the county hotel occupancy tax in certain counties.

HB 4784 (by Fletcher), 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.

CSHB 4790 (by Phillips), A bill to be entitled An Act relating to the creation of the Brown's Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4795 (by Allen), A bill to be entitled An Act relating to territory included in, and the validation of acts of, the Harris County Improvement District No. 10 and the Harris County Improvement District No. 10B; changing the name of the Harris County Improvement District No. 10B.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative C. Turner, Representative Allen offered the following committee amendment to **HB 4795**:

Amend **HB 4795** (introduced version), at the end of SECTION 3 of the bill, by adding "SAVE AND EXCEPT any land within the boundaries of Harris County Municipal Utility District No. 390, Harris County Municipal Utility District No. 393, and Harris County Municipal Utility District No. 404 as of the effective date of this Act".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Allen offered the following amendment to **HB 4795**:

Amend **HB 4795** as follows:

(1) Strike Committee Amendment No. 1.

(2) On page 3, at line 26, between "BEGINNING" and ".", add the following:

"SAVE AND EXCEPT all that certain 117.3 acres of land, out of the 125.1153 acre tract described in the deed from Jack A. Conner, Trustee to Houston Palace Events, Inc. recorded under File No. U091125, in the Official Public Records of Real Property of Harris County, Texas, in the C.M. Roberts Survey, A-661,

Harris County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

BEGINNING at a 1/2" iron rod found for the southeast corner of the 1.000 acre tract described in the deed from Nausheen Corp. to Mir Brothers, Inc. recorded under File No. T868456, in the Official Public Records of Real Property of Harris County, Texas, common to the most easterly northeast corner of said 125.1153 acre tract, in the west right-of-way line of Almeda Road (R.O.W. varies);

THENCE South $17^{\circ} 22' 31''$ West -2031.02', along said west right-of-way line to a 3" iron pipe found for an angle corner of said 125.1153 acre tract, common to an angle corner of the herein described tract;

THENCE South $19^{\circ} 06' 59''$ West-724.97', continuing along said west right-of-way line to a 3/4" iron rod set for the most easterly southeast corner of the herein described tract, from which a found HCFCD aluminum cap bears South $61^{\circ} 05' 37''$ East - 0.73';

THENCE North $72^{\circ} 40' 04''$ West - 25.85', along a north line of the 8.5571 acre tract described as Parcel 18-060.1 in the Award of the Special Commissioners from Houston Palace Events, Inc., et al to Harris County Flood Control District recorded under File No. W697743, in the Official Public Records of Real Property of Harris County, Texas, to a HCFCD aluminum cap found for an angle corner of said 8.5571 acre tract, common to an angle corner of the herein described tract;

THENCE South $17^{\circ} 22' 39''$ West - 78.35', along a west line of said 8.5571 acre tract, to a 5/8" iron rod found for an angle corner of said 8.5571 acre tract, common to a point on a curve to the left, having a central angle of $08^{\circ} 41' 33''$, a radius of 4334.27', and from which point the center of the circle of said curve bears South $17^{\circ} 08' 15''$ West;

THENCE along said curve to the left, along a north line of said 8.5571 acre tract, in a westerly direction, an arc distance of 657.57' to a 5/8" iron rod found for the end of curve;

THENCE North $81^{\circ} 33' 18''$ West - 600.18', continuing along a north line of said 8.5571 acre tract to a 5/8" iron rod found for an angle corner of said 8.5571 acre tract, common to the most southerly southwest corner of the herein described tract;

THENCE North $02^{\circ} 01' 19''$ West - 172.68', along an east line of said 8.5571 acre tract to a 5/8" iron rod found for an angle corner of said 8.5571 acre tract, common to an angle corner of the herein described tract;

THENCE South $87^{\circ} 52' 34''$ West - 15.00', along a north line of said 8.5571 acre tract to a 3/4" iron rod set for the most westerly southwest corner of the herein described tract, in the east line of the 120' wide Harris County Flood Control District fee strip as described in the deed recorded under File No. C102905, in the Official Public Records of Real Property of Harris County, Texas, common to the west line of aforesaid 125.1153 acre tract, from which a 5/8" iron rod found for an angle corner of said 8.5571 acre tract bears South $02^{\circ} 01' 19''$ East -273.28';

THENCE North $02^{\circ} 01' 19''$ West - 2528.98', along the west line of said 125.1153 acre tract, common to the east line of said 120' wide Harris County Flood Control District fee strip, to a 3/4" iron rod set for the northwest corner of the herein described tract, in the south right-of-way line of West Orem Drive (R.O.W. varies);

THENCE North $87^{\circ} 09' 51''$ East - 1214.82', along said south right-of-way line to a 3/4" iron rod set for the Point of Curvature of a curve to the right, having a central angle of $15^{\circ} 24' 44''$, and a radius of 1970.00';

THENCE along said curve to the right, continuing along said south right-of-way line, in an easterly direction, an arc distance of 529.92' to the Point of Reverse Curvature of a curve to the left, having a central angle of $09^{\circ} 48' 11''$, and a radius of 2050.00';

THENCE along said curve to the left, continuing along said south right-of-way line, in an easterly direction, an arc distance of 350.74' to the most northerly northeast corner of the herein described tract in the west line of the aforesaid 1.000 acre tract, from which a found 5/8" iron rod bears North $17^{\circ} 22' 12''$ East - 1.16';

THENCE South $17^{\circ} 22' 12''$ West - 211.98', along the west line of said 1.000 acre tract, to a 1/2" iron rod found for the southwest corner of said 1.000 acre tract, common to an angle corner of the herein described tract;

THENCE South $87^{\circ} 38' 52''$ East - 213.18', along the south line of said 1.000 acre tract to the POINT OF BEGINNING of the herein described tract and containing 117.3 acres of land".

(3) On page 4, between lines 20 and 21, insert the following new SECTION 4 of the bill:

"SECTION 4. The following tracts of land are removed from the boundaries of the district:

Part 1: Any land within the boundaries of Harris County Municipal Utility District No. 390, Harris County Municipal Utility District No. 393, and Harris County Municipal Utility District No. 404 as of the effective date of this Act.

Part 2: Being a tract of land containing 13.989 acres, located within the J. Hamilton Survey, Abstract 877, in Harris County, Texas; Said 13.989 acres being out of a call 41.984 acre tract of land recorded in the name of NE 40 Partners, L.P., in Harris County Clerk's File (H.C.C.F.) Number W817136 and out of Restricted Reserve "E" of Airport Boulevard Estates Sec. 1, a subdivision recorded in Film Code Number 557118 of the Harris County Map Records (H.C.M.R.); Said 13.989 acres being more particularly described by metes and bounds as follows (bearings and coordinates are based on Texas South Central Zone Number 4204, State Plane grid coordinates (NAD 83), to convert coordinates to surface, divide by a combined scale factor of 0.999879):

COMMENCING (grid coordinate X: 3112338.50, Y: 13798930.50) at a one inch iron pipe found at the northeast corner of said 41.984 acre tract on the south right-of-way (R.O.W.) line of Airport Boulevard (width varies per H.C.C.F. Number V726469);

Thence, with said south R.O.W line and the north of said 41.984 acre tract, South 87 degrees 13 minutes 09 seconds West, a distance of 789.96 feet to a 5/8 inch capped iron rod found at the POINT OF BEGINNING (grid coordinate X: 3111933.80, Y: 13798910.84) of the herein described tract;

Thence, through and across said 41.984 acre tract, the following three (3) courses:

1. South 02 degrees 30 minutes 29 seconds East, a distance of 439.66 feet to a 5/8 inch capped iron rod found;
2. South 47 degrees 30 minutes 29 seconds East, a distance of 160.79 feet to a 5/8 inch capped iron rod found;
3. South 42 degrees 29 minutes 31 seconds West, a distance of 659.23 feet to a 5/8 inch capped iron rod found on the southwesterly line of said 41.984 acre tract;

Thence, with the southwesterly line of said 41.984 acre tract, 413.70 feet along the arc of a curve to the left, having a central angle of 14 degrees 29 minutes 51 seconds, a radius of 1,635.00 feet and a chord that bears North 60 degrees 41 minutes 00 seconds West, a distance of 412.60 feet to a 5/8 inch capped iron rod found at a point of tangency;

Thence, continuing with the southwesterly line of said 41.984 acre tract, North 67 degrees 55 minutes 49 seconds West, at 44.38 feet pass a 5/8 inch capped iron rod found at the southwest corner of said 41.984 acre tract on the easterly line of said Restricted Reserve "E" of Airport Boulevard Estates Sec. 1 and continuing through and across said Restricted Reserve "E" an overall distance of 54.39 feet to a 3/4 inch iron rod set on the west line of said Restricted Reserve "E" and the east R.O.W. line of Oakmoor Parkway (width varies per F.C. Number 557118 of the H.C.M.R.);

Thence, with the west line of said Restricted Reserve "E" and said east R.O.W. line, the following four (4) courses:

1. North 19 degrees 46 minutes 29 seconds East, a distance of 25.60 feet to a 3/4 inch iron set at the beginning of a curve to the left;
2. 256.02 feet along the arc of said curve to the left, having a central angle of 18 degrees 48 minutes 23 seconds, a radius of 780.00 feet and a chord that bears North 10 degrees 22 minutes 17 seconds East, a distance of 254.87 feet to a 3/4 inch iron rod set at a point of tangency;
3. North 00 degrees 58 minutes 06 seconds East, a distance of 252.18 feet to a 3/4 inch iron rod set at an angle point;
4. North 00 degrees 31 minutes 17 seconds West, a distance of 203.91 feet to a 3/4 inch iron rod set at an angle point;

Thence, continuing with said east R.O.W. line and the most northerly line of said Restricted Reserve "E", North 44 degrees 36 minutes 48 seconds East, at 14.11 feet pass the most northerly corner of said Restricted Reserve "E" and continuing an overall distance of 47.72 feet to a 3/4 inch iron rod found on the south R.O.W. line of said Airport Boulevard, from which a 5/8 inch capped iron rod found bears South 44 degrees 36 minutes 48 seconds West, a distance of 1.83 feet;

Thence, with said south R.O.W. line, 251.52 feet along the arc of a curve to the right, having a central angle of 07 degrees 23 minutes 25 seconds, a radius of 1,950.00 feet and a chord that bears North 83 degrees 31 minutes 27 seconds East, a distance of 251.34 feet to a 3/4 inch capped iron rod set at a point of tangency in said south R.O.W. line on the north line of said 41.984 acre tract, from which a 5/8 inch iron rod found bears North 87 degrees 13 minutes 09 seconds East, a distance of 1.00 feet;

Thence, with said south R.O.W. line and the north line of said 41.984 acre tract, North 87 degrees 13 minutes 09 seconds East, a distance of 377.90 feet to the POINT OF BEGINNING and containing 13.989 acres of land."

(4) Renumber SECTIONS of the bill appropriately.

Amendment No. 2 was adopted.

HB 4802 (by Otto), A bill to be entitled An Act relating to the creation of the Liberty County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

CSHB 4810 (by D. Miller), A bill to be entitled An Act relating to the creation of the Comal County Water Control and Improvement District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

CSHB 4811 (by D. Miller), A bill to be entitled An Act relating to the creation of the Comal County Water Control and Improvement District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 4825 (by Rose), A bill to be entitled An Act relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.

Amendment No. 1

Representative Rose offered the following amendment to **HB 4825**:

Amend **HB 4825** (House committee printing) as follows:

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

(2) "City council" means the governing body of the City of Dripping

Springs.

(2) On page 1, line 13, strike "(2)" and substitute "(3)".

(3) On page 1, between lines 14 and 15, insert the following:

(4) "Director" means a member of the board.

(4) On page 1, line 15, strike "(3)" and substitute "(5)".

(5) On page 2, line 10, strike "enacting" and substitute "creating".

(6) On page 3, line 12, strike "enacting" and substitute "creating".

(7) On page 3, line 18, strike "enacting" and substitute "creating".

(8) On page 3, line 20, strike "enacting" and substitute "creating".

(9) On page 3, line 25, strike "any type of bond or other" and substitute "an".

(10) Strike page 4, line 12, through page 5, line 5, and substitute the following:

Sec. 3858.052. APPOINTMENT OF DIRECTORS. The board consists of the following directors:

(1) Position 1: a person appointed by the commissioners court;

(2) Position 2: a person appointed by the commissioners court;

(3) Position 3: a person appointed by the city council;

(4) Position 4: a person appointed by the city council; and

(5) Position 5: a person appointed by the commissioners court, who must be the individual who owns more property in the district than any other individual except that if the commissioners court is unable to identify a person qualified for Position 5 who is willing and able to serve, the commissioners court shall appoint to the place a person who is:

(A) at least 18 years old; and

(B) a resident of this state.

Sec. 3858.053. VACANCY. A vacancy in the office of director shall be filled for the unexpired term by appointment in the same manner as the office was previously filled under Section 3858.052.

(11) On page 5, between lines 19 and 20, insert the following:

Sec. 3858.055. DIRECTOR'S BOND AND OATH. (a) Section 375.067, Local Government Code, does not apply to a director.

(b) Each director shall file the director's constitutional oath of office with the district, and the district shall retain the oath in the district's records.

(12) On page 5, line 20, strike "Sec. 3858.055" and substitute "Sec. 3858.056".

(13) On page 5, line 25, strike "Curtis Wilson" and substitute "Ginger Faught".

(14) On page 6, line 5, strike "3858.052(a)" and substitute "3858.052".

(15) On page 6, line 7, strike "Sections 3858.056-3858.100" and substitute "Sections 3858.057-3858.100".

(16) On page 9, line 22, strike "EMINENT DOMAIN" and substitute "NO EMINENT DOMAIN POWER".

(17) On page 10, line 3, strike "BONDS; DEBT" and substitute "NO AUTHORITY TO ISSUE BONDS".

(18) On page 10, line 4, strike ", borrow money, or incur any type of debt".

Amendment No. 1 was adopted.

HCR 152 (by Hunter, Herrero, Ortiz, Leibowitz, et al.), Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study on the availability of medical treatment for patients with Lyme diseases in Texas. (The vote was reconsidered later today, and **HCR 152** was adopted by Record No. 747.)

CSHCR 161 (by Burnam), Granting John Cook permission to sue the Benbrook Water Authority. (Anderson, Riddle, and Woolley recorded voting no.) (The vote was reconsidered later today, and **CSHCR 161** was adopted by Record No. 748.)

SB 820 (Menendez - House Sponsor), in lieu of **HB 554**, A bill to be entitled An Act relating to the adoption and amendment of model building codes by certain municipalities. (Aycock, Berman, F. Brown, Craddick, Creighton, Crownover, Flynn, Gattis, Geren, Hardcastle, C. Howard, Hunter, P. King, Kolkhorst, Legler, Madden, Orr, Parker, Phillips, W. Smith, Swinford, Taylor, and Weber recorded voting no.)

Representative Menendez moved to lay **HB 554** on the table subject to call, and the motion prevailed.

CSHB 1448 (by Allen), A bill to be entitled An Act relating to the requirements for voter registration. (Button, Craddick, Creighton, Driver, Flynn, Geren, Hunter, Kolkhorst, Legler, D. Miller, Parker, Shelton, and W. Smith recorded voting no.)

CSHB 2732 (by Eissler and Strama), A bill to be entitled An Act relating to the regulation of barking dogs by certain counties as a nuisance. (Anderson, Driver, Harper-Brown, Hunter, T. King, Laubenberg, D. Miller, Phillips, and Sheffield recorded voting no.)

HB 3666 (by Kolkhorst), A bill to be entitled An Act relating to the application for and issuance of a marriage license.

Amendment No. 2

Representative Kolkhorst offered the following amendment to **HB 3666**:

Amend **HB 3666** (House Committee Report) as follows:

(1) On page 1, lines 21-22, strike "a current state-issued driver's license or identification card" and substitute "a driver's license or identification card issued by this state, another state, or a Canadian province that is current or has expired not more than two years preceding the date the identification is submitted to the county clerk in connection with an application for a license".

(2) On page 1, line 23, strike "current".

(3) On page 2, line 1, strike "with a valid entry stamp" and insert "or a consular document issued by a state or national government".

(4) On page 2, lines 2-4, strike "(4) proof of identification and age accepted by the Department of Public Safety for issuance of an original driver's license under Section 521.142, Transportation Code" and substitute the following:

(4) an unexpired Certificate of United States Citizenship, Certificate of Naturalization, United States Citizen Identification Card, Permanent Resident Card, Temporary Resident Card, Employment Authorization Card, or other document issued by the federal Department of Homeland Security or the United States Department of State including an identification photograph;

(5) an unexpired military identification card for active duty, reserve, or retired personnel with an identification photograph;

(6) an original or certified copy of a birth certificate issued by a bureau of vital statistics for a state or a foreign government;

(7) an original or certified copy of a Consular Report of Birth Abroad or Certificate of Birth Abroad issued by the United States Department of State;

- (8) an original or certified copy of a court order relating to the applicant's name change or sex change;
(9) school records from a secondary school or institution of higher education;
(10) an insurance policy continuously valid for the two years preceding the date of the application for a license;
(11) a motor vehicle certificate of title;
(12) military records, including documentation of release or discharge from active duty or a draft record;
(13) an unexpired military dependent identification card;
(14) an original or certified copy of the applicant's marriage license or divorce decree;
(15) a voter registration certificate;
(16) a pilot's license issued by the Federal Aviation Administration or another authorized agency of the United States;
(17) a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code;
(18) temporary driving permit or a temporary identification card issued by the Department of Public Safety; or
(19) an offender identification card issued by the Texas Department of Criminal Justice

Amendment No. 2 was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, upon first adjournment today, Desk 15, for a formal meeting, to consider pending business.

Judiciary and Civil Jurisprudence, upon first adjournment today, Desk 46, for a formal meeting, to consider pending business.

Rules and Resolutions, upon first adjournment today, 1W.14, for a formal meeting, to consider the calendar.

County Affairs, upon first adjournment today, Desk 44, for a formal meeting, to consider pending business.

ADJOURNMENT

Representative Thompson moved that the house adjourn until 2:25 p.m. today.

The motion prevailed.

The house accordingly, at 1:26 p.m., adjourned until 2:25 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

Senate List No. 28

SB 45, SB 543, SB 687, SB 828, SB 1054, SB 1442, SB 1540, SB 1838, SB 1969

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Tuesday, May 12, 2009

The Honorable Speaker of the House
 House Chamber
 Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:
 LOCAL AND UNCONTESTED CALENDAR

HB 608 Castro SPONSOR: Wentworth
 Relating to posttrial psychological counseling for jurors in a criminal trial or juvenile adjudication hearing involving graphic evidence or testimony.

HB 651 Darby SPONSOR: Harris
 Relating to compensation of certain persons by a domestic insurance company.

HB 703 Rose SPONSOR: Nelson
 Relating to fall prevention awareness.

HB 704 Rose SPONSOR: Nelson
 Relating to the jurisdiction of a court over a child in the managing conservatorship of the state after the child's 18th birthday.

HB 762 Creighton SPONSOR: Eltife
 Relating to filing a wage claim.

HB 1067 Naishtat SPONSOR: Nelson
 Relating to a memorandum of understanding between certain authorized entities to share suicide data that does not identify a deceased individual.

- HB 1081** Herrero SPONSOR: Nelson
Relating to requiring posting of certain information regarding nursing homes and related institutions on the Department of Aging and Disability Services website.
- HB 1465** Paxton SPONSOR: Wentworth
Relating to the joinder of a tax lien transferee in a suit to collect a delinquent ad valorem tax.
- HB 1671** Crownover SPONSOR: Nelson
Relating to mutual aid agreements for newborn screening laboratory services.
- HB 1684** Brown, Betty SPONSOR: Estes
Relating to the creation and administration of the rural veterinarian loan repayment program.
(Committee Substitute)
- HB 1908** King, Tracy O. SPONSOR: Hinojosa
Relating to the safety of the fresh fruit and vegetables produced in this state.
(Committee Substitute)
- HB 2527** Aycock SPONSOR: Hegar
Relating to the regulation of commercial fertilizer.
- HB 4004** Pickett SPONSOR: Shapleigh
Relating to the management and control of certain utility systems.
- SB 798** Carona
Relating to refunds of overpayments or erroneous payments of ad valorem taxes.
- SB 1112** Estes
Relating to the provision of money from a county's general fund to disaster victims.
- SB 1803** Zaffirini
Relating to the Glenda Dawson Donate Life-Texas Registry.
- SB 2141** Wentworth
Relating to the statute of repose for engineers and architects.
- SB 2240** Zaffirini
Relating to the financing of educational and related facilities by higher education facility authorities or nonprofit corporations performing the functions of those authorities and to the governance of certain higher education facility authorities.
- SB 2485** Williams
Relating to the creation of the Montgomery County Municipal Utility District No. 118; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- SB 2511** Williams
Relating to the creation of Chambers County Improvement District No. 2; providing authority to levy an assessment, impose a tax, and issue bonds; granting a limited power of eminent domain.
- SB 2512** Williams

Relating to the creation of the Chambers County Improvement District No. 3; granting road powers; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2524 Williams

Relating to the creation of the Liberty County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2526 Watson

Relating to the creation of the Travis County Improvement District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

SB 2532 Hinojosa

Relating to the governing body of the Agua Special Utility District.

Respectfully,

Patsy Spaw

Secretary of the Senate

