

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-FIRST DAY (CONTINUED) — FRIDAY, MAY 15, 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 871).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycoc; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; 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, Excused — Berman; Kuempel; Mallory Caraway.

The invocation was offered by Tyler Gillespie, pastor, Highland Park Baptist Church, Austin.

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

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Berman on motion of Flynn.

Mallory Caraway on motion of Kent.

(Hunter in the chair)

**CAPITOL PHYSICIAN**

The chair recognized Representative Hamilton who presented Dr. Gary Mennie of Port Arthur as the "Doctor for the Day."

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

(Bohac in the chair)

**HR 1253 - PREVIOUSLY ADOPTED  
(by Peña)**

The chair laid out the following previously adopted resolution:

**HR 1253**, In memory of Armando and Francisca Salinas of Elsa.

**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. 31 and Senate List No. 31).

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative McClendon moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. Monday, May 18.

The motion prevailed.

**HR 2111 - ADOPTED  
(by Riddle)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 2111**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2111**, Congratulating Danté Nicole Johnson on her graduation from Texas Southern University Thurgood Marshall School of Law.

**HR 2111** was adopted.

**HB 3413 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3413**, A bill to be entitled An Act relating to the sale of glassware and nonalcoholic beverages by certain wholesalers and distributors.

Representative Thompson moved to concur in the senate amendments to **HB 3413**.

The motion to concur in the senate amendments to **HB 3413** prevailed by (Record 872): 139 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac(C); Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Legler; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; 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.

Nays — Harper-Brown; Herrero; Leibowitz.

Present, not voting — Mr. Speaker.

Absent, Excused — Berman; Kuempel; Mallory Caraway.

Absent — England; Laubenberg; Oliveira; Pierson.

#### STATEMENT OF VOTE

When Record No. 872 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

#### Senate Amendment No. 1 (Senate Floor Amendment No.1)

Amend **HB 3413**, as follows:

- 1) Strike Sections (e) and (f), lines 8 through 23 on page 2.
- 2) Line 26, page 2, change the second "or" to an "and," to read, as follows: "produced or sold by a manufacturer of malt beverages and that bears"

#### **HB 375 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 375**, A bill to be entitled An Act relating to classifying elk and elk hybrids as livestock under the Agriculture Code.

Representative S. Miller moved to concur in the senate amendments to **HB 375**.

The motion to concur in the senate amendments to **HB 375** prevailed by (Record 873): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac(C); 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; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; 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; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Berman; Kuempel; Mallory Caraway.

Absent — Burnam; Hilderbran; Isett; Pierson.

### STATEMENTS OF VOTE

When Record No. 873 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 873 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

### Senate Committee Substitute

**CSHB 375**, A bill to be entitled An Act relating to classifying elk and elk hybrids as livestock under the Agriculture Code.

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

SECTION 1. Section 1.003(3), Agriculture Code, is amended to read as follows:

(3) "Livestock" means cattle, horses, mules, asses, sheep, goats, llamas, alpacas, exotic livestock, including elk and elk hybrids, and hogs, unless otherwise defined.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

(Speaker pro tempore in the chair)

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

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

**SB 337** (Flynn - House Sponsor), in lieu of **HB 82**, A bill to be entitled An Act relating to the designation of a segment of Interstate Highway 30 in Hunt County as the Martin Luther King, Jr., Freeway.

Representative Flynn moved to lay **HB 82** on the table subject to call, and the motion prevailed.

**CSHB 141** (by Gonzalez Toureilles), A bill to be entitled An Act relating to evidence of motor vehicle financial responsibility; providing a penalty.

**HB 279** (by Anchia, Naishtat, and Gonzales), A bill to be entitled An Act relating to reimbursement for medical assistance provided by a school-based health center to certain recipients. (Anderson, Corte, and Hilderbran recorded voting no.)

**HB 332** was withdrawn.

**CSHB 425** (by Christian, Gallego, Deshotel, Kolkhorst, McReynolds, et al.), A bill to be entitled An Act relating to a prohibition against changing the name of certain public institutions of higher education that are named after state historical figures.

**CSHB 451** (by Allen, Lucio, and Thompson), A bill to be entitled An Act relating to health benefit plan coverage for autism spectrum disorder. (Corte and Hilderbran recorded voting no.)

**CSHB 507** (by B. Brown), A bill to be entitled An Act relating to an exemption from the sales and use tax for certain fund-raising sales conducted by a nonprofit organization that operates to benefit the patients of a state mental hospital.

**HB 586** (by Naishtat), A bill to be entitled An Act relating to the evidence required for the release of a motor vehicle after impoundment of the vehicle for failure to maintain evidence of financial responsibility.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Smithee, Representative Naishtat offered the following committee amendment to **HB 586**:

Amend **HB 586** (introduced version) on page 1, by striking lines 8 through 10 and substituting the following:

(c) The evidence of financial responsibility must cover the two-year period immediately following the date the defendant applies for release of the impounded vehicle. The court, by order, shall permit a defendant to provide evidence of insurability in increments of a period of not less than six months.

Amendment No. 1 was adopted.

**SB 409** (Naishtat - House Sponsor), in lieu of **HB 588**, A bill to be entitled An Act relating to fees charged by a justice of the peace for certain documents in a criminal case.

Representative Naishtat moved to lay **HB 588** on the table subject to call, and the motion prevailed.

**SB 256** (Farabee - House Sponsor), in lieu of **HB 603**, A bill to be entitled An Act relating to an intercollegiate athletics fee at Midwestern State University.

Representative Farabee moved to lay **HB 603** on the table subject to call, and the motion prevailed.

**CSHB 694** (by Kuempel), A bill to be entitled An Act relating to Gonzales Healthcare Systems.

**CSHB 751** (by Callegari, Harless, et al.), A bill to be entitled An Act relating to the liability of certain public utilities that allow recreational use of land that the public utility owns, occupies, or leases.

**HB 833** was withdrawn.

**HB 856** (by Laubenberg), A bill to be entitled An Act relating to the creation of an additional judicial district composed of Rockwall County.

**CSHB 889** (by Naishtat), A bill to be entitled An Act relating to examination requirements in certain guardianship matters concerning persons with mental retardation.

**SB 1929** (Anchia - House Sponsor), in lieu of **HB 1142**, A bill to be entitled An Act relating to the designation of qualified media production locations in media production development zones and to exemptions from the sales and use tax for items used for media production facilities in qualified media production locations. (Aycock, Chisum, Craddick, Crownover, Darby, Flynn, Keffer, Legler, Parker, Shelton, Taylor, and Weber recorded voting no.)

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

Representative Anchia offered the following amendment to **SB 1929**:

Amend **SB 1929** (house committee printing) in SECTION 1 of the bill, in added Section 485A.101(1), Government Code, between "metropolitan" and "area", by inserting "statistical".

Amendment No. 1 was adopted.

Representative Anchia moved to lay **HB 1142** on the table subject to call, and the motion prevailed.

**HB 1221** was deferred until the end of today's local, consent, and resolutions calendar.

**SB 1035** (Ortiz - House Sponsor), in lieu of **HB 1258**, A bill to be entitled An Act relating to the cities or counties that may create a cultural education facilities finance corporation. (Aycock and Darby recorded voting no.)

Representative Ortiz moved to lay **HB 1258** on the table subject to call, and the motion prevailed.

**SB 316** (Corte - House Sponsor), in lieu of **HB 1264**, A bill to be entitled An Act relating to the establishment of railroad quiet zones outside the boundaries of certain municipalities.

Representative Corte moved to lay **HB 1264** on the table subject to call, and the motion prevailed.

**CSHB 1283** (by Eiland, et al.), A bill to be entitled An Act relating to installment payments of ad valorem taxes on property in a disaster area.

**HB 1295** (by Aycock and Maldonado), A bill to be entitled An Act relating to notification of an application related to a certificate of public convenience and necessity for water or sewer service.

**SB 2229** (Orr - House Sponsor), in lieu of **HB 1296**, A bill to be entitled An Act relating to the creation of a county court at law in Bosque County and the composition of the Bosque, Comanche, and Hamilton Counties juvenile board.

Representative Orr moved to lay **HB 1296** on the table subject to call, and the motion prevailed.

**HB 1306** (by Heflin), A bill to be entitled An Act relating to the authority of certain counties to use unclaimed money for the benefit of the county. (Corte, Craddick, Crownover, Hilderbran, Kleinschmidt, Legler, Parker, Riddle, Shelton, and Taylor recorded voting no.)

**CSHB 1343** (by Menendez and McClendon), A bill to be entitled An Act relating to blind and disabled pedestrians and failure of the operator of a motor vehicle to yield the right-of-way.

**CSSB 1152** (Anchia and Marquez - House Sponsors), in lieu of **HB 1359**, A bill to be entitled An Act relating to the making or acceptance of political contributions in a courthouse; providing penalties.

Representative Anchia moved to lay **HB 1359** on the table subject to call, and the motion prevailed.

**SB 446** (Corte - House Sponsor), in lieu of **HB 1421**, A bill to be entitled An Act relating to the use of certain court costs in a criminal case for municipal programs enhancing public safety and security.

Representative Corte moved to lay **HB 1421** on the table subject to call, and the motion prevailed.

**HB 1527** (by Crownover and Solomons), A bill to be entitled An Act relating to the creation of an additional judicial district composed of Denton County.

**SB 1628** (McClendon - House Sponsor), in lieu of **HB 1554**, A bill to be entitled An Act relating to the pension retirement system in certain municipalities for firefighters and police.

Representative McClendon moved to lay **HB 1554** on the table subject to call, and the motion prevailed.

**HB 1581** (by Flynn), A bill to be entitled An Act relating to the creation of an additional judicial district composed of Van Zandt County.

**HB 1596** (by Zerwas), A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 204; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**CSHB 1598** (by Zerwas), A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 203; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 1599** (by Zerwas), A bill to be entitled An Act relating to the creation of the Waller County Municipal Utility District No. 15; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 1675** (Madden - House Sponsor), in lieu of **HB 1608**, A bill to be entitled An Act relating to donations of juror reimbursements.

Representative Madden moved to lay **HB 1608** on the table subject to call, and the motion prevailed.

**CSHB 1664** (by P. King, Keffer, and Hardcastle), A bill to be entitled An Act relating to an exemption for groundwater used for certain purposes from production fees assessed by the Upper Trinity Groundwater Conservation District.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 11:20 a.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Education, 11:20 a.m. today, 3W.9, for a formal meeting, to consider pending business.

**CSHB 1665** (by P. King), A bill to be entitled An Act relating to the penalty imposed on defaulting jurors.

**CSHB 1686** (by Hardcastle), A bill to be entitled An Act relating to the Muenster Hospital District.

**HB 1720** (by Bohac), A bill to be entitled An Act relating to the use of public funds by a political subdivision for communications that contain false information relating to a ballot measure; providing a criminal penalty.

**SB 1504** (Woolley - House Sponsor), in lieu of **HB 1765**, A bill to be entitled An Act relating to the concurrent jurisdiction of certain municipal courts in certain criminal cases punishable by fine only.

Representative Woolley moved to lay **HB 1765** on the table subject to call, and the motion prevailed.

**SB 1063** (Naishtat - House Sponsor), in lieu of **HB 1934**, A bill to be entitled An Act relating to the powers of certain hospital districts and to the retirement benefits of employees of the districts and related entities.

Representative Naishtat moved to lay **HB 1934** on the table subject to call, and the motion prevailed.

**HB 1946** (by Bonnen), A bill to be entitled An Act relating to the creation of the Brazoria County Municipal Utility District No. 64; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Sheffield recorded voting no.)

**HB 2053** (by Hilderbran), A bill to be entitled An Act relating to a water rights permit issued to the Upper Guadalupe River Authority.

**SB 1241** (Olivo - House Sponsor), in lieu of **HB 2124**, A bill to be entitled An Act relating to the creation of the Fort Bend County Water Control and Improvement District No. 10; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Sheffield recorded voting no.)

Representative Olivo moved to lay **HB 2124** on the table subject to call, and the motion prevailed.

**SB 931** (Olivo - House Sponsor), in lieu of **HB 2176**, A bill to be entitled An Act relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Sheffield recorded voting no.)

Representative Olivo moved to lay **HB 2176** on the table subject to call, and the motion prevailed.

#### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**SB 930** (Olivo - House Sponsor), in lieu of **HB 2177**, A bill to be entitled An Act relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Olivo moved to lay **HB 2177** on the table subject to call, and the motion prevailed.

**SB 932** (Olivo - House Sponsor), in lieu of **HB 2178**, A bill to be entitled An Act relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Sheffield recorded voting no.)

Representative Olivo moved to lay **HB 2178** on the table subject to call, and the motion prevailed.

**SB 929** (Olivo - House Sponsor), in lieu of **HB 2179**, A bill to be entitled An Act relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Sheffield recorded voting no.)

Representative Olivo moved to lay **HB 2179** on the table subject to call, and the motion prevailed.

**HB 2190** (by Veasey), A bill to be entitled An Act relating to an adult diabetes education program in certain county hospital systems and hospital districts.

**HB 2223** (by Parker), A bill to be entitled An Act relating to notice to certain homeowners regarding residential construction warranties.

**HB 2232** (by Phillips), A bill to be entitled An Act relating to the creation of a county court at law in Fannin County.

**HB 2280** (by Thompson), A bill to be entitled An Act relating to the right of a public school educator to remove a student from the educator's classroom.

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

On behalf of Representative Thompson, Representative Phillips offered the following amendment to **HB 2280**:

Amend **HB 2280** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0412 to read as follows:

Sec. 21.0412. EDUCATOR'S RIGHT TO REMOVE STUDENT. (a) An educator may not retaliate against another educator for having removed a student from that educator's classroom as provided by Section 37.002.

(b) Actions that may be considered retaliation under this section include:

(1) suspending or terminating the employment of the educator; and

(2) taking other adverse personnel action against the educator, including reassigning the educator or giving the educator a negative appraisal.

(c) This section does not affect any other remedy allowed by law.

(d) It shall be an affirmative defense to the issuance of sanctions that the educator's removal of the student was not in accordance with Section 37.002 or Section 37.004, and that the educator did not act in good faith in removing the student.

Amendment No. 1 was adopted.

**HB 2340** was withdrawn.

**CSHB 2369** (by Flynn), A bill to be entitled An Act relating to the sale of a cemetery plot; providing a criminal penalty.

**CSHB 2525** (by T. Smith), A bill to be entitled An Act relating to political expenditures made by a corporation or labor organization to finance the establishment and administration of a political committee. (Aycock, Button, Chisum, Craddick, Crownover, Darby, Flynn, Harless, Hunter, Keffer, Kleinschmidt, Legler, D. Miller, Parker, Phillips, Riddle, Shelton, and Taylor recorded voting no.)

**SB 2423** (Gonzalez Toureilles - House Sponsor), in lieu of **HB 2581**, A bill to be entitled An Act relating to the transfer or sale of patient information or prescription drug history by discount health care programs. (The vote was reconsidered later today, and **SB 2423**, as amended, was passed to third reading.)

Representative Gonzalez Toureilles moved to lay **HB 2581** on the table subject to call, and the motion prevailed.

**HB 2668** (by Ritter), A bill to be entitled An Act relating to the creation of the Smith Road Water Control and Improvement District No. 1 of Jefferson County; providing authority to impose a tax and issue bonds; granting levee and flood hazard mitigation powers; granting the power of eminent domain. (Sheffield recorded voting no.)

**CSHB 2677** (by Y. Davis), A bill to be entitled An Act relating to the amendment of a birth certificate.

(P. King in the chair)

**CSHB 2690** (by Hancock), A bill to be entitled An Act relating to eligible policyholders for group life insurance.

(Speaker pro tempore in the chair)

**CSHB 2708** (by Gonzalez Toureilles), A bill to be entitled An Act relating to the powers of the Karnes County Hospital District.

**HB 2719** was withdrawn.

**HB 2799** (by Driver), A bill to be entitled An Act relating to the responsibilities of a person who qualifies for a peace officer license but has not yet been appointed as a peace officer.

**CSHB 2826** (by Naishtat), A bill to be entitled An Act relating to the Texas Commission on Environmental Quality and retailer responsibility regarding recycling of computer equipment. (Phillips and Weber recorded voting no.)

**HB 2839** (by Riddle), A bill to be entitled An Act relating to the civil and criminal consequences of racing a motor vehicle on a highway.

**CSHB 2847** (by Riddle), A bill to be entitled An Act relating to using county election precincts for any election held on the November uniform election date.

**SB 2413** (B. Brown - House Sponsor), in lieu of **HB 2861**, A bill to be entitled An Act relating to the authority of the Kaufman County Water Control and Improvement District No. 1 to undertake road projects. (Miklos recorded voting present, not voting.)

Representative B. Brown moved to lay **HB 2861** on the table subject to call, and the motion prevailed.

**SB 1303** (P. King - House Sponsor), in lieu of **HB 2870**, A bill to be entitled An Act relating to the requirement that certain state and local governmental entities designate a firearms proficiency officer and require weapons proficiency.

Representative P. King moved to lay **HB 2870** on the table subject to call, and the motion prevailed.

**CSHB 2884** (by Martinez), A bill to be entitled An Act relating to rebates and the sale of crop insurance.

**SB 899** (T. Smith - House Sponsor), in lieu of **HB 2899**, A bill to be entitled An Act relating to the participation in state travel service contracts by certain local governmental entities.

Representative T. Smith moved to lay **HB 2899** on the table subject to call, and the motion prevailed.

**CSHB 2917** (by McReynolds), A bill to be entitled An Act relating to authorizing the Department of State Health Services to obtain criminal history record information for certain applicants for employment.

**HB 2947** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 3002** (by Homer), A bill to be entitled An Act relating to certain duties, functions, and procedures of county clerks, district clerks, and local registrars.

**CSHB 3065** (by Bohac), A bill to be entitled An Act relating to municipal registration of vacant buildings in certain municipalities.

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

Representative Bohac offered the following amendment to **CSHB 3065**:

Amend **CSHB 3065** (house committee printing) as follows:

(1) On page 3, line 5, between "FORM." and "A" insert "(a)".

(2) On page 4, between lines 10 and 11 insert:

(b) An owner whose net worth exceeds \$100 million may submit a letter evidencing self-insurance in an amount required by Section 214.236 in lieu of a certificate issued by the Texas Department of Insurance under Subsection (a)(5).

Amendment No. 1 was adopted.

**HB 3069** was withdrawn. (Objections were withdrawn later today, and **CSHB 3069** was read second time and passed to engrossment.)

**CSSB 1592** (Deshotel - House Sponsor), in lieu of **HB 3077**, A bill to be entitled An Act relating to the assignment of security interests in certain collateral.

Representative Deshotel moved to lay **HB 3077** on the table subject to call, and the motion prevailed.

**CSHB 3086** (by Hartnett), A bill to be entitled An Act relating to jurisdiction of probate proceedings and proceedings regarding powers of attorney and certain trusts.

**CSHB 3112** (by Hartnett), A bill to be entitled An Act relating to the referral of an elderly or disabled person to the Department of Aging and Disability Services and the determination by that agency of the need for a guardianship for that person.

**HB 3184** was withdrawn.

**CSHB 3186** (by McCall), A bill to be entitled An Act relating to the collection and use of biometric identifiers.

**HB 3222** (by Hancock), A bill to be entitled An Act relating to the authority of two or more municipalities to designate a joint tax increment financing reinvestment zone.

**HB 3223** (by Parker), A bill to be entitled An Act relating to the creation of the East Denton County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Sheffield recorded voting no.)

**SB 1484** (Naishtat - House Sponsor), in lieu of **HB 3260**, A bill to be entitled An Act relating to delivery of certain services through consumer direction to elderly persons and persons with disabilities.

Representative Naishtat moved to lay **HB 3260** on the table subject to call, and the motion prevailed.

**HB 3280** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 3335** (by Callegari), A bill to be entitled An Act relating to the powers of certain water districts.

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

Representative Callegari offered the following amendment to **CSHB 3335**:

Amend **CSHB 3335** (House Committee Report) as follows:

- (1) Strike SECTION 17, SECTION 21, and SECTION 22 of the bill;
- (2) On page 16, lines 23-24, strike, "Except as provided by subsection (b) of this section,";
- (3) On page 16, strike line 25.

Amendment No. 1 was adopted.

**SB 1271** (Hopson - House Sponsor), in lieu of **HB 3336**, A bill to be entitled An Act relating to the requirement that an orthotist or a prosthetist be licensed as a device manufacturer if fabricating or assembling without an order from certain health care professionals.

Representative Hopson moved to lay **HB 3336** on the table subject to call, and the motion prevailed.

**CSHB 3350** (by Hartnett), A bill to be entitled An Act relating to decedents' estates.

**CSHB 3419** (by Patrick), A bill to be entitled An Act relating to the disclosure of criminal history record information regarding public school employees. (Anderson, Aycock, Flynn, Hilderbran, Legler, and Shelton recorded voting no.)

**SB 1476** (Coleman - House Sponsor), in lieu of **HB 3469**, A bill to be entitled An Act relating to the authority of a community health center to contract with or employ an optometrist or therapeutic optometrist. (Weber recorded voting no.)

Representative Coleman moved to lay **HB 3469** on the table subject to call, and the motion prevailed.

**CSHB 3484** (by Coleman, Oliveira, and Madden), A bill to be entitled An Act relating to certain acts and proceedings of certain local governments, including those related to tax increment financing, and the validity of certain acts and proceedings. (Button, Chisum, Craddick, Crownover, Darby, Hunter, Keffer, Kleinschmidt, Kolkhorst, Legler, D. Miller, Parker, Phillips, Riddle, Shelton, Taylor, and Weber recorded voting no.)

**CSHB 3489** (by Quintanilla), A bill to be entitled An Act relating to the grounds for a hearing concerning action on certain alcoholic beverage permits and licenses.

**CSHB 3550** (by T. King), A bill to be entitled An Act relating to the powers and duties of the Texas Commission on Environmental Quality and related entities. (Riddle recorded voting no.)

#### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Pitts on motion of Lewis.

**CSHB 3669** (by Hopson), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

**CSHB 3682** (by Riddle), A bill to be entitled An Act relating to the regulation of uninhabitable, unsafe, or abandoned structures by certain counties. (Aycock and Corte recorded voting no.)

**HB 3730** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 3749** (by Coleman and J. Davis), A bill to be entitled An Act relating to the creation of an interim committee on, and a study of, the itemized billing statements of certain health care facilities. (Anderson, Button, Chisum, Craddick, Crownover, Flynn, Keffer, Kleinschmidt, D. Miller, Parker, Sheffield, Shelton, and Taylor recorded voting no.)

**Amendment No. 1**

On behalf of Representative Thompson, Representative Coleman offered the following amendment to **CSHB 3749**:

Amend **CSHB 3749** as follows:

(1) On page 2, line 3 strike "and" and insert "~~and~~"; and

(2) On page 2, line 5 strike "." and insert "[-]"; and

(5) magnetic resonance imaging, computed tomography, and positron emission tomography equipment.

Amendment No. 1 was adopted.

**HB 3804** (by T. King), A bill to be entitled An Act relating to the form of death certificates and fetal death certificates.

**CSHB 3834** (by Hilderbran), A bill to be entitled An Act relating to requiring the seller of certain real property to provide notice regarding the purchaser's duty to register water wells located or drilled on the property.

**HB 3875** (by Phillips), A bill to be entitled An Act relating to certain renewals of a qualified handgun instructor certification.

**CSHB 3876** (by Phillips), A bill to be entitled An Act relating to certain enforcement actions alleging the failure to pay child support.

**CSHB 4007** (by Hardcastle), A bill to be entitled An Act relating to the Hardeman County Hospital District.

**SB 1952** (Weber - House Sponsor), in lieu of **HB 4016**, A bill to be entitled An Act relating to the authorization of certain municipalities and counties to issue public securities for the financing of permanent improvements for use by an institution of higher education.

Representative Weber moved to lay **HB 4016** on the table subject to call, and the motion prevailed.

**CSHB 4103** (by Weber), A bill to be entitled An Act relating to management committees of certain nonprofit corporations.

(Pitts now present)

**SB 1589** (Pitts - House Sponsor), in lieu of **HB 4115**, A bill to be entitled An Act relating to the reporting and handling of unclaimed property. (Aycock and Darby recorded voting no.)

Representative Pitts moved to lay **HB 4115** on the table subject to call, and the motion prevailed.

**SB 969** (Jones - House Sponsor), in lieu of **HB 4187**, A bill to be entitled An Act relating to a length exemption for a vehicle or combination of vehicles used to transport a combine used in farm custom harvesting operations.

Representative Jones moved to lay **HB 4187** on the table subject to call, and the motion prevailed.

**SB 1920** (Legler - House Sponsor), in lieu of **HB 4195**, A bill to be entitled An Act relating to the membership of the Advisory Board on Cosmetology.

Representative Legler moved to lay **HB 4195** on the table subject to call, and the motion prevailed.

**CSHB 4212** (by Callegari), A bill to be entitled An Act relating to the enforcement of rules by the Harris-Galveston Subsidence District and the Fort Bend Subsidence District.

**CSHB 4218** (by S. Turner), A bill to be entitled An Act relating to representation in a court proceeding involving a retail public utility providing water or sewer service.

**CSHB 4281** (by S. King), A bill to be entitled An Act relating to continuing education requirements for physical therapists.

**CSHB 4315** (by Gallego, Leibowitz, and Marquez), A bill to be entitled An Act relating to the issuance of collegiate license plates. (Aycock and Shelton recorded voting no.)

**CSHB 4332** (by Hamilton), A bill to be entitled An Act relating to the certification of certain municipal police officers to enforce commercial motor vehicle safety standards.

**SB 1965** (Geren, Truitt, and Parker - House Sponsors), in lieu of **HB 4361**, A bill to be entitled An Act relating to the regulation of retail installment contracts for commercial vehicles.

Representative Geren moved to lay **HB 4361** on the table subject to call, and the motion prevailed.

**CSHB 4364** (by Y. Davis), A bill to be entitled An Act relating to the authority of certain designated agents to receive certain notices from an appraisal district.

**CSSB 1827** (Elkins - House Sponsor), in lieu of **HB 4369**, A bill to be entitled An Act relating to the constituting of certain sales of a used motor vehicle as a private disposition for purposes of Chapter 9, Business & Commerce Code.

Representative Elkins moved to lay **HB 4369** on the table subject to call, and the motion prevailed.

**CSHB 4407** (by Taylor and Shelton), A bill to be entitled An Act relating to rules concerning administration and maintenance of anaphylaxis medicine on public school campuses.

**SB 2380** (Taylor - House Sponsor), in lieu of **HB 4408**, A bill to be entitled An Act relating to contracts for the disposal of dredged material from a portion of the Gulf Coast Intracoastal Waterway.

Representative Taylor moved to lay **HB 4408** on the table subject to call, and the motion prevailed.

**SB 1479** (Taylor - House Sponsor), in lieu of **HB 4410**, A bill to be entitled An Act relating to benefits payable under certain health coverages.

Representative Taylor moved to lay **HB 4410** on the table subject to call, and the motion prevailed.

**SB 1774** (Hernandez - House Sponsor), in lieu of **HB 4427**, A bill to be entitled An Act relating to the disposal of certain exhibits used in criminal proceedings in certain counties.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Moody, Representative Hernandez offered the following committee amendment to **SB 1774**:

Amend **SB 1774** as follows:

(1) On page 1, line 6, strike "Subsection (f)" and substitute "Subsections (f) and (i)".

(2) On page 1, lines 8 and 9, strike "A clerk in a county with a population of 1.7 million of more may dispose" and substitute "Subject to Subsections (g), (h), (i), and (j), a [A] clerk [in a county with a population of 1.7 million or more] may dispose".

(3) On page 1, line 19, strike "under" and substitute "as described by".

(4) On page 2, between lines 4 and 5, insert the following:

(i) If a request is not received by a clerk covered by Subsection (g) [~~of this article~~] before the 31st day after the date of notice, the clerk may dispose of the eligible exhibit in the manner permitted by this article, including the delivery of the eligible exhibit for disposal as surplus or salvage property as described by Subsection (f).

Amendment No. 1 was adopted.

Representative Hernandez moved to lay **HB 4427** on the table subject to call, and the motion prevailed.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

**HB 4438** (by Kolkhorst), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to the Texas Forest Service.

**CSHB 4445** (by Alvarado), A bill to be entitled An Act relating to the licensing and appointment of certain court interpreters.

**CSHB 4446** (by Alvarado, Anchia, Veasey, Parker, and Gallego), A bill to be entitled An Act relating to the investment authority of the Teacher Retirement System of Texas and the Employees Retirement System of Texas. (Hunter, Riddle, and Shelton recorded voting no.)

**HB 4518** (by Homer), A bill to be entitled An Act relating to district court cases that may be considered by judges of constitutional county courts located within the 76th judicial district and 276th judicial district.

**CSHB 4519** (by Homer), A bill to be entitled An Act relating to standards for independent review organizations.

**CSHB 4560** (by Naishtat, et al.), A bill to be entitled An Act relating to certain diseases or illnesses suffered by certain emergency first responders.

**HB 4562** (by Naishtat), A bill to be entitled An Act relating to medical assistance program reimbursement for guardianship expenses of certain recipients.

**SB 2379** (Eiland - House Sponsor), in lieu of **HB 4595**, A bill to be entitled An Act relating to responsibility and criminal penalties for certain violations committed by commercial oyster boat crews.

Representative Phillips moved to lay **HB 4595** on the table subject to call, and the motion prevailed.

**CSHB 4660** (by Taylor), A bill to be entitled An Act relating to the use of interest generated by certain escrow accounts maintained in the depository of certain counties.

**HB 4685** (by Homer), A bill to be entitled An Act relating to the County Court of Titus County.

**CSHB 4692** (by Olivo), A bill to be entitled An Act relating to the deferred collection of taxes on the residence homestead of an elderly or disabled individual.

**HB 4698** (by P. King), A bill to be entitled An Act relating to the creation of the Lake Weatherford Municipal Utility Districts Nos. 1 and 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4702** was withdrawn.

**CSHB 4704** (by Guillen), A bill to be entitled An Act relating to the Starr County Hospital District.

**SB 534** (Chavez - House Sponsor), in lieu of **HB 4707**, A bill to be entitled An Act relating to the El Paso County Hospital District.

Representative Chavez moved to lay **HB 4707** on the table subject to call, and the motion prevailed.

**HB 4709** was withdrawn.

**CSHB 4710** (by Aycock), A bill to be entitled An Act relating to the creation of the Clearwater Ranch Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**Amendment No. 1**

Representative Aycock offered the following amendment to **CSHB 4710**:

Amend **CSHB 4710** as follows:

(1) On page 1, line 19, between "REQUIRED" and "The", insert "(a)".

(2) On page 1, between lines 21 and 22, insert:

(b) If the creation of the district is not confirmed at a confirmation election held under this section before December 31, 2013:

(1) the district is dissolved December 31, 2013, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Burnet County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2016.

(3) On page 3, line 23, delete "earlier" and insert "earliest".

(4) On page 3, strike lines 25-27, and substitute:

"Section 8353.003;

(2) the date the requirements of Section 8353.003(b)(1) are fulfilled; or

(3) September 1, 2016."

(5) On page 5, strike lines 22-26, and substitute:

Sec. 8353.017.DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(6) On page 6, strike lines 12-13, and substitute "only after the date on which the creation of the district is confirmed at an election under 8353.003."

(7) On page 6, line 18, after "district" and before ";", insert "or provide that the owner or owners of a majority of the assessed value of the real property in each new district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition".

(8) On page 7, line 2, after "8353.003" and before ".", insert "(a). A new district that is not confirmed is subject to dissolution under general law".

(9) On page 7, strike lines 3-12, and substitute: "(i)Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8353.004 acts as municipal consent to the creation of any new district created by division of the district and to the inclusion of land in the new district."

(10) Strike Section 2 of the bill and substitute:

"SECTION 2. The Clearwater Ranch Municipal Utility District No. 1 initially includes all the territory contained in the following area: 1800.01 Acres of land, consisting of the 870.04 acre tract described below as "TRACT 1", the 66.05 acre tract described below as "TRACT 2", the 90.12 acre tract described below as "TRACT 3" and 773.80 acre tract described below as "TRACT 4":

TRACT 1: Being 870.04 acres out of the Spring Creek IRR. Co. Survey No. 22, A-1050, the S.F.I.W. Co. Survey No. 1, A-843, the Johannes Braumholz Survey No. 954, A-109, the Jephtha Boyce Survey No. 47, A-114, the R.R. Robarts Survey No. 963, A-765, the John Hasseldanz Survey No. 959, A-430, and the Wayne Barton Survey No. 3, A-112; Being a portion of a called 21,304.716 acre tract as described in a Special Warranty Deed to Oakhurst Properties, L.P. of record in Instrument File Number 700684, Real Property Records of Burnet County, Texas; Said 21,304.716 acre tract being referenced in the Correction Special Warranty Deed to Oakhurst Properties, L.P. of record in Instrument File Number 0800010, Real Property Records of Burnet County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point in a west line of the said 21,304.716 acre tract, for the POINT OF BEGINNING of the tract described herein;

THENCE with a west and south line of the said 21,304.716 acre tract, the following twenty-three (23) courses and distances:

1. N 01° 44' 33" W a distance of 39.44 feet to a point of curvature,
2. with the arc of a curve to the right having a radius of 1195.10 feet, an arc distance of 81.65 feet, and a chord of which bears S 84° 40' 47" E a distance of 81.63 feet to a point,
3. N 01° 07' 46" W a distance of 1928.52 feet to a point,
4. S 88° 18' 02" W a distance of 1966.50 feet to a point,
5. N 01° 58' 03" W a distance of 5180.83 feet to a point,
6. N 88° 00' 26" E a distance of 1161.15 feet to a point,
7. N 87° 18' 58" E a distance of 347.82 feet to a point,
8. N 87° 18' 56" E a distance of 1018.61 feet to a point,
9. N 88° 14' 21" E a distance of 1485.39 feet to a point,
10. S 77° 25' 44" E a distance of 204.78 feet to a point,
11. S 61° 02' 57" E a distance of 196.93 feet to a point,
12. N 85° 47' 32" E a distance of 162.77 feet to a point,
13. S 61° 28' 56" E a distance of 182.89 feet to a point,
14. S 03° 38' 40" E a distance of 387.97 feet to a point,
15. S 29° 50' 10" E a distance of 372.55 feet to a point,
16. S 56° 06' 57" E a distance of 129.92 feet to a point,
17. S 37° 58' 22" E a distance of 101.04 feet to a point,
18. N 75° 28' 05" E a distance of 140.83 feet to a point,
19. S 89° 37' 37" E a distance of 132.69 feet to a point,
20. N 31° 26' 53" E a distance of 516.63 feet to a point,
21. S 52° 36' 15" E a distance of 72.31 feet to a point,
22. S 53° 20' 10" E a distance of 374.14 feet to a point, and
23. S 53° 16' 09" E a distance of 467.48 feet to a point;

THENCE crossing the said 21,304.716 acre tract, the following fifteen (15) courses and distances:

1. S 37° 03' 44" E a distance of 2152.43 feet to a point of curvature,
2. with the arc of a curve to the right having a radius of 965.00 feet, an arc distance of 168.13 feet, and a chord of which bears S 45° 56' 37" W a distance of 167.91 feet to a point,
3. S 50° 56' 05" W a distance of 150.90 feet to a point of curvature,
4. with the arc of a curve to the right having a radius of 965.00 feet, an arc distance of 148.69 feet, and a chord of which bears S 55° 20' 57" W a distance of 148.55 feet to a point,
5. S 59° 45' 48" W a distance of 175.46 feet to a point of curvature,
6. with the arc of a curve to the left having a radius of 965.00 feet, an arc distance of 449.47 feet, and a chord of which bears S 46° 25' 12" W a distance of 445.42 feet to a point,
7. S 33° 04' 36" W a distance of 149.14 feet to a point of curvature,
8. with the arc of a curve to the left having a radius of 650.00 feet, an arc distance of 467.73 feet, and a chord of which bears S 12° 27' 43" W a distance of 457.71 feet to a point,
9. S 08° 09' 10" E a distance of 77.76 feet to a point of curvature,
10. with the arc of a curve to the right having a radius of 450.00 feet, an arc distance of 344.33 feet, and a chord of which bears S 13° 46' 06" W a distance of 335.99 feet to a point,
11. S 35° 41' 21" W a distance of 329.62 feet to a point of curvature,
12. with the arc of a curve to the right having a radius of 965.00 feet, an arc distance of 614.74 feet, and a chord of which bears S 53° 56' 20" W a distance of 604.40 feet to a point,
13. S 72° 11' 19" W a distance of 223.39 feet to a point of curvature,
14. with the arc of a curve to the left having a radius of 965.00 feet, an arc distance of 346.22 feet, and a chord of which bears S 61° 54' 38" W a distance of 344.37 feet to a point, and
15. S 51° 37' 56" W a distance of 1645.00 feet to a point;

THENCE with an interior line of the said 21,304.716 acre tract, the following eight (8) courses and distances:

1. N 30° 34' 16" W a distance of 335.31 feet to a point,
2. N 37° 38' 09" W a distance of 269.46 feet to a point,
3. N 74° 23' 51" W a distance of 65.84 feet to a point,
4. S 37° 28' 46" E a distance of 108.89. feet to a point,
5. S 16° 44' 16" E a distance of 311.64. feet to a point,
6. S 27° 58' 37" E a distance of 456.02. feet to a point,
7. S 15° 58' 33" E a distance of 662.26. feet to a point, and
8. S 12° 09' 46" W a distance of 112.03. feet to a point;

THENCE crossing the said 21,304.716 acre tract, the following six (6) courses and distances:

1. with the arc of a curve to the left having a radius of 11,273.10 feet, an arc distance of 517.85 feet, and a chord of which bears N 77° 16' 44" W a distance of 517.80 feet to a point of compound curvature,

2. with the arc of a curve to the left having a radius of 6956.95 feet, an arc distance of 288.93 feet, and a chord of which bears N 79° 47' 04" W a distance of 288.91 feet to a point of compound curvature,

3. with the arc of a curve to the left having a radius of 966.42 feet, an arc distance of 285.74 feet, and a chord of which bears N 89° 26' 41" W a distance of 284.70 feet to a point,

4. S 82° 59' 52" W a distance of 342.99. feet to a point of curvature,

5. with the arc of a curve to the right having a radius of 1318.17 feet, an arc distance of 411.62 feet, and a chord of which bears N 84° 06' 10" W a distance of 409.95 feet to a point of reverse curvature, and

6. with the arc of a curve to the left having a radius of 1611.43 feet, an arc distance of 293.69 feet, and a chord of which bears N 80° 22' 41" W a distance of 293.29 feet to the POINT OF BEGINNING, containing 870.04 acres of land; and

TRACT 2: Being 66.05 acres of land out of the Wayne Barton Survey No. 3, A-112, the William J. Asher Survey No. 693, A-11, and the John Hasseldanz Survey No. 959, A-430; being a portion of a called 21,304.716 acre tract as described in a Special Warranty Deed to Oakhurst Properties, L.P. of record in Instrument File Number 700684, Real Property Records of Burnet County, Texas; said 21,304.716 acre tract being referenced in the Correction Special Warranty Deed to Oakhurst Properties, L.P. of record in Instrument File Number 0800010, Real Property Records of Burnet County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point in an interior line of the said 21,304.716 acre tract, for the POINT OF BEGINNING of the tract described herein;

THENCE with an interior line and a western line of the said 21,304.716 acre tract, the following thirty-six (36) courses and distances:

1. S 12° 09' 46" W a distance of 513.70 feet to a point,
2. S 35° 53' 28" W a distance of 151.96 feet to a point,
3. S 55° 57' 49" W a distance of 109.21 feet to a point,
4. S 75° 26' 52" W a distance of 76.39 feet to a point,
5. N 89° 01' 42" W a distance of 107.23 feet to a point,
6. N 34° 15' 53" W a distance of 49.61 feet to a point,
7. N 39° 31' 17" W a distance of 109.25 feet to a point,
8. N 30° 02' 27" W a distance of 67.75 feet to a point,
9. S 85° 18' 47" W a distance of 41.19 feet to a point,
10. S 19° 00' 18" W a distance of 96.93 feet to a point,
11. S 03° 44' 34" W a distance of 116.52 feet to a point,
12. S 42° 53' 24" W a distance of 81.73 feet to a point,
13. S 71° 05' 19" W a distance of 222.63 feet to a point,
14. N 42° 48' 59" W a distance of 145.65 feet to a point,
15. S 21° 10' 17" W a distance of 197.97 feet to a point,
16. S 50° 10' 36" W a distance of 91.96 feet to a point,
17. S 73° 37' 59" W a distance of 88.80 feet to a point,
18. N 72° 05' 19" W a distance of 46.97 feet to a point,
19. N 46° 48' 36" W a distance of 30.88 feet to a point,

20. N 02° 01' 21" W a distance of 271.67 feet to a point,
21. S 71° 36' 05" W a distance of 211.06 feet to a point,
22. S 41° 56' 24" W a distance of 315.57 feet to a point,
23. S 59° 44' 22" W a distance of 407.41 feet to a point,
24. S 55° 04' 35" W a distance of 393.64 feet to a point,
25. S 77° 58' 46" W a distance of 216.79 feet to a point,
26. S 89° 37' 43" W a distance of 96.28 feet to a point,
27. N 41° 44' 38" W a distance of 161.69 feet to a point,
28. S 52° 50' 27" W a distance of 116.54 feet to a point;
29. N 74° 17' 39" W a distance of 94.22 feet to a point,
30. N 01° 35' 16" W a distance of 219.50 feet to a point,
31. N 27° 33' 48" W a distance of 187.71 feet to a point,
32. N 07° 28' 09" E a distance of 381.09 feet to a point,
33. N 19° 36' 07" E a distance of 69.77 feet to a point,
34. N 21° 21' 37" E a distance of 89.13 feet to a point,
35. N 87° 32' 13" E a distance of 933.07 feet to a point, and
36. N 01° 44' 33" W a distance of 685.02 feet to a point of curvature;

THENCE crossing the said 21,304.716 acre tract, the following six (6) courses and distances:

1. with the arc of a curve to the right having a radius of 1611.43 feet, an arc distance of 293.69 feet, and a chord of which bears S 80° 22' 41" E a distance of 293.29 feet to a point of reverse curvature,
2. with the arc of a curve to the left having a radius of 1318.17 feet, an arc distance of 411.62 feet, and a chord of which bears S 84° 06' 10" E a distance of 409.95 feet to a point,
3. N 82° 59' 52" E a distance of 342.99 feet to a point of curvature,
4. with the arc of a curve to the right having a radius of 966.42 feet, an arc distance of 285.74 feet, and a chord of which bears S 89° 26' 41" E a distance of 284.70 feet to a point of compound curvature,
5. with the arc of a curve to the right having a radius of 6956.95 feet, an arc distance of 288.93 feet, and a chord of which bears S 79° 47' 04" E a distance of 288.91 feet to a point of compound curvature,
6. with the arc of a curve to the right having a radius of 11,273.10 feet, an arc distance of 517.85 feet, and a chord of which bears S 77° 16' 44" E a distance of 517.80 feet to the POINT OF BEGINNING, containing 66.05 acres of land; and

TRACT 3: Being 90.12 acres of land out of the Wayne Barton Survey No. 3, A-112, the William J. Asher Survey No. 693, A-11, and the John Hasseldanz Survey No. 959, A-430; being a portion of a called 21,304.716 acre tract as described in a Special Warranty Deed to Oakhurst Properties, L.P. of record in Instrument File Number 700684, Real Property Records of Burnet County, Texas; said 21,304.716 acre tract being referenced in the Correction Special Warranty Deed to Oakhurst Properties, L.P. of record in Instrument File Number 0800010, Real Property Records of Burnet County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point in an interior line of the said 21,304.716 acre tract, for the POINT OF BEGINNING of the tract described herein;

THENCE crossing the said 21,304.716 acre tract, the following eight (8) courses and distances:

1. with the arc of a curve to the right having a radius of 11,273.10 feet, an arc distance of 128.50 feet, and a chord of which bears S 73° 54' 15" E a distance of 128.50 feet to a point of reverse curvature,

2. with the arc of a curve to the left having a radius of 1,317.71 feet, an arc distance of 255.48 feet, and a chord of which bears S 79° 07' 55" E a distance of 255.08 feet to a point of reverse curvature,

3. with the arc of a curve to the right having a radius of 607.59 feet, an arc distance of 502.31 feet, and a chord of which bears S 61° 00' 09" E a distance of 488.13 feet to a point of compound curvature,

4. with the arc of a curve to the right having a radius of 400.80 feet, an arc distance of 429.83 feet, and a chord of which bears S 06° 35' 46" E a distance of 409.53 feet to a point of compound curvature,

5. with the arc of a curve to the right having a radius of 1133.46 feet, an arc distance of 441.33 feet, and a chord of which bears S 35° 16' 52" W a distance of 438.55 feet to a point of reverse curvature,

6. with the arc of a curve to the left having a radius of 1264.26 feet, an arc distance of 415.88 feet, and a chord of which bears S 37° 00' 42" W a distance of 414.01 feet to a point of compound curvature,

7. with the arc of a curve to the left having a radius of 600.99 feet, an arc distance of 556.00 feet, and a chord of which bears S 01° 05' 04" W a distance of 536.39 feet to a point of compound curvature, and

8. with the arc of a curve to the left having a radius of 798.92 feet, an arc distance of 408.33 feet, and a chord of which bears S 40° 03' 39" E a distance of 403.90 feet to a point;

THENCE with a south line and an interior line of the said 21,304.716 acre tract, the following forty-two (42) courses and distances:

1. N 89° 58' 50" W a distance of 65.58 feet to a point,

2. S 88° 43' 19" W a distance of 1966.32 feet to a point,

3. S 00° 00' 47" E a distance of 540.91 feet to a point,

4. S 88° 03' 31" W a distance of 1510.53 feet to a point,

5. N 46° 29' 55" E a distance of 637.86 feet to a point,

6. N 64° 44' 13" E a distance of 258.92 feet to a point,

7. N 53° 23' 17" E a distance of 117.03 feet to a point,

8. S 83° 34' 48" E a distance of 54.02 feet to a point,

9. S 04° 19' 09" E a distance of 111.22 feet to a point,

10. S 08° 41' 40" W a distance of 38.84 feet to a point,

11. S 22° 43' 53" E a distance of 41.31 feet to a point,

12. N 62° 49' 16" E a distance of 54.63 feet to a point,

13. N 60° 31' 18" E a distance of 85.09 feet to a point,

14. N 39° 17' 25" E a distance of 85.64 feet to a point,

15. N 14° 38' 43" E a distance of 93.63 feet to a point,

16. N 26° 48' 58" E a distance of 124.75 feet to a point,

17. N 32° 00' 31" E a distance of 172.29 feet to a point,
18. N 28° 39' 34" E a distance of 210.95 feet to a point,
19. N 25° 06' 51" E a distance of 155.56 feet to a point,
20. N 38° 53' 57" E a distance of 127.37 feet to a point,
21. N 68° 58' 39" E a distance of 69.29 feet to a point,
22. S 56° 59' 22" E a distance of 56.19 feet to a point,
23. S 41° 45' 07" E a distance of 82.01 feet to a point,
24. N 70° 48' 34" E a distance of 15.71 feet to a point,
25. N 00° 12' 58" W a distance of 81.42 feet to a point,
26. N 09° 59' 31" W a distance of 133.73 feet to a point,
27. N 19° 57' 24" E a distance of 84.69 feet to a point,
28. N 74° 15' 02" E a distance of 132.60 feet to a point,
29. N 39° 30' 32" E a distance of 104.75 feet to a point,
30. N 62° 08' 58" E a distance of 257.83 feet to a point,
31. N 81° 48' 22" E a distance of 106.37 feet to a point,
32. N 35° 49' 44" E a distance of 51.40 feet to a point,
33. N 72° 52' 40" E a distance of 129.23 feet to a point,
34. N 65° 44' 31" E a distance of 104.43 feet to a point,
35. N 74° 22' 24" E a distance of 60.64 feet to a point,
36. N 48° 58' 40" E a distance of 166.27 feet to a point,
37. N 37° 23' 34" E a distance of 140.36 feet to a point,
38. N 23° 42' 41" E a distance of 304.57 feet to a point,
39. N 33° 22' 43" E a distance of 75.08 feet to a point,
40. N 19° 04' 34" E a distance of 313.98 feet to a point,
41. N 16° 59' 38" W a distance of 64.83 feet to a point, and
42. N 20° 11' 16" E a distance of 23.09 feet to the POINT OF

BEGINNING, containing 90.12 acres of land; and

TRACT 4: Being 773.80 acres of land out of the Johannes Braunholz Survey No. 954, A-109, the L.R. Parks Survey No. 2, A-1140, the S.F.I.W. Co. Survey No. 3, A-845, the T. & N.O. RR. Co. Survey No. 17, A-916, the John Hasseldanz Survey No. 959, A-430, the Wayne Barton Survey No. 3, A-112, and the William Asher Survey No. 693, A-11; Being a portion of a called 21,304.716 acre tract as described in the Special Warranty Deed to Oakhurst Properties, L.P. of record in Instrument File Number 700684, Real Property Records of Burnet County, Texas; Said 21,304.716 acre tract being reference din the Correction Special Warranty Deed to Oakhurst Properties, L.P. of record in Instrument File Number 0800010, Real Property Records of Burnet County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point at an interior corner of the said 21,304.716 acre tract, for the POINT OF BEGINNING of the tract described herein;

THENCE with a south and east line of the said 21,304.716 acre tract, the following seven (7) courses and distances:

1. S 89° 38' 19" W a distance of 2318.51 feet to a point,
2. S 00° 43' 57" E a distance of 2482.65 feet to a point,
3. S 25° 55' 39" E a distance of 2196.15 feet to a point,
4. S 89° 26' 42" W a distance of 1914.11 feet to a point,

5. S 89° 08' 43" W a distance of 748.04 feet to a point,
6. S 87° 55' 45" W a distance of 1130.14 feet to a point, and
7. N 89° 58' 50" W a distance of 73.15 feet to a point of curvature;

THENCE crossing the said 21,304.716 acre tract, the following eight (8) courses and distances:

1. with the arc of a curve to the right having a radius of 798.92 feet, an arc distance of 408.33 feet, and a chord of which bears N 40° 03' 39" W a distance of 403.90 feet to a point of compound curvature,

2. with the arc of a curve to the right having a radius of 600.99 feet, an arc distance of 556.00 feet, and a chord of which bears N 01° 05' 04" E a distance of 536.39 feet to a point of compound curvature,

3. with the arc of a curve to the right having a radius of 1264.26 feet, an arc distance of 415.88 feet, and a chord of which bears N 37° 00' 42" E a distance of 414.01 feet to a point of reverse curvature,

4. with the arc of a curve to the left having a radius of 1133.46 feet, an arc distance of 441.33 feet, and a chord of which bears N 35° 16' 52" E a distance of 438.55 feet to a point of compound curvature,

5. with the arc of a curve to the left having a radius of 400.80 feet, an arc distance of 429.83 feet, and a chord of which bears N 06° 35' 46" W a distance of 409.53 feet to a point of compound curvature,

6. with the arc of a curve to the left having a radius of 607.59 feet, an arc distance of 502.31 feet, and a chord of which bears N 61° 00' 09" W a distance of 488.13 feet to a point of reverse curvature,

7. with the arc of a curve to the right having a radius of 1,317.71 feet, an arc distance of 255.48 feet, and a chord of which bears N 79° 07' 55" W a distance of 255.08 feet to a point of reverse curvature, and

8. with the arc of a curve to the left having a radius of 11,273.10 feet, an arc distance of 128.50 feet, and a chord of which bears N 73° 54' 15" W a distance of 128.50 feet to a point;

THENCE with an interior line of the said 21,304.716 acre tract, the following five (5) courses and distances:

1. N 20° 11' 16" E a distance of 27.57 feet to a point,
2. N 87° 16' 17" E a distance of 158.53 feet to a point,
3. N 72° 08' 03" E a distance of 80.32 feet to a point,
4. N 59° 29' 17" W a distance of 155.40 feet to a point, and
5. N 30° 34' 16" W a distance of 1120.38 feet to a point

THENCE crossing the said 21,304.716 acre tract, the following fifteen (15) courses and distances:

1. N 51° 37' 56" E a distance of 1645.00 feet to a point of curvature,

2. with the arc of a curve to the right having a radius of 965.00 feet, an arc distance of 346.22 feet, and a chord of which bears N 61° 54' 38" E a distance of 344.37 feet to a point,

3. N 72° 11' 19" E a distance of 223.39 feet to a point of curvature,

4. with the arc of a curve to the left having a radius of 965.00 feet, an arc distance of 614.74 feet, and a chord of which bears N 53° 56' 20" E a distance of 604.40 feet to a point,

5. N 35° 41' 21" E a distance of 329.62 feet to a point of curvature,
6. with the arc of a curve to the left having a radius of 450.00 feet, an arc distance of 344.33 feet, and a chord of which bears N 13° 46' 06" E a distance of 335.99 feet to a point,
7. N 08° 09' 10"W a distance of 77.77 feet to a point of curvature,
8. with the arc of a curve to the right having a radius of 650.00 feet, an arc distance of 467.73 feet, and a chord of which bears N 12° 27' 43" E a distance of 457.71 feet to a point,
9. N 33° 04' 36" E a distance of 149.14 feet to a point of curvature,
10. with the arc of a curve to the right having a radius of 965.00 feet, an arc distance of 449.47 feet, and a chord of which bears N 46° 25' 12" E a distance of 445.42 feet to a point,
11. N 59° 45' 48" E a distance of 175.46 feet to a point of curvature,
12. with the arc of a curve to the left having a radius of 965.00 feet, an arc distance of 148.69 feet, and a chord of which bears N 55° 20' 57" E a distance of 148.55 feet to a point,
13. N 50° 56' 05" E a distance of 150.90 feet to a point of curvature,
14. with the arc of a curve to the left having a radius of 965.00 feet, an arc distance of 168.13 feet, and a chord of which bears N 45° 56' 37" E a distance of 167.91 feet to a point, and
15. N 37° 03' 44" W a distance of 2152.43 feet to a point;

THENCE with an interior line of the said 21,304.716 acre tract, the following five (5) courses and distances:

1. N 29° 22' 42" E a distance of 208.41 feet to a point,
2. N 51° 02' 36" E a distance of 151.27 feet to a point,
3. N 64° 33' 37" E a distance of 148.51 feet to a point,
4. N 28° 41' 14" E a distance of 592.04 feet to a point, and
5. N 27° 35' 39" E a distance of 118.08 feet to a point;

THENCE crossing the said 21,304.716 acre tract, the following fifteen (15) courses and distances:

1. S 66° 36' 52" E a distance of 457.43 feet to a point,
2. S 33° 30' 06" E a distance of 451.35 feet to a point,
3. S 59° 30' 16" E a distance of 376.53 feet to a point,
4. N 64° 15' 36" E a distance of 471.65 feet to a point,
5. S 63° 39' 20" E a distance of 611.38 feet to a point,
6. N 73° 46' 08" E a distance of 240.54 feet to a point,
7. S 56° 55' 21" E a distance of 408.57 feet to a point,
8. N 80° 47' 34" E a distance of 478.13 feet to a point,
9. S 81° 22' 28" E a distance of 416.69 feet to a point,
10. S 30° 06' 52" E a distance of 966.78 feet to a point,
11. S 78° 06' 19" E a distance of 1843.43 feet to a point,
12. S 38° 32' 40" E a distance of 311.43 feet to a point,
13. S 62° 59' 05" W a distance of 673.48 feet to a point of curvature,
14. with the arc of a curve to the right having a radius of 4000.00 feet, an arc distance of 2117.86 feet, and a chord of which bears S 78° 09' 10" W a distance of 2093.21 feet to a point, and

15. S 00° 39' 29" E a distance of 1891.59 feet to the POINT OF BEGINNING, and containing 773.80 acres of land.

Amendment No. 1 was adopted.

**CSHB 4711** (by Flynn), A bill to be entitled An Act relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2455** (Creighton - House Sponsor), in lieu of **HB 4714**, A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 495; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Creighton moved to lay **HB 4714** on the table subject to call, and the motion prevailed.

**HB 4715** (by Creighton), A bill to be entitled An Act relating to deadlines for elections to confirm the creation of East Montgomery County Municipal Utility Districts Nos. 8, 9, 10, 11, 12, 13, and 14, Montgomery County Municipal Utility Districts Nos. 100 and 101, and Liberty County Municipal Utility District No. 5.

**SB 1464** (Creighton - House Sponsor), in lieu of **HB 4716**, A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 525; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Creighton moved to lay **HB 4716** on the table subject to call, and the motion prevailed.

**SB 2470** (Keffer - House Sponsor), in lieu of **HB 4717**, A bill to be entitled An Act relating to the creation of the Maverick Improvement District of Palo Pinto County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Keffer moved to lay **HB 4717** on the table subject to call, and the motion prevailed.

**CSHB 4719** (by Aycock), A bill to be entitled An Act relating to the creation of the Burnet County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4724** (by Fletcher), A bill to be entitled An Act relating to the creation of Waller Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds; and granting a limited power of eminent domain.

**CSHB 4735** (by Eiland), A bill to be entitled An Act relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds. (Button, Chisum, Keffer, Kleinschmidt, and D. Miller recorded voting no.)

**CSHB 4737** (by Phillips), A bill to be entitled An Act relating to the creation of the Lake Texoma Municipal Utility District No. 1; providing authority to impose a tax or assessment and issue bonds; granting a limited power of eminent domain.

**CSHB 4738** (by Alonzo), A bill to be entitled An Act relating to the creation of the North Oak Cliff Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds. (Miklos recorded voting present, not voting.)

**SB 2473** (Fletcher - House Sponsor), in lieu of **HB 4739**, A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 13; providing authority to impose an assessment, impose a tax, and issue bonds.

Representative Fletcher moved to lay **HB 4739** on the table subject to call, and the motion prevailed.

**SB 2472** (Fletcher - House Sponsor), in lieu of **HB 4740**, A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 14; providing authority to impose an assessment, impose a tax, and issue bonds.

Representative Fletcher moved to lay **HB 4740** on the table subject to call, and the motion prevailed.

**CSHB 4750** (by Geren), A bill to be entitled An Act relating to the appointment of magistrates in the White Settlement municipal courts.

**HB 4751** (by Laubenberg), A bill to be entitled An Act relating to the creation of the Van Alstyne Municipal Utility District No. 2 of Collin County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Miklos recorded voting present, not voting.)

**CSHB 4752** (by Parker), A bill to be entitled An Act relating to the creation of the Prosper Management District No. 1; providing authority to impose a tax and issue bonds.

**CSHB 4755** (by Kuempel), A bill to be entitled An Act relating to the creation of the Guadalupe County Development and Management District; providing authority to impose an assessment, impose a tax, and issue bonds; granting a limited power of eminent domain.

**CSHB 4759** (by Quintanilla), A bill to be entitled An Act relating to the creation of the Tornillo Management District; providing authority to impose a tax and issue bonds.

**SB 2503** (B. Brown - House Sponsor), in lieu of **HB 4769**, A bill to be entitled An Act relating to the powers and duties of the Lake View Management and Development District; providing authority to impose a tax and issue bonds; granting certain powers relating to navigation improvements; and granting powers of a road district.

Representative B. Brown moved to lay **HB 4769** on the table subject to call, and the motion prevailed.

**HB 4771** (by Allen), A bill to be entitled An Act relating to the powers and duties of Harris County Improvement District No. 5; providing authority to impose a tax and issue bonds.

**CSHB 4775** (by Bonnen), A bill to be entitled An Act relating to the creation of the Alden Lake Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

**CSHB 4777** (by Edwards), A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 12; providing authority to impose an assessment, impose a tax, and issue bonds.

**HB 4778** (by Gattis), A bill to be entitled An Act relating to the creation of the Northwest Williamson County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4783** (by T. King), A bill to be entitled An Act relating to an election of the board of directors of the Frio Hospital District.

**HB 4785** (by Weber), A bill to be entitled An Act relating to the powers and financing of the Brazoria County Groundwater Conservation District.

**CSHB 4793** (by Gonzales, Martinez, and Peña), A bill to be entitled An Act relating to the creation of two additional county courts at law in Hidalgo County.

**HB 4794** was withdrawn.

#### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

**CSHB 4797** (by Bolton), A bill to be entitled An Act relating to the creation of the Travis County Improvement District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

**CSHB 4798** (by Taylor), A bill to be entitled An Act relating to the creation of the League City Improvement District; providing authority to impose an assessment, impose a sales and use tax, and issue bonds.

**HB 4799** (by Gattis and Maldonado), A bill to be entitled An Act relating to the creation of the Seven Oaks Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4800** (by Gattis), A bill to be entitled An Act relating to the creation of the San Gabriel Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 4803** (by Maldonado), A bill to be entitled An Act relating to the creation of the South Fork Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**CSHB 4807** (by Gallego), A bill to be entitled An Act relating to the board of directors of the Red Bluff Water Power Control District.

**HB 4808** (by Hunter, Taylor, Hancock, and Driver), A bill to be entitled An Act relating to the creation of the Calhoun County Groundwater Conservation District.

**HB 4812** (by Morrison), A bill to be entitled An Act relating to the date of an election to confirm the creation of the Lavaca County Groundwater Conservation District.

**HB 4814** (by Woolley), A bill to be entitled An Act relating to the powers and duties of Harris County Improvement District No. 1; providing authority to impose a tax and issue bonds.

**HB 4815** (by Gattis), A bill to be entitled An Act relating to certain procedures regarding dissolution of the Ranch at Cypress Creek Municipal Utility District No. 1.

**CSHB 4817** (by Gattis), A bill to be entitled An Act relating to the creation of the Goodwater Municipal Utility District No. 1; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

**HB 4818** (by Harper-Brown), A bill to be entitled An Act relating to the Dallas County Utility and Reclamation District.

**CSHB 4827** (by Coleman), A bill to be entitled An Act relating to the creation of Harris County Improvement District No. 20; providing authority to impose a tax and issue bonds.

**CSHB 4828** (by Coleman), A bill to be entitled An Act relating to the creation of Harris County Improvement District No. 21; providing authority to impose a tax and issue bonds.

**HB 4829** (by Fletcher), A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 17; providing authority to impose an assessment, impose a tax, and issue bonds.

**CSHB 4830** (by Eiland), A bill to be entitled An Act relating to an election to confirm the creation of the Galveston County Municipal Utility District No. 67.

**HB 4831** (by Hilderbran), A bill to be entitled An Act relating to the election of the board of directors of the Crockett County Water Control and Improvement District.

**CSHB 466** (by Paxton), A bill to be entitled An Act relating to procedures relating to placement of a public school student in a disciplinary alternative education program. (Aycock recorded voting no.)

**HB 2035** (by Keffer), A bill to be entitled An Act relating to the creation of the Hood County Granbury Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 2466** (by Rodriguez and Leibowitz), A bill to be entitled An Act relating to including playgrounds in the designation of certain places as drug-free zones for purposes of the criminal penalties that apply to certain drug-related offenses.

**CSHB 3353** (by Naishtat, et al.), A bill to be entitled An Act relating to an environmental service fee at public institutions of higher education. (Anderson, Aycock, Button, Corte, Flynn, Hilderbran, Hunter, Kleinschmidt, Kolkhorst, D. Miller, Riddle, and Shelton recorded voting no.)

**CSHB 3760** (by Oliveira), A bill to be entitled An Act relating to a fee associated with the assignment of a vehicle identification number by the Texas Department of Transportation. (The vote was reconsidered later today, and **SB 1356**, in lieu of **CSHB 3760**, was passed to third reading.)

**SB 2307** (Geren - House Sponsor), in lieu of **HB 3799**, A bill to be entitled An Act relating to the preservation and maintenance of the Governor's Mansion. (T. King recorded voting no.)

Representative Geren moved to lay **HB 3799** on the table subject to call, and the motion prevailed.

**SB 1038** (Riddle - House Sponsor), in lieu of **HB 3990**, A bill to be entitled An Act relating to the name, powers, and duties of the Northampton Municipal Utility District; providing authority to impose a tax and issue bonds.

Representative Riddle moved to lay **HB 3990** on the table subject to call, and the motion prevailed.

**HB 4741** (by Gutierrez), A bill to be entitled An Act relating to the creation of three additional county courts at law in Bexar County.

**CSHB 4787** (by Riddle), A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 18; providing authority to impose an assessment, impose a tax, and issue bonds.

**CSHB 1221** (by C. Howard), A bill to be entitled An Act relating to the provision of information by tax officials related to ad valorem tax rates.

**SB 1614** (D. Miller - House Sponsor), in lieu of **HB 2947**, A bill to be entitled An Act relating to the requirement that certain orders closing, abandoning, or vacating a county road be filed and indexed in the deed records of the county where the road is located.

Representative Button moved to lay **HB 2947** on the table subject to call, and the motion prevailed.

**SB 1059** (Phillips - House Sponsor), in lieu of **HB 3280**, A bill to be entitled An Act relating to the procedure for the removal of a cattle guard on a county road.

Representative Phillips moved to lay **HB 3280** on the table subject to call, and the motion prevailed.

**SB 1554** (Coleman - House Sponsor), in lieu of **HB 3730**, A bill to be entitled An Act relating to the authority of officers in certain counties to designate a person to receive fees, commissions, or costs.

Representative Coleman moved to lay **HB 3730** on the table subject to call, and the motion prevailed.

### **SB 2423 - VOTE RECONSIDERED**

Representative Gonzalez Toureilles moved to reconsider the vote by which **SB 2423** was passed to third reading.

The motion to reconsider prevailed.

**SB 2423** (Gonzalez Toureilles - House Sponsor), A bill to be entitled An Act relating to the transfer or sale of patient information or prescription drug history by discount health care programs.

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

Representatives Gonzalez Toureilles, Cook, Martinez Fischer, Thompson, Morrison, Bolton, Merritt, Laubenberg, and Gutierrez offered the following amendment to **SB 2423**:

Amend **SB 2423** (House Committee Report) as follows:

(1) In Section 1 of the bill, in amended Section 76.001(3), Health and Safety Code, in the added sentence (page 1, lines 16-17) strike "if the entity engages in the transfer or sale of such patient information.".

(2) Strike SECTIONS 2 and 3 of the bill (page 2, lines 6-16) and substitute the following:

SECTION 2. Section 76.053, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A program operator shall, before enrollment, provide each prospective member disclosure materials containing the program operator's policy regarding access to patient information or patient prescription drug histories if the program operator engages in the transfer or sale of a member's patient information or patient prescription drug history.

(b) A marketer shall use disclosure materials that comply with this section [~~Subsection (a)~~].

SECTION 3. Title 21, Insurance Code, is amended by adding Chapter 7002 to read as follows:

#### CHAPTER 7002. SUPPLEMENTAL PROVISIONS RELATING TO DISCOUNT HEALTH CARE OPERATORS

Sec. 7002.001. DEFINITION. For purposes of Chapters 562 and 7001, Insurance Code, "other consideration" provided to a discount health care program or a discount health care program operator includes access to patient information, access to patient prescription drug histories, and drug manufacturer rebates.

Sec. 7002.002. REQUIRED DISCLOSURE. A discount health care program operator shall, before enrollment, provide each prospective member disclosure materials containing the program operator's policy regarding access to

patient information or patient prescription drug histories if the program operator engages in the transfer or sale of a member's patient information or patient prescription drug history.

Sec. 7002.003. VIOLATION; PENALTIES. A violation of this chapter may be enforced in the same manner as a violation of Chapter 562 or 7001.

SECTION 4. (a) Sections 1 and 2 of this Act take effect only if **HB 4341** or **SB 2339**, Acts of the 81st Legislature, Regular Session, 2009, or another Act of the 81st Legislature, Regular Session, 2009, enacting Chapter 562 and Title 21, Insurance Code, concerning discount health care programs is not enacted or does not become law.

(b) Section 3 of this Act takes effect only if **HB 4341** or **SB 2339**, Acts of the 81st Legislature, Regular Session, 2009, or another Act of the 81st Legislature, Regular Session, 2009, enacting Chapter 562 and Title 21, Insurance Code, concerning discount health care programs is enacted and becomes law.

SECTION 5. This Act takes effect September 1, 2009.

Amendment No. 1 was adopted.

### **CSHB 3760 - VOTE RECONSIDERED**

Representative Oliveira moved to reconsider the vote by which **CSHB 3760** was passed to engrossment.

The motion to reconsider prevailed.

**SB 1356** (Oliveira - House Sponsor), in lieu of **CSHB 3760**, A bill to be entitled An Act relating to a fee associated with the assignment of a vehicle identification number by the Texas Department of Transportation.

Representative Oliveira moved to lay **CSHB 3760** on the table subject to call, and the motion prevailed.

### **CSHB 3069 - OBJECTIONS WITHDRAWN**

Objections were withdrawn to **CSHB 3069** which was previously withdrawn from the local, consent, and resolutions calendar.

**CSHB 3069** (by Bohac), A bill to be entitled An Act relating to streamlining voter reregistration across county lines.

**CSHB 3069** was read second time.

### **CSHB 3069 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HERRERO: Dwayne, thank you for taking time to discuss with us the provisions of your bill. I just want to try to establish some legislative intent. The purpose of your bill is such that, as I understand it, and I would like you to clarify for me if you would please, is so that if someone goes to a voting precinct to vote, but it's learned that the person's voter ID has been suspended, they then have to fill out a form. In filling out that form, what your bill would do, would add two additional requirements that are not currently on that form. Is that correct?

REPRESENTATIVE BOHAC: Yeah, two additional boxes that effectively makes it a voter registration card that the county can then send, if they move across county lines, to the county in which they moved and they will automatically be registered. Otherwise, under current law, their voter registration is just cancelled if we leave the form the same way as it is under current law.

HERRERO: Right, and those two boxes that you're talking about would be the following: the first is that you would state that you are a U.S. citizen, and you would either check off yes or no, is that correct?

BOHAC: That's right. We just conform it to the voter registration card. All the other elements are already on the form.

HERRERO: And then the other question that would be asked is if the person will be 18 years of age on the date of the election, is that another item that would be added to this box?

BOHAC: Right, and both of those are on the current registration card.

HERRERO: Okay, and so even though the bill makes reference to, if you look to page two of your bill, Section 2—the additional parts to it, lines 15 and 17—say, "the response must contain all of the information that a person must include in an application to register to vote under Section 13.002," and it is your understanding—and in my understanding from the conversations that we've had, especially the comments that you've made right now as it pertains to a person's citizenship and a person's age—that would essentially mean that you just add those two additional provisions, one on the citizenship, the other one on the age. Is that correct?

BOHAC: That's right. That statement sounds more complicated than it is, but it's just saying: add those two other boxes and you've now created a voter registration card that can then be used to register them in their new county. So, we're streamlining the process and helping people get registered to vote.

HERRERO: And so, whatever provisions satisfy your voter registration requirement would then, essentially, be carried forward as it pertains to this provision in your proposed bill, is that correct?

BOHAC: Correct.

HERRERO: No added burden or proof would be needed other than that is already in existing law, is that correct?

BOHAC: Exactly. We don't add to existing law, we're just adding two boxes to help people register in their new county if they move across county lines.

HERRERO: And what you're trying to do is to conform the residency requirement to that of the provisions laid out in your voter registration card?

BOHAC: That's exactly right.

**REMARKS ORDERED PRINTED**

Representative Herrero moved to print remarks between Representative Bohac and Representative Herrero.

The motion prevailed.

**CSHB 3069** was passed to engrossment.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Criminal Jurisprudence, upon first adjournment today, Desk 92, for a formal meeting.

Defense and Veterans' Affairs, upon first adjournment today, Desk 76, for a formal meeting, to consider pending business.

Public Health, upon first adjournment today, Desk 123, for a formal meeting, to consider pending business.

**ADJOURNMENT**

At 1:58 p.m., the chair announced that the house would stand adjourned until 2:25 p.m. today.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

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

**House List No. 31**

**HB 415, HB 703, HB 704, HB 1510, HB 1622, HB 1923, HB 1990, HB 2020, HB 2071, HB 2569, HB 3661, HB 3765, HCR 204**

**Senate List No. 31**

**SB 629, SB 1918, SB 2126, SB 2225**

**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  
Friday, May 15, 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:

**HB 472** Hilderbran SPONSOR: Hinojosa  
Relating to the effect and implementation of the law regarding reporting by a common carrier or pipeline owner or operator of contamination.

**HB 772** Howard, Donna SPONSOR: Davis, Wendy  
Relating to Internet broadcasts of open meetings held by the State Board of Education.

**HB 1672** Crownover SPONSOR: Deuell  
Relating to newborn screening.  
(Committee Substitute)

**HB 2027** Zerwas SPONSOR: Harris  
Relating to adoption of the Revised Uniform Anatomical Gift Act; providing criminal penalties.  
(Committee Substitute)

**HB 3031** Keffer SPONSOR: Estes  
Relating to the sale by the Brazos River Authority of certain residential and commercial leased lots and other real property in the immediate vicinity of Possum Kingdom Lake.

**HB 4006** Hardcastle SPONSOR: Estes  
Relating to veterinarian reports of diseased animals.

**HB 4314** Gallego SPONSOR: Shapleigh  
Relating to the electronic filing of documents for capital cases in the court of criminal appeals.

**HCR 118** Rios Ybarra SPONSOR: Hinojosa  
Honoring the legacy of Caesar Kleberg.

**SB 2576** Watson  
Relating to the authority of a commissioner of the Texas Workforce Commission.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 15, 2009 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 567** Miller, Sid SPONSOR: Fraser  
Relating to the eligibility of candidates for certain offices to serve as election judges.

**HB 1493** King, Tracy O. SPONSOR: Zaffirini  
Relating to the use of certain devices in a polling place.

**HB 2032** England SPONSOR: Harris  
Relating to the authority of certain municipalities to use tax revenue for certain venue projects.  
(Committee Substitute/Amended)

**HB 2509** Geren SPONSOR: Wentworth  
Relating to the payment of a lottery prize awarded to a minor.

**HB 2512** Aycock SPONSOR: Davis, Wendy  
Relating to audio recordings of certain grievance proceedings or meetings by school district employees.  
(Committee Substitute)

**HB 3032** Keffer SPONSOR: Estes  
Relating to the sale of certain property at Possum Kingdom Lake by the Brazos River Authority.

**HCR 174** Swinford SPONSOR: Seliger  
Requesting the Texas Department of Transportation to designate the overpass at the intersection of Highway 20 and Highway 338 in Odessa as the Buddy West Memorial Overpass.  
(Committee Substitute)

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

**SB 61** (19 Yeas, 9 Nays)

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

**SB 727**  
Senate Conferees: Patrick, Dan - Chair/Carona/Hegar/Seliger/Whitmire

**SB 1495**  
Senate Conferees: Williams - Chair/Averitt/Carona/Hinojosa/West

**SB 2298**  
Senate Conferees: Watson - Chair/Carona/Ellis/Eltife/Whitmire

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 15, 2009 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 2177** Shapleigh

Relating to the establishment of a nonprofit organization for the acquisition of historic art pieces for the Capitol.

**SB 2553** Hegar

Relating to the regulatory authority of counties, including granting certain counties authority to regulate the cutting of certain trees; providing a penalty.

**SB 2555** Hegar

Relating to granting county zoning authority in Aransas County; providing a criminal penalty.

**SB 2577** Jackson, Mike

Relating to bariatric surgery coverage for state employees.

Respectfully,

Patsy Spaw

Secretary of the Senate

