

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FOURTH DAY — WEDNESDAY, MAY 11, 2011

The house met at 11:35 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 949).

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

RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

HB 2380 - VOTE RECONSIDERED

Representative Shelton moved to reconsider the vote by which **HB 2380** was withdrawn from the local, consent, and resolutions calendar.

The motion to reconsider prevailed.

**CSHB 2380 ON SECOND READING
(by Shelton)**

The chair laid before the house, on its second reading and passage to engrossment,

CSHB 2380, A bill to be entitled An Act relating to employment by school districts of certain persons under probationary contracts.

CSHB 2380 was withdrawn from the local, consent, and resolutions calendar earlier today.

Representative Shelton moved to postpone consideration of **CSHB 2380** until 6 p.m. today.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Zerwas on motion of Hamilton.

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

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

(Record 950): 148 Yeas, 0 Nays, 1 Present, not voting.

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

Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley(C); Workman; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Zerwas.

HB 590 (Cain, Garza, Harless, Landtroop, Price, Simpson, and White - no) (141 - 7 - 1)

HB 1128

HB 1784 (Schwertner - no) (147 - 1 - 1)

HB 1797 (Aycock and Garza - no) (146 - 2 - 1)

HB 2096 (Aycock - no) (147 - 1 - 1)

HB 2102 (Aycock, Beck, Cain, Craddick, Darby, S. King, Laubenberg, Lavender, Legler, Madden, Margo, D. Miller, Paxton, Riddle, Sheffield, Simpson, V. Taylor, Weber, and Workman - no) (129 - 19 - 1)

HB 2103

HB 2247

HB 2316 (C. Anderson, Aycock, Beck, Burkett, Carter, Chisum, Frullo, Garza, Harless, Huberty, Kleinschmidt, Kuempel, Laubenberg, Legler, Madden, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, Simpson, V. Taylor, Weber, and Workman - no) (123 - 25 - 1)

HB 2363

HB 2425

HB 2492 (Aycock, Harless, and V. Taylor - no) (145 - 3 - 1)

HB 2595

HB 2702

HB 2960 (V. Taylor - no) (147 - 1 - 1)

HB 2982

HB 2994 (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Chisum, Flynn, Huberty, Kleinschmidt, Laubenberg, Lavender, Madden, Patrick, Paxton, Perry, Phillips, Sheffield, Simpson, V. Taylor, Weber, and White - no) (126-22-1)

HB 2996 (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Cain, Carter, Chisum, Craddick, Darby, S. Davis, Flynn, Frullo, Hamilton, Harless, Huberty, Kleinschmidt, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Madden, Parker, Patrick, Paxton, Perry, Phillips, Schwertner, Sheets, Sheffield, Shelton, Simpson, V. Taylor, Weber, White, Workman, and Zedler - no) (109 - 39 - 1)

HB 2997 (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Cain, Carter, Chisum, Craddick, Darby, S. Davis, Flynn, Frullo, Hamilton, Harless, Huberty, Kleinschmidt, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Madden, Parker, Patrick, Paxton, Perry, Phillips, Schwertner, Sheets, Sheffield, Shelton, Simpson, V. Taylor, Weber, White, Workman, and Zedler - no) (109-39-1)

HB 3079 (Garza and Simpson - no) (146 - 2 - 1)

HB 3111 (C. Anderson, Berman, and Flynn - no) (145 - 3 - 1)

HB 3125 (Beck and Harless - no) (146 - 2 - 1)

HB 3152

HB 3216

HB 3283

HB 3369 (White - no) (147 - 1 - 1)

HB 3387 (Aycock, Craddick, Darby, Frullo, Hamilton, Kuempel, Legler, Parker, Paxton, Shelton, and V. Taylor - no) (137 - 11 - 1)

HB 3399 (Huberty - present, not voting) (147 - 0 - 2)

HB 3475 (Frullo, Garza, Hamilton, Kuempel, Parker, Shelton, and Zedler - no) (141 - 7 - 1)

HB 3595 (White - no) (147 - 1 - 1)

HB 3723 (C. Anderson, Berman, Burkett, Cain, Chisum, Craddick, Flynn, Frullo, Garza, Hamilton, Huberty, Kuempel, Landtroop, Laubenberg, Legler, Parker, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Shelton, V. Taylor, White, Workman, and Zedler - no) (121 - 27 - 1)

HB 3730 (R. Anderson, Garza, Laubenberg, Perry, Sheets, Simpson, White, and Zedler - no) (140 - 8 - 1)

HB 3797

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 950): 148 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

HR 1483

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Marquez in the chair)

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 1125 ON THIRD READING
(Anchia - House Sponsor)

SB 1125, A bill to be entitled An Act relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.

SB 1125 was passed by (Record 951): 99 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Branch; Brown; Burkett; Burnam; Callegari; Carter; Castro; Chisum; Christian; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Patrick; Peña; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman.

Nays — Anderson, C.; Beck; Berman; Button; Cain; Cook; Craddick; Creighton; Fletcher; Flynn; Gooden; Hamilton; Hancock; Harper-Brown; Hughes; Hunter; Kolkhorst; Kuempel; Laubenberg; Lyne; Miller, D.; Miller, S.; Parker; Paxton; Phillips; Price; Riddle; Schwertner; Simpson; Solomons; Taylor, V.; Weber; White; Zedler.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Aliseda; Anderson, R.; Bonnen; Coleman; Crownover; Driver; Elkins; Garza; Hartnett; Huberty; Nash; Sheets; Taylor, L.; Truitt.

STATEMENTS OF VOTE

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted yes.

Aliseda

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted no.

R. Anderson

I was shown voting yes on Record No. 951. I intended to vote no.

Callegari

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting yes on Record No. 951. I intended to vote no.

Harless

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 951. I intended to vote no.

Larson

I was shown voting yes on Record No. 951. I intended to vote no.

Margo

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted no.

Nash

When Record No. 951 was taken, my vote failed to register. I would have voted yes.

Sheets

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

When Record No. 951 was taken, my vote failed to register. I would have voted no.

Truitt

I was shown voting no on Record No. 951. I intended to vote yes.

Weber

SB 551 ON THIRD READING
(Otto - House Sponsor)

SB 551, A bill to be entitled An Act relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

SB 551 was passed by (Record 952): 134 Yeas, 1 Nays, 2 Present, not voting.

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

Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Nays — Castro.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Aliseda; Anderson, R.; Callegari; Coleman; Crownover; Deshotel; Eissler; Garza; Gonzalez; Lyne; Solomons; Taylor, L.

STATEMENT OF VOTE

When Record No. 952 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

SB 1505 ON THIRD READING (Lewis - House Sponsor)

SB 1505, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

SB 1505 was passed by (Record 953): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Aliseda; Anderson, C.; Garza; Gonzales, L.; Lyne.

STATEMENT OF VOTE

When Record No. 953 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 272 ON THIRD READING **(by Smithee, Chisum, Hancock, Margo, Sheets, et al.)**

HB 272, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

Representative Smithee moved to postpone consideration of **HB 272** until 1 p.m. today.

The motion prevailed.

HB 3647 ON THIRD READING **(by Turner)**

HB 3647, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

HB 3647 was passed by (Record 954): 146 Yeas, 0 Nays, 2 Present, not voting.

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

Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Coleman.

The chair stated that **HB 3647** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

HB 13 ON THIRD READING

(by Kolkhorst, S. King, Truitt, and Zerwas)

HB 13, A bill to be entitled An Act relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.

HB 13 was passed by (Record 955): 112 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Martinez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Truitt; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler.

Nays — Burnam; Castro; Coleman; Dukes; Farias; Farrar; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Walle.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Davis, J.; Geren; Hilderbran; Hopson; Torres; Turner; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 955. I intended to vote no.

Gallego

When Record No. 955 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

I was shown voting yes on Record No. 955. I intended to vote no.

Martinez

When Record No. 955 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

HB 1951 ON THIRD READING

(by L. Taylor)

HB 1951, A bill to be entitled An Act relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

Representative L. Taylor moved to postpone consideration of **HB 1951** until 5 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR**HOUSE BILLS****THIRD READING**

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

HB 1359 ON THIRD READING

(by Veasey)

HB 1359, A bill to be entitled An Act relating to authorization for a caregiver who is a relative to enroll a child in school.

HB 1359 was passed by (Record 956): 141 Yeas, 1 Nays, 2 Present, not voting.

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

Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Nays — Riddle.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Allen; Coleman; Gallego; Isaac; Turner.

STATEMENT OF VOTE

When Record No. 956 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

HB 2746 ON THIRD READING (by Martínez Fischer)

HB 2746, A bill to be entitled An Act relating to liability for the additional tax imposed on land appraised for ad valorem tax purposes as qualified open-space land in the event of a change of use of the land if the land is transferred to a charitable organization for purposes of building housing for sale without profit to a low-income individual or family.

HB 2746 was passed by (Record 957): 118 Yeas, 22 Nays, 2 Present, not voting.

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

Nays — Anderson, C.; Beck; Brown; Button; Cain; Carter; Creighton; Davis, S.; Fletcher; Harper-Brown; Hartnett; Hughes; Landtroop; Miller, S.; Patrick; Perry; Phillips; Riddle; Schwertner; Sheffield; Weber; White.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Coleman; Dutton; Farias; Garza; Smith, W.; Veasey; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 957. I intended to vote no.

Harless

I was shown voting yes on Record No. 957. I intended to vote no.

Paxton

HB 2194 ON THIRD READING

(by L. Taylor)

HB 2194, A bill to be entitled An Act relating to the conduct and administration of elections.

HB 2194 was passed by (Record 958): 134 Yeas, 7 Nays, 2 Present, not voting.

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

Nays — Alonzo; Castro; Davis, Y.; Johnson; Quintanilla; Reynolds; Thompson.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Coleman; Farias; Giddings; Turner; Walle; Workman.

HB 2190 ON THIRD READING

(by Elkins)

HB 2190, A bill to be entitled An Act relating to the deadline by which provisional ballots must be processed for certain elections.

HB 2190 was passed by (Record 959): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Anderson, R.; Coleman; Legler; Quintanilla; Turner.

STATEMENT OF VOTE

When Record No. 959 was taken, I was in the house but away from my desk. I would have voted yes.

R. Anderson

HB 2359 ON THIRD READING (by Hopson)

HB 2359, A bill to be entitled An Act relating to direct campaign expenditures.

HB 2359 was passed by (Record 960): 130 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg;

Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Veasey; Villarreal; Walle; Weber; White; Woolley; Workman; Zedler.

Nays — Alonzo; Burnam; Castro; Dutton; Gonzales, V.; Hernandez Luna; Howard, D.; Johnson; Mallory Caraway; Naishtat; Quintanilla; Reynolds; Taylor, V.; Vo.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Davis, S.; Lucio; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 960. I intended to vote no.

L. Gonzales

When Record No. 960 was taken, I was in the house but away from my desk. I would have voted no.

Lucio

HB 1766 ON THIRD READING

(by Crownover, Truitt, Zerwas, Anchia, L. Taylor, et al.)

HB 1766, A bill to be entitled An Act relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

Representative Crownover moved to postpone consideration of **HB 1766** until 1 p.m. today.

The motion prevailed.

HB 2707 ON THIRD READING

(by Burnam, Quintanilla, Gutierrez, and Menendez)

HB 2707, A bill to be entitled An Act relating to the holding of an interest in certain alcoholic beverage licenses, permits, or premises by certain persons whose alcoholic beverage license or permit has been revoked.

HB 2707 was passed by (Record 961): 121 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Burnam; Callegari; Castro; Chisum; Christian; Coleman; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez;

Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Landroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Anderson, C.; Anderson, R.; Bohac; Brown; Button; Cain; Cook; Craddick; Creighton; Fletcher; Flynn; Hughes; King, P.; Kolkhorst; Legler; Madden; Morrison; Patrick; Paxton; Riddle; Sheffield; White; Workman; Zedler.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Carter; Deshotel.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 961. I intended to vote no.

D. Miller

I was shown voting yes on Record No. 961. I intended to vote no.

Nash

I was shown voting yes on Record No. 961. I intended to vote no.

Parker

I was shown voting yes on Record No. 961. I intended to vote no.

Weber

**HB 1228 ON THIRD READING
(by Dutton)**

HB 1228, A bill to be entitled An Act relating to foreclosure of a property owners' association assessment lien.

HB 1228 was passed by (Record 962): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty;

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

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Allen; Berman; Button; Carter; Gonzales, L.

STATEMENTS OF VOTE

When Record No. 962 was taken, I was in the house but away from my desk. I would have voted no.

Carter

I was shown voting yes on Record No. 962. I intended to vote no.

Creighton

When Record No. 962 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

I was shown voting yes on Record No. 962. I intended to vote no.

Sheffield

HB 3001 ON THIRD READING

(by Thompson, et al.)

HB 3001, A bill to be entitled An Act relating to the electronic monitoring of certain high-risk sex offenders; providing a penalty.

HB 3001 was passed by (Record 963): 147 Yeas, 0 Nays, 2 Present, not voting.

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

Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

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

Absent, Excused, Committee Meeting — Zerwas.

HB 1355 ON THIRD READING
(by Orr, Smithee, and Vo)

HB 1355, A bill to be entitled An Act relating to title insurance coverage for minerals and surface damage resulting from mineral extraction and development.

Representative Orr moved to postpone consideration of **HB 1355** until 2 p.m. today.

The motion prevailed.

HB 2510 ON THIRD READING
(by Lavender, Beck, Burkett, Hughes, et al.)

HB 2510, A bill to be entitled An Act relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.

HB 2510 was passed by (Record 964): 142 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Castro; Howard, D.; Villarreal.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Dutton; King, S.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 964. I intended to vote no.

Anchia

I was shown voting yes on Record No. 964. I intended to vote no.

Strama

HR 1843 - ADOPTED (by Solomons)

Representative Solomons moved to suspend all necessary rules to take up and consider at this time **HR 1843**.

The motion prevailed.

The following resolution was laid before the house:

HR 1843, Honoring Harmony School of Innovation in Carrollton.

HR 1843 was adopted.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, during lunch recess today, Desk 94, for a formal meeting, to consider **SB 5**.

Business and Industry, during lunch recess today, Desk 47, for a formal meeting, to consider **SB 767**, **SB 1212**, **SB 1368**, and pending business.

RECESS

At 12:09 p.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by Representative Bonnen.

POSTPONED BUSINESS

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

HB 272 ON THIRD READING**(by Smithee, Chisum, Hancock, Margo, Sheets, et al.)**

HB 272, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

HB 272 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 272**:

Amend **HB 272** on third reading, in Section 2210.573(e), Insurance Code, as added by the bill, by striking "If a claimant fails to submit information necessary for the association to determine whether to pay a claim or any portion of a claim or to deny payment of a claim or any portion of a claim, the association may request in writing the necessary information from the claimant." and substituting "If a claimant fails to submit information necessary for the association to determine whether to pay a claim or any portion of a claim or to deny payment of a claim or any portion of a claim, the association shall, not later than the 15th day after the date the association receives notice of the claim, request in writing any necessary information from the claimant. For good cause, the association may make a request for additional information under this subsection not later than the 30th day after the date the association receives notice a claim."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Smithee offered the following amendment to **HB 272**:

Amend **HB 272** on third reading, in Section 2210.577, Insurance Code, as added by the bill by adding the following new Subsection (c-1) and (g):

(c-1) The commissioner shall adopt rules regarding notice of panel meetings and the transparency of deliberations of the technical panel.

(g) A member of the technical panel is not individually liable for an act or failure to act in the performance of the official duties in connection with the individual's work on the panel.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Smithee offered the following amendment to **HB 272**:

Amend **HB 272** on third reading as follows:

(1) In the heading to Section 2210.012, Insurance Code, as added by the bill, between "EMPLOYEES" and the underlined period, insert "; REPORT OF CERTAIN FRAUDULENT CONDUCT".

(2) In Section 2210.012(a), Insurance Code, as added by the bill and amended on second reading by Amendment No. 20 by Walle, strike:

"Any board member, employee or member of the Windstorm Legislative Oversight Committee who reasonably suspects that a fraudulent insurance act has been or is about to be committed by any board member, employee or member of the Windstorm Legislative Oversight Committee, not later than the 30th day after discovering the conduct, shall report the conduct and identity of the person engaging in the conduct to the Travis County District Attorney and the Texas Department of insurance."

(3) In Section 2210.012, Insurance Code, as added by the bill, add the following new Subsection (d):

(d) A board member, employee of the association, or member of the windstorm insurance legislative oversight board established under Subchapter N, who reasonably suspects that a fraudulent insurance act has been or is about to be committed by any board member, employee of the association, or member of the windstorm insurance legislative oversight board established under Subchapter N, shall, not later than the 30th day after discovering the conduct, report the conduct and identity of the person engaging in the conduct to the Travis County District Attorney or the department.

Amendment No. 3 was adopted.

HB 272, as amended, was passed by (Record 965): 103 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Marquez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Veasey; Vo; Walle.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Deshotel; Giddings; Kleinschmidt; Torres; Turner; Villarreal.

STATEMENTS OF VOTE

When Record No. 965 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 965 was taken, my vote failed to register. I would have voted yes.

Kleinschmidt

I was shown voting no on Record No. 965. I intended to vote yes.

Lucio

I was shown voting yes on Record No. 965. I intended to vote present, not voting.

Miles

When Record No. 965 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

When Record No. 965 was taken, I was in the house but away from my desk. I would have voted yes.

Villarreal

HB 1766 ON THIRD READING

(by Crossover, Truitt, Zerwas, Anchia, L. Taylor, et al.)

HB 1766, A bill to be entitled An Act relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

HB 1766 was read third time earlier today and was postponed until this time.

Amendment No. 1

On behalf of Representative Crossover, Representative L. Taylor offered the following amendment to **HB 1766**:

Amend **HB 1766** by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature that in implementing an optional consumer-directed health plan, the Employees Retirement System of Texas shall not divide the self-funded risk pool of the state employees group benefits program provided under Chapter 1551, Insurance Code.

Amendment No. 1 was adopted.

HB 1766, as amended, was passed by (Record 966): 115 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Marquez; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Weber; White; Woolley; Workman; Zedler.

Nays — Alonzo; Burnam; Castro; Davis, Y.; Dukes; Dutton; Farrar; Gallego; Gonzales, V.; Gutierrez; Howard, D.; Johnson; Lozano; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Veasey; Vo.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Coleman; Farias; Hernandez Luna; Lucio; Torres; Villarreal; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 966. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 966. I intended to vote no.

Rodriguez

I was shown voting yes on Record No. 966. I intended to vote no.

Thompson

When Record No. 966 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 26).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 2:40 p.m. today, in 3W.15, to consider **SB 142**, **SB 767**, and **SB 1368**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 2:40 p.m. today, 3W.15, for a formal meeting, to consider **SB 142**, **SB 767**, and **SB 1368**.

HB 3055 ON SECOND READING

(by Peña, Garza, Aliseda, Torres, and Margo)

HB 3055, A bill to be entitled An Act relating to the penalty for providing false information on an application for a ballot to be voted by mail.

HB 3055 was read second time on May 10 and was postponed until 9 p.m. May 10.

Representative Peña moved to postpone consideration of **HB 3055** until 5 p.m. today.

The motion prevailed.

HB 2589 ON SECOND READING

(by Peña)

HB 2589, A bill to be entitled An Act relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.

HB 2589 was read second time on May 10 and was postponed until 9:15 p.m. May 10.

Amendment No. 1

Representative Peña offered the following amendment to **HB 2589**:

Amend **HB 2589** by adding the following appropriately numbered SECTION to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION _____. Section 13.038, Election Code, is amended to read as follows:

Sec. 13.038. POWERS GENERALLY; OFFENSE. (a) A volunteer deputy registrar may distribute voter registration application forms throughout the county and receive registration applications submitted to the deputy in person.

(b) A volunteer deputy registrar commits an offense if the volunteer deputy distributes a voter registration application form to a person the volunteer deputy knows is ineligible to register to vote under Section 13.001. An offense under this subsection is a state jail felony.

Amendment No. 1 was adopted.

HB 2589, as amended, was passed to engrossment.

CSHJR 109 ON SECOND READING
(by Orr, Aycock, Hochberg, Pitts, Otto, et al.)

CSHJR 109, A joint resolution proposing a constitutional amendment to clarify references to the permanent school fund and to allow the legislature by general law to direct the General Land Office to distribute revenue derived from permanent school fund land or properties to the available school fund.

CSHJR 109 was read second time on May 10 and was postponed until 9:30 p.m. May 10.

Amendment No. 1

Representative Orr offered the following amendment to **CSHJR 109**:

Amend **CSHJR 109** (house committee printing) as follows:

(1) On page 2, lines 24-25, strike "the legislature by general law may direct".

(2) On page 2, line 27, strike "to distribute" and substitute "may in its sole discretion distribute".

(3) On page 3, line 1, strike "not more than 50 percent of the net" and substitute "any or all".

(4) On page 3, lines 7 and 8, strike "the legislature by general law to direct".

(5) On page 3, line 10, between "fund" and the period, insert "to provide additional funding for public education".

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Mr. Orr, I share your interest in having more funding for public education, as I saw the broad bipartisan support of your joint authors. But, I did get a message from one of my constituents—a very thoughtful individual, and I just wanted to read to you one of his questions and see if you could help me with it.

REPRESENTATIVE ORR: Sure, I'd be glad to.

BRANCH: He says, "Any action by the State of Texas to diminish the value of this guarantee would not be in the best interest of the public school system, nor would it represent fair treatment to the investors who have loaned money to various school districts based on this guarantee." What's your reaction to that?

ORR: The answer to that is that the Land Office on the PSF fund—this does not touch the corpus whatsoever, and so, it will not devalue the fund whatsoever in what I'm doing here.

BRANCH: So, you're saying it doesn't affect the guarantee.

ORR: Absolutely not.

REMARKS ORDERED PRINTED

Representative Branch moved to print remarks between Representative Orr and Representative Branch.

The motion prevailed.

REPRESENTATIVE WEBER: Rob, is this what you and I talked about? Jerry Patterson and I had a discussion about it, if you think back a couple of weeks, and I think I asked you—had you talked to him about it?

ORR: Yes, sir. We've had many conversations.

WEBER: Touché. Are you aware, or do you know—has Commissioner Patterson been able to stay ahead of the schedule in making payments on the permanent school fund? Is that what you're addressing? Is he behind? Is he up to date? Where is he in that schedule?

ORR: Well, he really doesn't have a schedule. The way the current law now is, he can make as much or as little deposit to the State Board of Education now. He doesn't even have to do a payout. The last several years he has done about \$100 million a year. This session, in negotiations on this, he is committed to what he is already committed to with this—somewhere close to \$800 million—and so, he's not behind or ahead. He is doing the right thing. We've worked hard to put together this agreement, to be sure to protect the permanent school fund.

WEBER: Okay, well, that confuses me a little bit. He's been putting about \$100 million a year, but this time he's put \$800 million a year, is that what you said?

ORR: He is committed. He did the \$100 million and then after that, through the process, he committed another \$150 million per year, another \$300 million, and then he just—doing this, he committed \$300 million for the next biennium.

WEBER: Okay. And so, this doesn't limit the amount he puts in by any stretch of the imagination, is that correct?

ORR: No, it does not limit the amount he puts in whatsoever.

WEBER: Okay, and he's free, and able to put in—does it give him a floor or a minimum he can put in?

ORR: No, it does not.

WEBER: Okay.

ORR: It's at the direction of the General Land Office.

(Zerwas now present)

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Orr and Representative Weber.

The motion prevailed.

(Harper-Brown in the chair)

Amendment No. 1 was adopted.

CSHJR 109, as amended, was adopted by (Record 967): 147 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — Torres.

STATEMENT OF VOTE

When Record No. 967 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

CSHB 804 ON SECOND READING

(by Lewis, Aliseda, Branch, Harless, et al.)

CSHB 804, A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

CSHB 804 was read second time on May 10 and was postponed until 9:30 p.m. May 10.

Representative Lewis moved to postpone consideration of **CSHB 804** until 5 p.m. today.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Gutierrez on motion of Burnam.

CSHB 628 ON SECOND READING
(by Callegari)

CSHB 628, A bill to be entitled An Act relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

CSHB 628 was read second time on May 10 and was postponed until 9:30 p.m. May 10.

Amendment No. 1

Representative Callegari offered the following amendment to **CSHB 628**:

Amend **CSHB 628** (house committee report) as follows:

(1) On page 3, line 11, between "attorney," and "engineer," insert "certified public accountant";

(2) Strike SECTION 2.06 of the bill and renumber the subsequent sections accordingly;

(3) On page 10, line 7, strike "AND QUASI-GOVERNMENTAL ENTITIES";

(4) On page 10, line 9, strike "or quasi-governmental entity";

(5) On page 11, line 18, between "services" and "that", insert ", or to procurement of construction services pursuant to Section 49.273, Water Code,";

(6) In SECTION 2.09 of the bill (page 13, line 2), insert the following:

Sec. 2267.009. EXEMPTION: COUNTY TOLL AUTHORITIES. This chapter does not apply to a project of a county under Chapter 284, Transportation Code, unless the county adopts an order electing to be governed by this chapter for a project to be developed by the county under Chapter 284.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 628**:

Amend **CSHB 628** (house committee report) as follows:

SECTION _____. Section 44.031(b), Education Code, is amended to read as follows:

(b) Except as provided by this subchapter, in determining to whom to award a contract, the district shall consider:

(1) the purchase price;

(2) the reputation of the vendor and of the vendor's goods or services;

(3) the quality of the vendor's goods or services;

(4) the extent to which the goods or services meet the district's needs;

(5) the vendor's past relationship with the district;

(6) the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses;

(7) the total long-term cost to the district to acquire the vendor's goods or services; [~~and~~]

(8) for a contract for goods and services, other than goods and services related to telecommunications and information services or building construction and maintenance, whether the vendor or the vendor's ultimate parent company or majority owner:

(A) has its principal place of business in this state; or

(B) employs at least 500 persons in this state; and

(9) any other relevant factor specifically listed in the request for bids or proposals.

AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Would you please explain the amendment in the portion that strikes a quasi-governmental entity in two sections of the bill on page 10?

REPRESENTATIVE CALLEGARI: Yes, let me just pull it up so I can read it. The bill originally, in Section 2267.002, related to the applicability of chapter to governmental entities and quasi-governmental entities, it removes the words "and quasi-governmental entities," and then two lines later it refers to a public work contract made by governmental entity or quasi-governmental entity, and it strikes the words "quasi-governmental entity" again.

BURNAM: And, it's your belief and my belief then this addresses the concerns my city had about the bill?

CALLEGARI: It's my understanding, yes.

Amendment No. 2 was adopted.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 3

Representative Giddings offered the following amendment to **CSHB 628**:

Amend **CSHB 628** (house committee printing), on page 19, line 4, by striking "seventh" and substituting "tenth business".

Amendment No. 3 was adopted.

Amendment No. 4

Representatives Y. Davis and Huberty offered the following amendment to **CSHB 628**:

Amend **CSHB 628** (house committee report) by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter G, Chapter 2166, Government Code, is amended by adding Section 2166.3031 to read as follows:

Sec. 2166.3031. UNIFORM PURCHASING CONDITION. (a) Except as provided by Subsection (b), the uniform general conditions for a construction project in which iron, steel, or manufactured goods will be used must require that the bid documents provided to all bidders and the contract include a requirement that the iron, steel, and manufactured goods used in the project be produced in the United States.

(b) Subsection (a) does not apply to a project for which the governmental entity responsible for the project determines that:

(1) iron, steel, or specific manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(2) inclusion of iron, steel, or specific manufactured goods produced in the United States will increase the total cost of the iron, steel, or specific manufactured goods for the project by more than 15 percent.

(c) This section applies to a project otherwise exempted from the application of this chapter by Sections 2166.003 and 2166.004.

SECTION _____. Section 2166.3031, Government Code, as added by this Act, applies only to bid documents submitted or contracts entered into on or after the effective date of this Act.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Solomons offered the following amendment to **CSHB 628**:

Amend **CSHB 628** on page 13, line 2 (house committee printing) by adding Section 2267.009 as follows:

"Sec. 2267.009. EXEMPTION: COORDINATED COUNTY TRANSPORTATION AUTHORITY. This chapter does not apply to a coordinated county transportation authority under Chapter 460, Transportation Code."

Amendment No. 5 was adopted.

CSHB 628, as amended, was passed to engrossment.

CSHB 1205 ON SECOND READING

(by Turner, Allen, Aliseda, Rodriguez, and Gallego)

CSHB 1205, A bill to be entitled An Act relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant's period of community supervision is reduced.

CSHB 1205 was read second time on May 10 and was postponed until 9:45 p.m. May 10.

Amendment No. 1

Representative Carter offered the following amendment to **CSHB 1205**:

Amend **CSHB 1205** (house committee printing) as follows:

(1) On page 3, line 8, strike "or".

- (2) On page 3, at the end of line 10, insert "or".
 (3) On page 3, between lines 10 and 11, insert:
"(D) under Section 20.03 or 28.02, Penal Code;".

Amendment No. 1 was adopted.

CSHB 1205, as amended, was passed to engrossment by (Record 968): 111 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Castro; Chisum; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Guillen; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Zedler.

Nays — Anderson, R.; Bonnen; Callegari; Carter; Christian; Craddick; Creighton; Flynn; Geren; Gonzales, L.; Gooden; Hamilton; Hopson; Huberty; King, P.; King, S.; Landtroop; Laubenberg; Lavender; Lewis; Miller, S.; Morrison; Orr; Otto; Parker; Paxton; Phillips; Schwertner; Smith, T.; Solomons; Taylor, V.; Truitt; Weber; Workman; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Gutierrez.

Absent — Larson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 968. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 968. I intended to vote no.

Beck

I was shown voting no on Record No. 968. I intended to vote yes.

Callegari

I was shown voting yes on Record No. 968. I intended to vote no.

Harless

I was shown voting yes on Record No. 968. I intended to vote no.

Kolkhorst

SB 602 ON SECOND READING
(Marquez - House Sponsor)

SB 602, A bill to be entitled An Act relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

SB 602 was considered in lieu of **CSHB 1671**.

SB 602 was read second time.

Amendment No. 1

Representative Fletcher offered the following amendment to **SB 602**:

Amend **SB 602** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1305 to read as follows:

Sec. 552.1305. EXCEPTION: CERTAIN PERSONAL INFORMATION FROM TRAFFIC VIOLATION RECORDS. Information contained in a citation issued for a violation of a state traffic law or local traffic ordinance is excepted from the requirements of Section 552.021 if the information is the home address or personal telephone number of the person who is the subject of a citation.

Amendment No. 1 was adopted.

Amendment No. 2

Representative S. Davis offered the following amendment to **SB 602**:

Amend **SB 602** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 51.217, Education Code, is amended by adding Subsection (g) to read as follows:

(g) The personal information of an individual maintained in an institution's emergency notification system is confidential and is not subject to disclosure under Chapter 552, Government Code. In this subsection, "personal information" includes an e-mail address or telephone number maintained in order to notify an individual of an emergency.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Solomons offered the following amendment to **SB 602**:

Amend **SB 602** (house committee report) as follows:

(1) On page 1, between lines 6 and 7, insert the following:

SECTION 1. The heading to Section 552.130, Government Code, is amended to read as follows:

Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE RECORDS.

(2) On page 4, line 18, strike "552.263" and substitute "552.022, 552.263,".

(3) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 552.022, Government Code, is amended to read as follows:

Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES.

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or [unless they are expressly confidential under] other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108;

(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body;

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body;

(4) the name of each official and the final record of voting on all proceedings in a governmental body;

(5) all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate;

(6) the name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Chapter 151, Tax Code;

(7) a description of an agency's central and field organizations, including:

(A) the established places at which the public may obtain information, submit information or requests, or obtain decisions;

(B) the employees from whom the public may obtain information, submit information or requests, or obtain decisions;

(C) in the case of a uniformed service, the members from whom the public may obtain information, submit information or requests, or obtain decisions; and

(D) the methods by which the public may obtain information, submit information or requests, or obtain decisions;

(8) a statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures;

(9) a rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations;

(10) a substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency;

- (11) each amendment, revision, or repeal of information described by Subdivisions (7)-(10);
- (12) final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases;
- (13) a policy statement or interpretation that has been adopted or issued by an agency;
- (14) administrative staff manuals and instructions to staff that affect a member of the public;
- (15) information regarded as open to the public under an agency's policies;
- (16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege;
- (17) information that is also contained in a public court record; and
- (18) a settlement agreement to which a governmental body is a party.

(b) A court in this state may not order a governmental body or an officer for public information to withhold from public inspection any category of public information described by Subsection (a) or to not produce the category of public information for inspection or duplication, unless the category of information is [~~expressly made~~] confidential under this chapter or other law.

SECTION _____. The heading to Section 552.102, Government Code, is amended to read as follows:

Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONNEL INFORMATION.

SECTION _____. The heading to Section 552.109, Government Code, is amended to read as follows:

Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.

SECTION _____. The heading to Section 552.110, Government Code, is amended to read as follows:

Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS; CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.

SECTION _____. The heading to Section 552.113, Government Code, is amended to read as follows:

Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR GEOPHYSICAL INFORMATION.

SECTION _____. The heading to Section 552.114, Government Code, is amended to read as follows:

Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT RECORDS.

SECTION _____. The heading to Section 552.115, Government Code, is amended to read as follows:

Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND DEATH RECORDS.

SECTION _____. The heading to Section 552.117, Government Code, is amended to read as follows:

Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND PERSONAL FAMILY INFORMATION.

SECTION _____. The heading to Section 552.118, Government Code, is amended to read as follows:

Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL PRESCRIPTION FORM.

SECTION _____. The heading to Section 552.119, Government Code, is amended to read as follows:

Sec. 552.119. EXCEPTION: CONFIDENTIALITY OF CERTAIN PHOTOGRAPHS [PHOTOGRAPH] OF PEACE OFFICERS [OFFICER].

SECTION _____. The heading to Section 552.120, Government Code, is amended to read as follows:

Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE BOOKS AND ORIGINAL MANUSCRIPTS.

SECTION _____. The heading to Section 552.121, Government Code, is amended to read as follows:

Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN DOCUMENTS HELD FOR HISTORICAL RESEARCH.

SECTION _____. The heading to Section 552.123, Government Code, is amended to read as follows:

Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER EDUCATION.

SECTION _____. The heading to Section 552.1235, Government Code, is amended to read as follows:

Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.

SECTION _____. The heading to Section 552.124, Government Code, is amended to read as follows:

Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF LIBRARY OR LIBRARY SYSTEM.

SECTION _____. The heading to Section 552.126, Government Code, is amended to read as follows:

Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.

SECTION _____. The heading to Section 552.127, Government Code, is amended to read as follows:

Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATION.

SECTION _____. The heading to Section 552.128, Government Code, is amended to read as follows:

Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.

SECTION _____. The heading to Section 552.129, Government Code, is amended to read as follows:

Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE INSPECTION INFORMATION.

SECTION _____. The heading to Section 552.131, Government Code, is amended to read as follows:

Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN ECONOMIC DEVELOPMENT INFORMATION.

SECTION _____. The heading to Section 552.133, Government Code, is amended to read as follows:

Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER UTILITY COMPETITIVE MATTERS.

SECTION _____. The heading to Section 552.134, Government Code, is amended to read as follows:

Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.

SECTION _____. The heading to Section 552.135, Government Code, is amended to read as follows:

Sec. 552.135. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION HELD BY SCHOOL DISTRICT.

SECTION _____. The heading to Section 552.138, Government Code, is amended to read as follows:

Sec. 552.138. EXCEPTION: CONFIDENTIALITY OF FAMILY VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION.

SECTION _____. The heading to Section 552.139, Government Code, is amended to read as follows:

Sec. 552.139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT INFORMATION RELATED TO SECURITY OR INFRASTRUCTURE ISSUES FOR COMPUTERS.

SECTION _____. The heading to Section 552.140, Government Code, is amended to read as follows:

Sec. 552.140. EXCEPTION: CONFIDENTIALITY OF MILITARY DISCHARGE RECORDS.

SECTION _____. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY.

SECTION _____. The heading to Section 552.145, Government Code, is amended to read as follows:

Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL LIST.

SECTION _____. The heading to Section 552.148, Government Code, is amended to read as follows:

Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A MINOR.

SECTION _____. The heading to Section 552.149, Government Code, is amended to read as follows:

Sec. 552.149. EXCEPTION: CONFIDENTIALITY OF RECORDS OF COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY.

SECTION _____. The heading to Section 552.150, Government Code, is amended to read as follows:

Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL DISTRICT.

SECTION _____. The heading to Section 552.151, Government Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION REGARDING SELECT AGENTS.

SECTION _____. The heading to Section 552.151, Government Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

(4) Renumber the SECTIONS of the bill accordingly.

Amendment No. 3 was adopted.

SB 602, as amended, was passed to third reading.

CSHB 1671 - LAID ON THE TABLE SUBJECT TO CALL

Representative Marquez moved to lay **CSHB 1671** on the table subject to call.

The motion prevailed.

CSHB 3517 ON SECOND READING

(by Branch)

CSHB 3517, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

CSHB 3517 was read second time on May 10 and was postponed until 6:50 a.m. today.

Representative Branch moved to postpone consideration of **CSHB 3517** until 8 p.m. today.

The motion prevailed.

CSHB 2233 ON SECOND READING
(by Huberty, Rodriguez, et al.)

CSHB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

CSHB 2233 was read second time on May 4, postponed until May 9, postponed until May 10, and was again postponed until 7 a.m. today.

Representative Huberty moved to postpone consideration of **CSHB 2233** until 3:15 p.m. today.

The motion prevailed.

HB 3308 ON THIRD READING
(by Rodriguez)

HB 3308, A bill to be entitled An Act relating to the operation of plug-in electric motor vehicles.

HB 3308 was read third time on May 10, postponed until later that day, and was again postponed until 8 a.m. today.

Representative Rodriguez moved to postpone consideration of **HB 3308** until 8 a.m. Tuesday, September 27.

The motion prevailed.

HB 1089 ON SECOND READING
(by Martinez Fischer, Garza, et al.)

HB 1089, A bill to be entitled An Act relating to the authority of a county or municipality to require the removal of graffiti by a property owner.

HB 1089 was read second time on April 21, postponed until April 26, postponed until May 2, postponed until May 9, and was again postponed until 8 a.m. today.

Representative Hilderbran moved to postpone consideration of **HB 1089** until 1 p.m. tomorrow.

The motion prevailed.

HB 1355 ON THIRD READING
(by Orr, Smithee, and Vo)

HB 1355, A bill to be entitled An Act relating to title insurance coverage for minerals and surface damage resulting from mineral extraction and development.

HB 1355 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Hughes offered the following amendment to **HB 1355**:

Amend **HB 1355** on third reading, by striking Section 2703.0515(c), Insurance Code, as added on second reading by Amendment No. 1 by Orr, and substituting:

(c) An additional premium or other amount may not be charged for an endorsement to a loan policy of title insurance if the endorsement:

(1) insures against loss from damage to improvements or permanent buildings located on land that results from the future exercise of any right existing on the date of the loan policy to use the surface of the land for the extraction or development of coal, lignite, oil, gas, or another mineral;

(2) expressly does not insure against loss resulting from subsidence;
and

(3) was promulgated by the commissioner in calendar year 2009.

Amendment No. 1 was adopted.

HB 1355, as amended, was passed by (Record 969): 146 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Gutierrez.

Absent — Christian.

STATEMENT OF VOTE

I was shown voting yes on Record No. 969. I intended to vote present, not voting.

Menendez

CSHB 3790 ON SECOND READING

(by Pitts)

CSHB 3790, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSHB 3790 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3790** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 3640 ON SECOND READING

(by Pitts)

CSHB 3640, A bill to be entitled An Act relating to the remittance and allocation of certain taxes and fees.

CSHB 3640 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3640** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 3665 ON SECOND READING

(by Otto)

CSHB 3665, A bill to be entitled An Act relating to state fiscal matters related to general government.

CSHB 3665 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Otto moved to postpone consideration of **CSHB 3665** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 3639 ON SECOND READING

(by Pitts and Aycock)

CSHB 3639, A bill to be entitled An Act relating to state fiscal matters related to public and higher education.

CSHB 3639 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3639** until 7 a.m. tomorrow.

The motion prevailed.

HB 3648 ON SECOND READING
(by Otto)

HB 3648, A bill to be entitled An Act relating to state fiscal matters related to the judiciary.

HB 3648 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Otto moved to postpone consideration of **HB 3648** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 3418 ON SECOND READING
(by Darby)

CSHB 3418, A bill to be entitled An Act relating to certain state fiscal matters related to natural resources or the environment.

CSHB 3418 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3418** until 7 a.m. tomorrow.

The motion prevailed.

SB 647 ON SECOND READING
(L. Taylor - House Sponsor)

SB 647, A bill to be entitled An Act relating to the continuation and operation of the office of public insurance counsel.

SB 647 was considered in lieu of **HB 1950**.

SB 647 was read second time.

Amendment No. 1

Representative Sheets offered the following amendment to **SB 647**:

Amend **SB 647** immediately following the enacting clause (house committee printing, page 1, between lines 4 and 5), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 501.002, Insurance Code, is amended to read as follows:

Sec. 501.002. OFFICE OF PUBLIC INSURANCE COUNSEL. The independent office of public insurance counsel represents the interests of insurance consumers in this state and assists the commissioner in ensuring that:

- (1) rates for and coverage under insurance products offered in this state:
(A) are fair and reasonable to insurers, agents, and consumers; and
(B) are not confiscatory to insurers and agents; and
(2) insurance products are reasonably available to consumers in all parts of this state.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **SB 647**:

Amend **SB 647** in the following ways:

(1) SECTION _____. Section 501.153, Insurance Code, is amended to read as follows:

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE.
 The public counsel:

(1) may appear or intervene, as a party or otherwise, as a matter of right before the commissioner or department on behalf of insurance consumers, as a class, in matters involving:

(A) rates, rules, and forms affecting:

(i) property and casualty insurance;

(ii) title insurance;

(iii) credit life insurance;

(iv) credit accident and health insurance; or

(v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;

(B) rules affecting life, health, or accident insurance; or

(C) withdrawal of approval of policy forms:

(i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or

(ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens patriae proceeding brought by the attorney general; ~~and~~

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation; and

(5) may initiate a special rate hearing before the State Office of Administrative Hearings under Section 2251.106(d).

(2) SECTION _____. Section 2251.106, Insurance Code, is amended by amending Subsections (b) and (c) and adding Subsections (d) and (e) to read as follows:

(b) The public insurance counsel, not later than the 30th day after the date of a rate filing under this chapter, may:

(1) file with the commissioner a written objection to:

(A) [~~(+)~~] an insurer's rate filing; or

(B) [~~(-)~~] the criteria on which the insurer relied to determine the

rate; or

(2) initiate a special rate hearing before the State Office of Administrative Hearings under Subsection (d).

(c) A written objection filed under Subsection (b)(1) [~~(b)~~] must contain the reasons for the objection.

(d) If the public insurance counsel determines that a rate filing under this subchapter does not comply with the standards established under Subchapter B, the public insurance counsel may request that the State Office of Administrative Hearings conduct a special rate hearing to determine whether the filed rate is excessive or unfairly discriminatory. A special rate hearing under this subsection shall be conducted in the same manner as a rate hearing is conducted under Chapter 40, except that the public insurance counsel shall perform the duties and may assume the powers assigned to the commissioner under Sections 40.059 and 40.060.

(e) If, after a special rate hearing under Subsection (d), the administrative law judge determines that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as described by Section 2251.051, the administrative law judge may order a refund or discount to the same extent and in the same amount that the commissioner may issue an order under Section 2254.003(b)(1). A decision of an administrative law judge under this subsection is subject to judicial review as provided by Subchapter D, Chapter 36, to the same extent and in the same manner as an action of the commissioner.

(3) SECTION _____. Subchapter D, Chapter 501, Insurance Code, is amended by adding Section 501.161 to read as follows:

Sec. 501.161. REPORT TO LEGISLATURE. On or before December 31 of each even-numbered year, the office shall submit to the appropriate committees of each house of the legislature a written report containing any recommendations for legislation that the office determines are appropriate to benefit and protect insurance consumers, as a class, in the insurance market in this state.

(4) SECTION _____. Section 501.153, Insurance Code, is amended to read as follows:

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE. The public counsel:

(1) may appear or intervene, as a party or otherwise, as a matter of right before the commissioner or department on behalf of insurance consumers, as a class, in matters involving:

(A) rates, rules, and forms affecting:

(i) property and casualty insurance;

(ii) title insurance;

(iii) credit life insurance;

(iv) credit accident and health insurance; or

(v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;

(B) rules affecting life, health, or accident insurance; or

(C) withdrawal of approval of policy forms:

(i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or

(ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens patriae proceeding brought by the attorney general; ~~and~~

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation; and

(5) notwithstanding Section 556.006(a), Government Code, may appear before a legislative committee and support or oppose the passage or defeat of a legislative measure on behalf of insurance consumers, as a class.

(5) SECTION _____. Subchapter D, Chapter 501, Insurance Code, is amended by adding Section 501.1531 to read as follows:

Sec. 501.1531. LOBBYING ACTIVITIES NOT AUTHORIZED. Section 501.153 does not authorize the public counsel to engage in activities to an extent or in a manner that would require a person engaging in those activities to register as a lobbyist under Section 305.003, Government Code.

Amendment No. 2 was withdrawn.

(Speaker in the chair)

SB 647, as amended, was passed to third reading. (S. Davis recorded voting no.)

HB 1950 - LAID ON THE TABLE SUBJECT TO CALL

Representative L. Taylor moved to lay **HB 1950** on the table subject to call.

The motion prevailed.

HB 1250 ON SECOND READING

(by Frullo)

HB 1250, A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

HB 1250 was read second time on April 26, postponed until May 3, postponed until May 6, postponed until May 9, and was again postponed until 9 a.m. today.

Representative Frullo moved to postpone consideration of **HB 1250** until 9 a.m. tomorrow.

The motion prevailed.

HB 3036 ON THIRD READING

(by Alvarado)

HB 3036, A bill to be entitled An Act relating to the municipal sales and use tax for street maintenance.

HB 3036 was read third time on May 10 and failed to pass by Record No. 906. The vote was reconsidered later that day, and **HB 3036** was postponed until 6:59 a.m. today.

HB 3036 was passed by (Record 970): 121 Yeas, 19 Nays, 1 Present, not voting.

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

Nays — Anderson, R.; Beck; Cain; Carter; Christian; Creighton; Hughes; Isaac; Landtroop; Legler; Miller, S.; Parker; Perry; Simpson; Smith, T.; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gutierrez.

Absent — Aliseda; Button; King, T.; Laubenberg; Paxton; Riddle; Shelton; Smith, W.

STATEMENTS OF VOTE

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted yes.

Aliseda

I was shown voting yes on Record No. 970. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 970. I intended to vote no.

Bohac

I was shown voting yes on Record No. 970. I intended to vote no.

Branch

I was shown voting yes on Record No. 970. I intended to vote no.

Flynn

I was shown voting yes on Record No. 970. I intended to vote no.

Garza

I was shown voting yes on Record No. 970. I intended to vote no.

C. Howard

I was shown voting yes on Record No. 970. I intended to vote no.

Huberty

I was shown voting yes on Record No. 970. I intended to vote no.

P. King

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted no.

Laubenberg

I was shown voting yes on Record No. 970. I intended to vote no.

Morrison

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted no.

Riddle

I was shown voting yes on Record No. 970. I intended to vote no.

Sheets

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted no.

W. Smith

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 3328 ON SECOND READING
(by Keffer, Crownover, Burnam, Parker, Strama, et al.)**

CSHB 3328, A bill to be entitled An Act relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.

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).

CSHB 3328 - (consideration continued)

Amendment No. 1

Representative Parker offered the following amendment to **CSHB 3328**:

Amend **CSHB 3328** as follows:

On page 1, strike Section 91.851(1)(B)(ii), starting on line 21, and insert the following:

"(ii) each chemical ingredient that is subject to the requirements of 29 C.F.R. Section 1910.1200(g)(2)."

On page 2, line 5, strike "and" at the end of Section 91.851(1)(C).

On page 2, line 8, insert the word "and" at the end of Section 91.851(1)(D).

On page 2, line 9, insert the following new Paragraph E at the end of Section 91.851(1):

"(E) in addition to the completed form specified in Paragraph (D), provide to the commission a list of all other chemical ingredients not listed on the completed form that were intentionally included and used for the purpose of creating a hydraulic fracturing treatment. The commission rule shall ensure that an operator, service company or supplier is not responsible for disclosing ingredients that:

(i) were not purposely added to the hydraulic fracturing treatment;

(ii) occur incidentally or are otherwise unintentionally present in the treatment; or

(iii) in the case of the operator, are not disclosed to the operator by a service company or supplier. The commission rule shall not require that the ingredients be identified based on the additive in which they are found or that the concentration of such ingredients be provided."

On page 2, strike Section 91.851(3), starting on line 14, and insert the following:

"(3) prescribe a process by which an entity required to comply with Subdivision (1) or (2) may withhold and declare certain information as a trade secret for purposes of Section 552.110, Government Code, including the identity and amount of the chemical ingredient used in a hydraulic fracturing treatment."

Amendment No. 2

Representative Burnam offered the following amendment to Amendment No. 1:

Amend the Parker amendment to **CSHB 3328** (house committee printing) as follows:

(1) On page 1, line 13, between "list" and "of", insert ", to be made available on a publicly accessible website,".

(2) On page 1, line 15, between "treatment" and "and", insert "for the well".

Amendment No. 2 was adopted.

CSHB 3328 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Mr. Chairman, this amendment changes what, and to whom, chemicals used in a freight job are disclosed. Does Parker's amendment in any way limit public access to the non-MSDS chemicals that will be provided to the Railroad Commission and the Ground Water Protection Council?

REPRESENTATIVE KEFFER: No, it does not in any way limit public access to the chemicals used.

BURNAM: So, the Parker amendment requires that each list of non-MSDS chemicals used in a freight job for a well is provided to the Railroad Commission as a part of the operator's well completion report?

KEFFER: That's correct.

BURNAM: And it's the intent of this amendment—of this bill, if this amendment is adopted, the list of non-MSDS chemicals be made available on a publicly accessible website, either the Railroad Commission or the Ground Water Protection Council, or both.

KEFFER: That is correct. It will be either of the two websites, yes, that's correct.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 1, as amended, was adopted.

CSHB 3328, as amended, was passed to engrossment. (Laubenberg recorded voting no.)

(Harper-Brown in the chair)

CSHB 2592 ON SECOND READING
(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

CSHB 2592, A bill to be entitled An Act relating to notice and disclosure requirements for certain credit services organizations regarding charges and consumer borrowing.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2592**:

Amend **CSHB 2592** as follows:

(1) On page 1, lines 19 and 20, strike "a motor vehicle certificate of title" and substitute "an unencumbered motor vehicle".

(2) On page 2, line 13, strike "intermediate" and substitute "immediate".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 2592**:

Amend **CSHB 2592** (house committee printing) as follows:

(1) On page 2, line 1, between "consumers" and the colon, insert "and on any Internet website, including a social media site, maintained by the credit access business".

(2) On page 3, immediately following line 27, insert the following:

Sec. 393.224. ADMINISTRATIVE PENALTY. The consumer credit commissioner, in accordance with rules adopted by the Finance Commission of Texas, may assess an administrative penalty against a credit access business that knowingly and wilfully violates this subchapter or a rule adopted under this subchapter in the manner provided by Subchapter F, Chapter 14.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Elkins offered the following amendment to **CSHB 2592**:

Amend **CSHB 2592** (house committee printing) by striking page 2, line 19, through page 3, line 18, and substituting the following:

Before performing services described by Section 393.221(1), a credit access business must provide to a consumer a disclosure adopted by rule of the Finance Commission of Texas that discloses the interest, fees, and annual percentage rates, as applicable, to be charged on a deferred presentment transaction or on a motor vehicle certificate of title loan, as applicable.

Representative Truitt moved to table Amendment No. 3.

The motion to table was lost by (Record 971): 64 Yeas, 75 Nays, 6 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bonnen; Branch; Brown; Burnam; Button; Carter; Coleman; Cook; Creighton; Crownover; Davis, S.; Davis, Y.; Driver; Farias; Gallego; Geren; Gonzales, L.; Gonzales, V.; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Hunter; Jackson; Johnson; Keffer; Kleinschmidt; Kolkhorst; Legler; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Shelton; Smith, T.; Strama; Truitt; Veasey; Villarreal; Walle; Woolley.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Burkett; Cain; Callegari; Castro; Chisum; Christian; Craddick; Darby; Davis, J.; Deshotel; Dukes; Dutton; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Gonzalez; Gooden; Guillen; Hamilton; Hopson; Howard, C.; Huberty; Hughes; Isaac; King, P.; King, S.; King, T.; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Schwertner; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Vo; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Eiland; Harper-Brown(C); Lozano; Mallory Caraway; Turner.

Absent, Excused — Gutierrez.

Absent — Giddings; Hilderbran; Taylor, L.; Thompson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 971. I intended to vote yes.

Castro

I was shown voting no on Record No. 971. I intended to vote yes.

Farrar

When Record No. 971 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

Amendment No. 3 was adopted.

CSHB 2592, as amended, was passed to engrossment. (Perry recorded voting no.)

CSHB 2594 ON SECOND READING

(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

CSHB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a conference committee meeting:

Aycock on motion of Crownover.

CSHB 2594 - (consideration continued)

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594** under Rule 11, Section 2 and Rule 4, Section 41 of the House Rules on the grounds that the committee substitute is not germane to the bill.

The point of order was withdrawn.

Representative Truitt moved to postpone consideration of **CSHB 2594** until 4:35 p.m. today.

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).

LEAVE OF ABSENCE GRANTED

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

Eiland on motion of Y. Davis.

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

The following resolutions were laid before the house and read second time:

SJR 28 ON SECOND READING (Marquez - House Sponsor)

SJR 28, A joint resolution proposing a constitutional amendment relating to the provision of parks and recreational facilities by conservation and reclamation districts in El Paso County.

SJR 28 was considered in lieu of **HJR 92**.

SJR 28 was adopted by (Record 972): 126 Yeas, 13 Nays, 2 Present, not voting.

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

Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Legler; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Creighton; Hughes; Landroop; Miller, S.; Paxton; Perry; Riddle; Sheffield; Simpson; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Aycocock; Eiland; Gutierrez.

Absent — Anderson, C.; Lavender; Lewis; Lyne; Morrison; Pitts.

STATEMENTS OF VOTE

When Record No. 972 was taken, my vote failed to register. I would have voted no.

C. Anderson

When Record No. 972 was taken, I was in the house but away from my desk. I would have voted yes.

Lavender

I was shown voting no on Record No. 972. I intended to vote yes.

Sheffield

HJR 92 - LAID ON THE TABLE SUBJECT TO CALL

Representative Marquez moved to lay **HJR 92** on the table subject to call.

The motion prevailed.

CSHJR 135 ON SECOND READING

(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

CSHJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

Representative Phillips moved to postpone consideration of **CSHJR 135** until 5:30 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

HB 2748 ON SECOND READING
(by Martínez Fischer)

HB 2748, A bill to be entitled An Act relating to grants to student clubs for dropout prevention.

HB 2748 was passed to engrossment. (Cain, Christian, P. King, Laubenberg, Morrison, Perry, V. Taylor, and Weber recorded voting no.)

HB 1528 ON SECOND READING
(by S. Miller)

HB 1528, A bill to be entitled An Act relating to consolidating precincts in a primary election.

HB 1528 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **HB 1528** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

HB 1528 was passed to engrossment.

CSHB 3341 ON SECOND READING
(by Anchia, Hartnett, Murphy, Harper-Brown, and Martínez Fischer)

CSHB 3341, A bill to be entitled An Act relating to the rebate, refund, or payment of tax proceeds to a qualified hotel project.

Amendment No. 1

Representative Murphy offered the following amendment to **CSHB 3341**:

Amend **CSHB 3341** (house committee printing) by striking all below the enacting clause and inserting the following:

SECTION 1. Section 2303.5055, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other law, the comptroller shall deposit eligible taxable proceeds that were collected by or forwarded to the comptroller, and to which the qualified hotel project is entitled according to an agreement under this section, in trust in a separate suspense account of the project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least quarterly.

SECTION 2. Section 151.429(h), Tax Code, is amended to read as follows:

(h) Notwithstanding the other provisions of this section, the owner of a qualified hotel project shall receive a rebate, refund, or payment of 100 percent of the sales and use taxes paid or collected by the qualified hotel project or businesses located in the qualified hotel project pursuant to this chapter and 100 percent of the hotel occupancy taxes paid by persons for the use or possession of or for the right to the use or possession of a room or space at the qualified hotel

project pursuant to the provisions of Chapter 156 during the first 10 years after such qualified hotel project is open for initial occupancy. The comptroller shall deposit the taxes in trust in a separate suspense account of the qualified hotel project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least monthly.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

CSHB 3341, as amended, was passed to engrossment. (Laubenberg and White recorded voting no.)

CSHB 351 ON SECOND READING
(by Veasey)

CSHB 351, A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest.

Amendment No. 1

Representative Veasey offered the following amendment to CSHB 351:

Amend CSHB 351 (house committee report) as follows:

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

Article 55.01, Code of Criminal Procedure, is amended by amending Subsections (a), (a-1), (b), and (c) and adding Subsection (a-2) to read as follows:

(2) On page 2, lines 1-2, strike "any offense arising out of the transaction for which the person was arrested, except for" and substitute "the offense, unless the offense is".

(3) On page 2, line 11, between "and" and "the attorney", insert the following:

⋮

(a) at least 180 days have elapsed from the date of arrest if the arrest was for an offense punishable as a Class C misdemeanor;

(b) at least one year has elapsed from the date of arrest if the arrest was for an offense punishable as a Class B or A misdemeanor;

(c) at least two years have elapsed from the date of arrest if the arrest was for an offense punishable as a felony; or

(d)

(4) On page 2, line 15, strike "or".

(5) On page 2, lines 17-20, strike [~~an indictment or information charging the person with commission of a felony was~~] presented at any time following the arrest, was [~~the indictment or information has been~~] dismissed or quashed" and substitute the following:

an indictment or information charging the person with commission of a misdemeanor [~~felony~~] was presented at any time following the arrest, was [~~the indictment or information has been~~] dismissed or quashed; or

(iii) if an indictment or information charging the person with commission of a felony was presented at any time following the arrest, was dismissed or quashed

(6) On page 3, between lines 21 and 22, insert the following:

(a-2) Notwithstanding any other provision of this article, a person who intentionally or knowingly absconds from the jurisdiction after being released under Chapter 17 following an arrest is not eligible under Subsection (a)(2)(A)(i)(a), (b), or (c) or Subsection (a)(2)(B) for an expunction of the records and files relating to that arrest.

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

SECTION _____. Section 4, Article 55.02, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. (a) If the state establishes that the person who is the subject of an expunction order is still subject to conviction for an offense arising out of the transaction for which the person was arrested because the statute of limitations has not run and there is reasonable cause to believe that the state may proceed against the person for the offense, the court may provide in its expunction order that the law enforcement agency and the prosecuting attorney responsible for investigating the offense may retain any records and files that are necessary to the investigation.

(a-1) The court may provide in its expunction order that the applicable law enforcement agency and prosecuting attorney may retain the arrest records and files of any person who becomes entitled to an expunction of those records and files based on the expiration of a period described by Article 55.01(a)(2)(A)(i)(a), (b), or (c), but without the certification of the prosecuting attorney as described by Article 55.01(a)(2)(A)(i)(d).

(a-2) In the case of a person who is the subject of an expunction order on the basis of an acquittal, the court may provide in the expunction order that the law enforcement agency and the prosecuting attorney retain records and files if:

(1) the records and files are necessary to conduct a subsequent investigation and prosecution of a person other than the person who is the subject of the expunction order; or

(2) the state establishes that the records and files are necessary for use in:

(A) another criminal case, including a prosecution, motion to adjudicate or revoke community supervision, parole revocation hearing, mandatory supervision revocation hearing, punishment hearing, or bond hearing; or

(B) a civil case, including a civil suit or suit for possession of or access to a child.

(b) Unless the person who is the subject of the expunction order is again arrested for or charged with an offense arising out of the transaction for which the person was arrested or unless the court provides for the retention of records and files under Subsection (a-2) [(a) of this section], the provisions of Articles 55.03 and 55.04 [of this code] apply to files and records retained under this section.

Amendment No. 1 was adopted.

CSHB 351, as amended, was passed to engrossment.

**HB 2006 ON SECOND READING
(by Bonnen)**

HB 2006, A bill to be entitled An Act relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

Amendment No. 1

Representative Bonnen offered the following amendment to **HB 2006**:

Amend **HB 2006** (house committee printing) as follows:

(1) On page 1, strike lines 6-9 and substitute the following:

SECTION 1. Subchapter F, Chapter 143, Local Government Code, is amended by adding Section 143.090 to read as follows:

Sec. 143.090. RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS.
A department, commission, or municipality may not release a photograph that depicts a police officer unless:

(1) the officer has been charged with an offense by indictment or by information;

(2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;

(3) the photograph is introduced as evidence in a judicial proceeding;

or

(4) the officer gives written consent to the release of the photograph.

(2) On page 1, lines 10-12, strike "Section 143.1214, Local Government Code, is amended by amending Subsections (a) and (e) and adding Subsection (f)" and substitute "Sections 143.1214(a) and (e), Local Government Code, are amended".

(3) On page 2, strike lines 13-22.

Amendment No. 1 was adopted.

HB 2006, as amended, was passed to engrossment.

**SB 316 ON SECOND READING
(Gallego - House Sponsor)**

SB 316, A bill to be entitled An Act relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

SB 316 was considered in lieu of **HB 2856**.

Representative Gallego moved to postpone consideration of **SB 316** until 4:50 p.m. today.

The motion prevailed.

HB 2382 ON SECOND READING
(by Murphy and Torres)

HB 2382, A bill to be entitled An Act relating to notice required upon nonrenewal of property/casualty insurance policies.

HB 2382 was passed to engrossment.

HB 738 ON SECOND READING
(by Otto)

HB 738, A bill to be entitled An Act relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.

HB 738 was passed to engrossment.

CSHB 14 ON SECOND READING
(by Murphy, et al.)

CSHB 14, A bill to be entitled An Act relating to the eligibility for unemployment benefits of a person receiving certain forms of remuneration.

CSHB 14 was passed to engrossment.

CSHB 2460 ON SECOND READING
(by Truitt)

CSHB 2460, A bill to be entitled An Act relating to confidentiality of information held by a public retirement system.

CSHB 2460 was passed to engrossment.

HB 359 ON SECOND READING
(by Allen, Nash, Shelton, Patrick, and Torres)

HB 359, A bill to be entitled An Act relating to the use of corporal punishment in public schools.

Amendment No. 1

Representatives T. Smith, Dutton, Weber, Shelton, and Huberty offered the following amendment to **HB 359**:

Amend **HB 359** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0011 to read as follows:

Sec. 37.0011. USE OF CORPORAL PUNISHMENT. (a) In this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include:

(1) physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education; or

(2) the use of restraint as authorized under Section 37.0021.

(b) If the board of trustees of an independent school district adopts a policy under Section 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student only if the student's parent or guardian or other person having lawful control over the student has previously provided written, signed consent to the use of corporal punishment as a method of student discipline.

(c) To provide consent for the use of corporal punishment as a method of student discipline, a student's parent or guardian or other person having lawful control over the student must provide separate written, signed consent to the board of trustees of the school district in the manner established by the board. Subject to Subsection (e), consent under this subsection is effective unless:

- (1) consent is revoked under Subsection (d); or
- (2) the student leaves the district.

(d) The student's parent or guardian or other person having lawful control over the student may revoke the consent provided to the board of trustees under Subsection (c) at any time. The parent, guardian, or other person may revoke consent by submitting a written, signed revocation to the board in the manner established by the board.

(e) The board of trustees of an independent school district may adopt rules requiring a student's parent or guardian to renew the consent under Subsection (c) each school year.

SECTION 2. This Act applies beginning with the 2011-2012 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Giddings, Berman, Darby, and Elkins offered the following amendment to **HB 359**:

Amend **HB 359** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.124, Education Code, is amended by adding Subsection (d) to read as follows:

(d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was a student in the sixth grade or a lower grade level.

SECTION _____. Section 37.126, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:

(1) to or from school on a vehicle owned or operated by a county or independent school district; or

(2) to or from [✱] an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

(c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was a student in the sixth grade or a lower grade level.

SECTION _____. Section 42.01, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is an exception to the application of Subsections (a)(1), (2), (3), (5), or (6) that, at the time the person engaged in conduct prohibited under the applicable subdivision, the person was a student in the sixth grade or a lower grade level, and the prohibited conduct occurred at a public school campus during regular school hours.

SECTION _____. The change in law made by Sections 37.124, Education Code, 37.126, Education Code, and 42.01, Penal Code, as amended by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 2 was adopted by (Record 973): 101 Yeas, 29 Nays, 4 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Berman; Bohac; Burnam; Castro; Chisum; Cook; Creighton; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Landtroop; Larson; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Beck; Bonnen; Brown; Cain; Callegari; Christian; Craddick; Darby; Deshotel; Fletcher; Guillen; Hilderbran; Kolkhorst; Kuempel; Laubenberg; Lavender; Legler; Lewis; Miller, D.; Miller, S.; Parker; Perry; Riddle; Ritter; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Anchia; Carter; Harper-Brown(C).

Absent, Excused — Aycock; Eiland; Gutierrez.

Absent — Branch; Burkett; Button; Coleman; Crownover; Marquez; Morrison; Murphy; Phillips; Pitts; Scott; Taylor, L.; Torres.

STATEMENTS OF VOTE

When Record No. 973 was taken, my vote failed to register. I would have voted yes.

Burkett

When Record No. 973 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting no on Record No. 973. I intended to vote yes.

Hilderbran

When Record No. 973 was taken, my vote failed to register. I would have voted yes.

Scott

When Record No. 973 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

When Record No. 973 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

I was shown voting no on Record No. 973. I intended to vote yes.

Zedler

(Aycock now present)

The vote of the house was taken on the passage to engrossment of **HB 359**, as amended, and the vote was announced yeas 69, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 974): 69 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Berman; Brown; Burnam; Carter; Coleman; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Hernandez Luna; Hochberg; Howard, D.; Huberty; Isaac; Johnson; Keffer; Lozano; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Strama; Taylor, V.; Thompson; Torres; Turner; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Driver; Fletcher; Flynn; Frullo; Garza; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson;

Howard, C.; Hughes; Hunter; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Smith, W.; Smithee; Solomons; Taylor, L.; Truitt; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Eiland; Gutierrez.

Absent — Castro; Peña; Pitts; Veasey.

The chair stated that **HB 359**, as amended, failed to pass to engrossment by the above vote. (The vote was reconsidered on May 12, and **HB 359** was further amended and was passed to engrossment.)

STATEMENT OF VOTE

I was shown voting yes on Record No. 974. I intended to vote no.

Deshotel

LEAVES OF ABSENCE GRANTED

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

Castro on motion of Vo.

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

Veasey on motion of Martinez Fischer.

POSTPONED BUSINESS

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

CSHB 2594 ON SECOND READING

(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

CSHB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

CSHB 2594 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** as follows:

(1) On page 3, line 5, strike "a motor vehicle certificate of title" and substitute "an unencumbered motor vehicle".

(2) On page 3, line 19, strike "305" and substitute "349".

(3) On page 3, line 20, between "business" and "do not", insert "conducting business under this chapter".

(4) On page 7, line 12, after the semicolon, insert "and".

(5) On page 7, lines 14-15, strike the following:

; and

(3) may use remote closing agents

(6) On page 12, line 20, between "refinancing" and "of the extensions", insert "transactions".

(7) On page 13, line 3, between "surrendered" and "under", insert "or repossessed".

(8) On page 13, line 7, strike "average" and substitute "mean, median, and mode of the".

(9) On page 13, line 17, strike "holder".

(10) On page 14, line 20; page 15, lines 1, 4, and 18; page 16, lines 8-9, 11-12, and 16-17; and page 17, lines 18 and 26, strike "Subchapter G of Chapter 393" each time it appears and substitute "Chapter 393 with respect to a credit access business".

(11) On page 16, line 22, strike "person" and substitute "credit access business".

(12) On page 16, lines 23 and 24, strike both occurrences of "Subchapter G,".

(13) On page 16, line 26, and page 17, line 1, strike both occurrences of "Subchapter G of Chapter 393,".

(14) On page 17, line 2, between "Title 4," and "to make", insert ", or a credit access business who violates or causes a violation of Chapter 393 or a rule adopted under Chapter 393,".

(15) On page 17, line 10, strike "Subchapter G of Chapter 393" and substitute "Chapter 393, if the person is a credit access business,".

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Truitt moved to postpone consideration of **CSHB 2594** until 6:10 p.m. today.

The motion prevailed.

CSHB 2233 ON SECOND READING

(by Huberty, Rodriguez, et al.)

CSHB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

CSHB 2233 was read second time on May 4, postponed until May 9, postponed until May 10, postponed until 7 a.m. today, and was again postponed until this time.

CSHB 2233 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE STRAMA: As you know, two of my school districts use this technique—that would not be available to them anymore—of having their food services contractor bid, well, they don't bid it, but, sole-source their food from one vendor. But, in doing so, they are getting the economy of scale of that vendor, lumping them in with all the other school districts that that vendor represents, and negotiating a price on the food commodity that that commodity vendor would only give at the type of scale they're getting that my district couldn't believe, whether rightly or wrongly. My district believes it could not command that price on its own. Do you understand that concern for me?

REPRESENTATIVE HUBERTY: I understand your concern, but prior to the attorney general's opinion, they did bundle their contract. The intent of this is they will still be able to bundle those contracts, create—and then themselves, that food management company, will be able to then go out into the marketplace and create, using the resources and tools available of that value approach, a selection process that meets their specifications, and still select that provider of choice for themselves, and negotiate those rebates. There's nothing to prevent that at all. I think it shows there is some good will and that they're out there bidding those. So, I understand your concern, I think we talked about it earlier. I think there is a level of transparency here that is missing, and they can—their contract can be for five, 10, 15, 20 years. If whatever they end up negotiating is reasonable and the school board approves it, that's fine. It puts local control there.

STRAMA: Okay, so let's try to get that very specifically into the record. There's nothing in your bill that prevents Pflugerville ISD, Round Rock ISD, other midsize or smaller ISDs from being part of a very large bid, managed by their food services general contractor, that lumps all of them together, that has an indefinite time period associated with it, and that enables Pflugerville to get a food price that may not be available to Pflugerville on its own, but that when lumping Pflugerville together with all those other school districts that want to be part of this bid, it gives them access to the economies of scale that may only be accessible to them.

HUBERTY: That is correct, Representative Strama. In fact, there are co-ops in the different regional service centers. We have 20 regional service centers across the state and a lot of those have procurements and co-ops that are available. And these food companies that provide the actual food are part of these co-ops, so they can buy off of that list, as well. So, there's multiple opportunities for them to have that, and those co-ops can then publicly bid those, as well. And again, I hate to use the word "bid" because I am a private sector guy, and I do like best-value approaches, because you should be able to pick the person who you want to do business with. We shouldn't, as the government, tell you who to do business with. We just want to make sure the resources are available to you.

STRAMA: Thank you, I appreciate the clarification.

REMARKS ORDERED PRINTED

Representative Strama moved to print remarks between Representative Huberty and Representative Strama.

The motion prevailed.

CSHB 2233 was passed to engrossment. (L. Gonzales, Perry, and Strama recorded voting no.)

**SB 316 ON SECOND READING
(Gallego - House Sponsor)**

SB 316, A bill to be entitled An Act relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

SB 316 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **SB 316**:

Amend **SB 316** (house committee report) as follows:

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

(2) On page 3, line 27, to page 4, line 1, strike "as an official purpose of the agency or attorney" and substitute "as a law enforcement purpose or an official purpose of office, as appropriate,".

(3) On page 4, between lines 13 and 14, insert:

(d-3) To clarify whether the use of property or the use of proceeds from the disposition of property is authorized under this article, the attorney general shall adopt rules specifying the uses that are considered to be made for:

(1) official purposes of the office of the attorney representing the state;
and

(2) law enforcement purposes of a municipal, county, or state law enforcement agency.

(4) On page 4, line 26, between "training," and "investigative," insert "and".

(5) On page 4, line 26, strike "and other items" and substitute "and must specify whether those expenditures were made in accordance with rules adopted by the attorney general under Subsection (d-3)".

(6) On page 6, between lines 21 and 22, insert the following:

(d) The law enforcement agency or attorney representing the state shall reimburse the state auditor for costs incurred by the state auditor in performing an audit under this article.

(7) On page 9, strike lines 2-23 and substitute the following:

SECTION 4. The changes in law made by this Act in amending Article 59.03, Code of Criminal Procedure, apply only to property seized on or after September 1, 2011.

SECTION 5. (a) Except as provided by Section 6 of this Act, the changes in law made by this Act in amending Article 59.06, Code of Criminal Procedure, apply to the disposition or use, on or after September 1, 2011, of proceeds or

property received by a law enforcement agency or attorney representing the state under Chapter 59, Code of Criminal Procedure, regardless of whether the receipt of the proceeds or property occurred before, on, or after September 1, 2011.

(b) The attorney general shall adopt the rules required by Article 59.06(d-3), Code of Criminal Procedure, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the attorney general may adopt the rules in the manner provided by law for emergency rules.

SECTION 6. The changes in law made by this Act in amending Article 59.06(g), Code of Criminal Procedure, and adding Articles 59.061 and 59.062, Code of Criminal Procedure, apply to any audit performed on or after September 1, 2011.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hilderbran offered the following amendment to **SB 316**:

Amend **SB 316** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Article 59.06(d), Code of Criminal Procedure (page 2, line 1), between "Subsections" and "(c-2)", insert "(b-3)".

(2) In amended Article 59.06, Code of Criminal Procedure, on page 2, between lines 2 and 3, insert the following:

(b-3) Notwithstanding any other provision of this article, in a judicial district with a population of less than 150,000, with the approval of a commissioner's court or a review committee described by this subsection, a district attorney with felony jurisdiction may transfer proceeds from the sale of forfeited property, after the deduction of amounts described by Subsection (a), to local law enforcement agencies to be used for law enforcement purposes, including the provision of training or the administration of community outreach programs. If the district attorney represents only one county, a transfer under this subsection is subject to the approval of the commissioners court. If the district attorney represents more than one county, the transfer is subject to the approval of a regional review committee composed of a county judge, a county attorney, and a county commissioner appointed by a member of the house of representatives of this state who represents one of the counties represented by the district attorney.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Fletcher offered the following amendment to **SB 316**:

Amend **SB 316** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (c-3) to read as follows:

(c-3) Notwithstanding Subsection (a), with respect to forfeited property seized in connection with a violation of Chapter 481, Health and Safety Code (Texas Controlled Substances Act), by a peace officer employed by the Department of Public Safety, in a proceeding under Article 59.05 in which a default judgment is rendered in favor of the state, the attorney representing the state shall enter into a local agreement with the department that allows the attorney representing the state either to:

(1) transfer forfeited property to the department to maintain, repair, use, and operate for official purposes in the manner provided by Subsection (b); or

(2) allocate proceeds from the sale of forfeited property described by Subsection (c), after the deduction of court costs as described by that subsection, in the following proportions:

(A) 40 percent to a special fund in the department to be used solely for law enforcement purposes;

(B) 30 percent to a special fund in the county treasury for the benefit of the office of the attorney representing the state, to be used by the attorney solely for the official purposes of the attorney's office; and

(C) 30 percent to the general revenue fund.

SECTION _____. Article 59.06(c-3), Code of Criminal Procedure, as added by this Act, applies to property seized or taken into custody on or after the effective date of this Act. Property seized or taken into custody before the effective date of this Act is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

(2) In SECTION 5 of the bill, on page 9, strike lines 10 and 11, and substitute "The changes in law made by this Act in adding Subsections (c-2), (d-1), and (d-2), Article 59.06, Code of Criminal Procedure, and amending Subsection (d), Article 59.06, Code of".

(3) Renumber remaining SECTIONS of the bill as appropriate.

Amendment No. 3 was adopted.

SB 316 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RAYMOND: Pete, I just wanted to get a clarification for my folks back home who were asking me about this. The—and I'm sorry, I don't have your bill in front of me, but I've got some notes here. As a matter of clarification, they're asking, what is the legislative intent for the following amendment to Article 59.06(d-1) and 6, Subsections (a) and (b), where it says a head of "a law enforcement agency or attorney representing the state will be required to secure approval from commissioner's court or the governing body of the municipality to make any expenditure if (a) and (b) apply." It's only if (a) and (b) apply, is that correct?

REPRESENTATIVE GALLEGOS: That's correct.

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks between Representative Gallego and Representative Raymond.

The motion prevailed.

SB 316, as amended, was passed to third reading.

HB 2856 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gallego moved to lay **HB 2856** on the table subject to call.

The motion prevailed.

**GENERAL STATE CALENDAR
(consideration continued)****CSHB 3310 ON SECOND READING
(by Rodriguez)**

CSHB 3310, A bill to be entitled An Act relating to incentives for the purchase or lease of an electric-powered light-duty motor vehicle.

Amendment No. 1

Representative Rodriguez offered the following amendment to **CSHB 3310**:

Amend **CSHB 3310** (house committee printing) on page 1, SECTION 1, by inserting an additional amendment to Section 386.152 to read as follows:

(d) If the commission, in consultation with the Governor and the advisory board, finds that use of the money for the program under this subchapter will cause the state to be found to be in noncompliance with the state implementation plan to the extent that Federal action is likely, and if reallocation of some or all the funding for the program under this subchapter to the diesel emissions reduction incentive program under Chapter 386 will resolve such noncompliance, then the commission may reallocate only the portion of the funding necessary to resolve the noncompliance.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 3310**:

Amend **CSHB 3310** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 386.104, Health and Safety Code, is amended by adding Subsection (i) to read as follows:

(i) The commission shall consider an application for a vehicle replacement or a fleet expansion for a project with an activity life of five years or more, or 400,000 miles, whichever is earlier.

SECTION _____. Section 391.004, Health and Safety Code, as added by Chapter 1232 (**SB 1759**), Acts of the 81st Legislature, Regular Session, 2009, is amended by adding Subsection (d) to read as follows:

(d) The commission shall minimize, to the maximum extent possible, the amount of paperwork required for an application. An applicant may be required to submit a photograph or other documentation of a vehicle identification number, registration information, inspection information, tire condition, or engine block identification only if the photograph or documentation is requested by the commission after the commission has decided to award a grant to the applicant under this chapter.

SECTION _____. Section 391.005, Health and Safety Code, as added by Chapter 1232 (**SB 1759**), Acts of the 81st Legislature, Regular Session, 2009, is amended by adding Subsection (i) to read as follows:

(i) Under this chapter, for the vehicle to be replaced, "ownership" includes leasing or other commercial financing. If the commission determines that a heavy-duty motor vehicle or engine that is leased or otherwise commercially financed must be decommissioned, the commission shall ensure that the applicant has a legal right to decommission the vehicle or engine before awarding a grant to the applicant.

(j) Notwithstanding any other provision in this chapter, the commission shall consider an application for a vehicle replacement or a fleet expansion for a project with an activity life of five years or more, or 400,000 miles, whichever is earlier.

(Veasey now present)

Amendment No. 2 was withdrawn.

CSHB 3310, as amended, failed to pass to engrossment by (Record 975): 50 Yeas, 92 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Burnam; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Harless; Hernandez Luna; Hochberg; Howard, D.; Huberty; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown(C); Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Chisum.

Absent, Excused — Castro; Eiland; Gutierrez.

Absent — Eissler; Hunter; Pitts.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 975. I intended to vote no.

Huberty

I was shown voting yes on Record No. 975. I intended to vote no.

Peña

CSHB 1776 ON SECOND READING

(by Lozano, Hancock, Muñoz, Sheffield, and Creighton)

CSHB 1776, A bill to be entitled An Act relating to contracts between dentists and health maintenance organizations or insurers.

CSHB 1776 was passed to engrossment.

CSSB 1087 ON SECOND READING

(Hilderbran - House Sponsor)

CSSB 1087, A bill to be entitled An Act relating to state-issued certificates of franchise authority to provide cable service and video service.

CSSB 1087 was considered in lieu of **HB 256**.

CSSB 1087 was passed to third reading. (Patrick recorded voting no.)

HB 256 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilderbran moved to lay **HB 256** on the table subject to call.

The motion prevailed.

HB 1728 ON SECOND READING

(by Keffer)

HB 1728, A bill to be entitled An Act relating to energy savings performance contracts.

Amendment No. 1

Representative Keffer offered the following amendment to **HB 1728**:

Amend **HB 1728** as follows:

(1) On page ____, line ____, strike the existing new Section (f-1) and substitute the following:

"(f-1) Notwithstanding other law, the board of trustees may contract with the provider of the energy or water conservation measures to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract and may use any available money, other than money borrowed from this state, to pay the provider for such services under this section and the board is not required to pay for such costs solely out of the savings realized by the school district under an energy saving performance contract."

(2) On page ____, line ____, strike the existing new Section (g-1) and substitute with the following:

"(g-1) Notwithstanding other law, the board may contract with the provider of the energy or water conservation measures to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract and may use any available money, other than money borrowed from this state, to pay the provider for such services under this section and the board is not required to pay for such costs solely out of the savings realized by the institution of higher education under an energy saving performance contract."

(3) On page ____, line ____, strike the existing new Section (f-1) and substitute the following:

"(f-1) Notwithstanding other law, the state agency may contract with the provider of the energy or water conservation measures to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract and may use any available money, other than money borrowed from this state, to pay the provider for such services under this section and the state agency is not required to pay for such costs solely out of the savings realized by the local government under an energy saving performance contract."

(4) On page ____, line ____, strike the existing new Section (a-1) and substitute the following:

"(a-1) Notwithstanding other law, the governing body of a local government may contract with the provider of the energy or water conservation measures to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract and may use any available money, other than money borrowed from this state, to pay the provider for such services under this section and the governing body is not required to pay for such costs solely out of the savings realized by the local government under an energy saving performance contract."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Farrar offered the following amendment to **HB 1728**:

Amend **HB 1728** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 44.902, Education Code, is amended by adding Subsection (b-1) and amending Subsection (d) to read as follows:

(b-1) For purposes of Subsection (b), a strategy for achieving energy efficiency includes facility design and construction.

(d) The board of trustees may submit the plan required under Subsection (a) to the State Energy Conservation Office for the purposes of determining whether funds available through loan programs administered by the office or tax incentives administered by the state or federal government are available to the district. The board may not disallow any proper allocation of incentives.

Amendment No. 2 was adopted.

HB 1728, as amended, was passed to engrossment.

SB 279 ON SECOND READING
(Laubenberg and Rodriguez - House Sponsors)

SB 279, A bill to be entitled An Act relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

SB 279 was considered in lieu of **HB 323**.

SB 279 was passed to third reading.

HB 323 - LAID ON THE TABLE SUBJECT TO CALL

Representative Laubenberg moved to lay **HB 323** on the table subject to call.

The motion prevailed.

HB 3326 ON SECOND READING
(by Woolley)

HB 3326, A bill to be entitled An Act relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

HB 3326 was passed to engrossment.

LEAVE OF ABSENCE GRANTED

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

Pitts on motion of Brown.

CSHB 189 ON SECOND READING
(by T. Smith, Martinez Fischer, Harless, et al.)

CSHB 189, A bill to be entitled An Act relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.

Amendment No. 1

Representative T. Smith offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.251, Transportation Code, is amended to read as follows:

Sec. 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE. (a) If a person's license is suspended under Chapter 524 or 724 and the person has not had a prior suspension arising from an alcohol-related or drug-related enforcement contact in the five years preceding the date of the person's arrest, an

order under this subchapter granting the person an occupational license takes effect immediately. However, the court shall order the person to comply with the counseling and rehabilitation program required under Section 521.245.

(b) An order under this subchapter granting the person an occupational license may not take effect before the 45th day after the effective date of the person's driver's license suspension under Chapter 524 or 724 if ~~the~~ the person's ~~driver's~~ license has been suspended as a result of:

(1) an alcohol-related or drug-related enforcement contact during the five years preceding the date of the person's arrest; or

~~(2) the order may not take effect before the 91st day after the effective date of the suspension.~~

~~(e) If the person's driver's license has been suspended as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, during the five years preceding the date of the person's arrest, the order may not take effect before the 181st day after the effective date of the suspension.~~

~~(d) Notwithstanding any other provision in this section, if the person's driver's license has been suspended as a result of] a second or subsequent conviction under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, committed within five years of the date on which the most recent preceding offense was committed[, an order granting the person an occupational license may not take effect before the first anniversary of the effective date of the suspension].~~

(c) ~~(e)~~ For the purposes of this section, "alcohol-related or drug-related enforcement contact" means a driver's license suspension, disqualification, or prohibition order under the laws of this state or another state resulting from:

(1) a conviction of an offense prohibiting the operation of a motor vehicle while:

(A) intoxicated;

(B) under the influence of alcohol; or

(C) under the influence of a controlled substance;

(2) a refusal to submit to the taking of a breath or blood specimen following an arrest for an offense prohibiting the operation of a motor vehicle while:

(A) intoxicated;

(B) under the influence of alcohol; or

(C) under the influence of a controlled substance; or

(3) an analysis of a breath or blood specimen showing an alcohol concentration of a level specified by Section 49.01, Penal Code, following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated ~~[has the meaning assigned by Section 524.001].~~

(d) For purposes of this section, a person has been convicted if the person was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and person was subsequently discharged from community supervision.

Amendment No. 2

Representative Callegari offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by T. Smith to **CSHB 189** (house committee printing) by striking page 1, lines 4-5 and substituting:

SECTION _____. This Act shall be known as the Nicole "Lilly" Lalime and Todd Levin Memorial Act.

Amendment No. 2 was adopted. (The vote was reconsidered on May 12, and Amendment No. 2 was withdrawn.)

Amendment No. 1, as amended, was adopted. (The vote was reconsidered on May 12, and Amendment No. 1, as amended, was adopted.)

Amendment No. 3

Representative W. Smith offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.442 to read as follows:

Art. 17.442. CONDITIONS REQUIRING ALCOHOL TESTING. (a) A magistrate may require a defendant as a condition of release on bond to obtain and use an alcohol monitoring device and to obtain and use the device at the defendant's own expense.

(b) If a magistrate requires a defendant to obtain and use an alcohol monitoring device under this article, the magistrate must specify the date by which the defendant must begin using the device.

(c) The magistrate may revoke the bond and order the defendant arrested if the magistrate finds, after notice and an opportunity for a hearing, that:

(1) the defendant failed to obtain and use an alcohol monitoring device, as required by the magistrate;

(2) the defendant tampered with or otherwise attempted to circumvent or disable the alcohol monitoring device;

(3) the alcohol monitoring device showed that the defendant violated a condition of bond;

(4) the defendant otherwise did not submit to alcohol testing; or

(5) the defendant failed to pay the costs of alcohol testing, including the costs of an alcohol monitoring device, if:

(A) payment was ordered under Subsection (d) as a condition of bond; and

(B) the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered.

(d) The costs of the alcohol monitoring device and associated services may be:

(1) assessed as a cost of court;

(2) ordered paid as a condition of bond by the defendant directly to the agency or service provider designated by the magistrate under Subsection (e) in the same manner as a defendant is required to pay fees under Article 17.441(d); or

(3) waived or reduced.

(e) The magistrate may designate an agency or service provider to verify the installation of an alcohol monitoring device and to monitor the defendant's use of the device.

SECTION _____. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0217 to read as follows:

Sec. 103.0217. ADDITIONAL FEES IN CERTAIN CRIMINAL CASES: CODE OF CRIMINAL PROCEDURE. A defendant who is ordered by the court to obtain and use an alcohol monitoring device under Article 17.442, Code of Criminal Procedure, shall pay a fee in the manner and amount set by the magistrate under that article.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Madden offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) by striking SECTION 2 of the bill (page 2, lines 16 through 23) and substituting the following:

SECTION 2. Section 13, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (o) to read as follows:

(o) A judge granting deferred adjudication to a defendant for an offense under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, may require the defendant to have an ignition interlock device installed under Subsection (i), except that if an analysis of a specimen of the person's blood or breath taken following an arrest showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the judge shall require the defendant to have the device installed regardless of whether the defendant would be required to have the device installed if the defendant was convicted.

Amendment No. 4 was adopted. (Carter and Phillips recorded voting no.)

Amendment No. 5

Representative Martinez Fischer offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) as follows:

(1) On page 6, line 1, strike "The" and substitute "(a) Except as provided by Subsection (b) of this SECTION, the".

(2) On page 6, between lines 8 and 9, insert:

(b) In a criminal action pending on or commenced on or after the effective date of this Act, for an offense committed before the effective date of this Act, the court may proceed in accordance with Section 5(d), Article 42.12, Code of Criminal Procedure, as amended by this Act, if the defendant so elects by written motion filed with the trial court before the sentencing hearing begins.

CSHB 189 - POINT OF ORDER

Representative Carter raised a point of order against further consideration of **CSHB 189**.

The point of order was withdrawn.

Representative T. Smith moved to postpone consideration of **CSHB 189** until 7 p.m. today.

The motion prevailed.

**CSHB 748 ON SECOND READING
(by Menendez and Hartnett)**

CSHB 748, A bill to be entitled An Act relating to a criminal defendant's incompetency to stand trial, to certain related time credits, and to the maximum period allowed for restoration of the defendant to competency.

CSHB 748 was passed to engrossment. (Laubenberg recorded voting no.)

RECESS

At 6:40 p.m., the chair announced that the house would stand recessed until 7:10 p.m. today.

NIGHT SESSION

The house met at 7:10 p.m. and was called to order by Representative Ritter.

**HR 1809 - ADOPTED
(by S. Davis)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1809**.

The motion prevailed.

The following resolution was laid before the house:

HR 1809, Honoring the residents of Seven Acres Jewish Senior Care Services on the occasion of Older Americans Month.

HR 1809 was adopted.

**HR 1951 - ADOPTED
(by Woolley)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1951**.

The motion prevailed.

The following resolution was laid before the house:

HR 1951, Congratulating David and Caroline Pierce of Houston on their 50th wedding anniversary.

HR 1951 was adopted.

GENERAL STATE CALENDAR
(consideration continued)
HB 3131 ON SECOND READING
(by Geren)

HB 3131, A bill to be entitled An Act relating to providing that certain travel vouchers submitted by peace officers assigned to a protective detail are confidential.

HB 3131 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 3131** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Geren moved to postpone consideration of **HB 3131** until 8 p.m. today.

The motion prevailed.

CSHB 1994 ON SECOND READING
(by Weber, et al.)

CSHB 1994, A bill to be entitled An Act relating to the creation of a first offender prostitution prevention program.

CSHB 1994 was passed to engrossment. (Carter and Peña recorded voting no.)

CSSB 141 ON SECOND READING
(Anchia - House Sponsor)

CSSB 141, A bill to be entitled An Act relating to debt management services and the regulation of debt management services providers.

CSSB 141 was considered in lieu of **HB 1222**.

Amendment No. 1

Representative Anchia offered the following amendment to **CSSB 141**:

Amend **CSSB 141** (house committee printing) in added Section 394.210(h), Finance Code (page 11, line 6), by striking "Subsection (g)" and substituting "Subsection (g)(3)(B)".

Amendment No. 1 was adopted.

(Eiland now present)

CSSB 141, as amended, failed to pass to third reading by (Record 976): 62 Yeas, 78 Nays, 2 Present, not voting. (The vote was reconsidered on May 12, and **CSSB 141**, as amended, was passed to third reading by Record No. 984.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Berman; Burnam; Coleman; Davis, Y.; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hancock; Harless; Hernandez Luna;

Hochberg; Hopson; Howard, D.; Hunter; Johnson; King, T.; Kleinschmidt; Larson; Laubenberg; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Morrison; Muñoz; Naishtat; Oliveira; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Shelton; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Landtroop; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Riddle; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Zedler; Zerwas.

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

Absent, Excused — Castro; Gutierrez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dukes; Geren; Hilderbran; McClendon; Smithee.

STATEMENTS OF VOTE

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

I was shown voting yes on Record No. 976. I intended to vote no.

L. Gonzales

I was shown voting yes on Record No. 976. I intended to vote no.

Hancock

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting yes on Record No. 976. I intended to vote no.

Laubenberg

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

CSHB 32 ON SECOND READING**(by Creighton, Zerwas, Schwertner, Hancock, Shelton, et al.)**

CSHB 32, A bill to be entitled An Act relating to required individual health insurance coverage.

CSHB 32 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **CSHB 32** under Rule 4, Section 18(b) of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Creighton moved to postpone consideration of **CSHB 32** until 8:15 p.m. today.

The motion prevailed.

HB 1872 ON SECOND READING**(by Giddings)**

HB 1872, A bill to be entitled An Act relating to requirements regarding information to be provided to employees covered by workers' compensation health care networks.

HB 1872 was passed to engrossment. (Garza, Laubenberg, Perry, and Weber recorded voting no.)

HB 1576 ON SECOND READING**(by Garza)**

HB 1576, A bill to be entitled An Act relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.

Amendment No. 1

On behalf of Representative Garza, Representative Brown offered the following amendment to **HB 1576**:

Amend **HB 1576** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 11.182(a), Tax Code, is amended by amending Subdivision (2) and adding Subdivisions (3) and (4) to read as follows:

(2) "Community housing development organization" has the meaning assigned by 24 C.F.R. Section 92.2 [~~42 U.S.C. Section 12704~~].

(3) "Control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee. An organization is considered to control a limited partnership if the organization directly or through a wholly controlled subsidiary controls 100 percent of the general partner interest. An organization is considered to control a limited liability company if the organization is the sole manager or managing member of the company.

(4) "Low-income individual or family" means "individuals and families of low income" as defined by Section 2306.004, Government Code.

SECTION _____. Section 11.182, Tax Code, is amended by adding Subsections (a-1), (b-1), (b-2), and (b-3) and amending Subsections (e) and (g) to read as follows:

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in public charitable functions, if the organization has legal or equitable title to the property. For purposes of eligibility for an exemption under this section:

(1) property owned by a tax credit partnership or limited liability company is considered to be owned by a community housing development organization if the general partner of the tax credit partnership or the manager of the limited liability company is or is controlled by the community housing development organization; and

(2) property owned by a single member limited liability company is considered to be owned by the company's single member.

(b-1) For purposes of determining whether an organization has satisfied the requirements of Subsection (b)(2) in order to qualify for an exemption under this section, an opinion included in an audit of the organization prepared by a person who is licensed by this state as a certified public accountant or a determination of tax-exempt status under Section 501(c), Internal Revenue Code of 1986, issued by the United States Internal Revenue Service is prima facie evidence of the facts stated in the opinion or determination.

(b-2) Notwithstanding Subsection (b), if the legal owner of property is not an organization described by that subsection, the legal owner is entitled to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the legal owner is:

(1) an entity 100 percent of the interest in which is owned by an organization that meets the requirements of Subsection (b); or

(2) an entity controlled by an organization that meets the requirements of Subsection (b).

(b-3) A reference in this section to an organization includes an entity described by Subsection (b-2).

(e) In addition to meeting the applicable requirements of Subsections (b) and (c), to receive an exemption under Subsection (b) for improved real property that includes a housing project constructed after December 31, 2001, and financed with qualified 501(c)(3) bonds issued under Section 145 of the Internal Revenue Code of 1986, tax-exempt private activity bonds subject to volume cap, or low-income housing tax credits, the organization must:

(1) control 100 percent of the interest in the general partner if the project is owned by a limited partnership;

(2) comply with all rules of and laws administered by the Texas Department of Housing and Community Affairs applicable to community housing development organizations if the department has continuing jurisdiction and oversight over the bond financing used to finance the project; and

(3) submit annually to the Texas Department of Housing and Community Affairs, if required by the organization's financing documents, and to the governing body of each taxing unit for which the project receives an exemption for the housing project evidence demonstrating that the organization spent an amount equal to at least 90 percent of the project's cash flow in the preceding fiscal year as determined by the audit required by Subsection (g), for eligible persons in the county in which the property is located, on social, educational, or economic development services, capital improvement projects, or rent reduction.

(g) To receive an exemption under Subsection (b) or (f), an organization must annually have an audit prepared by an independent auditor. The audit must include a detailed report on the organization's sources and uses of funds. A copy of the audit must be delivered to the Texas Department of Housing and Community Affairs, if required by the organization's financing documents, and to the chief appraiser of the appraisal district in which the property subject to the exemption is located.

SECTION _____. Section 11.1825, Tax Code, is amended by amending Subsections (a), (c), (d), (i), (j), (k), (l), and (t) and adding Subsections (a-1), (a-2), and (b-1) to read as follows:

(a) In this section, "control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee. An organization is considered to control a limited partnership if the organization directly or through a wholly controlled subsidiary controls 100 percent of the general partner interest. An organization is considered to control a limited liability company if the organization is the sole manager or managing member of the company.

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in public charitable functions, if the organization has legal or equitable title to the property. For purposes of eligibility for an exemption under this section:

(1) property owned by a tax credit partnership or limited liability company is considered to be owned by an organization if the general partner of the tax credit partnership or the manager of the limited liability company is or is controlled by the organization; and

(2) property owned by a single member limited liability company is considered to be owned by the company's single member.

(a-2) An organization is entitled to an exemption from taxation of real property owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting the income eligibility requirements of this section.

(b-1) For purposes of determining whether an organization has satisfied the requirements of Subsection (b)(1)(B) in order to qualify for an exemption under this section, an opinion included in an audit of the organization prepared by a person who is licensed by this state as a certified public accountant or a

determination of tax-exempt status under Section 501(c), Internal Revenue Code of 1986, issued by the United States Internal Revenue Service is prima facie evidence of the facts stated in the opinion or determination.

(c) Notwithstanding Subsection (b), if the legal ~~an~~ owner of real property ~~that~~ is not an organization described by that subsection, the legal owner is entitled to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the legal owner is:

(1) an entity 100 percent of the interest in which is owned by ~~a limited partnership of which~~ an organization that meets the requirements of Subsection (b) ~~[controls 100 percent of the general partner interest];~~ or

(2) an entity controlled by ~~[the parent of which is]~~ an organization that meets the requirements of Subsection (b).

(d) If the legal owner of the property is an entity described by Subsection (c) ~~[, the entity must]~~:

(1) the legal owner must be organized under the laws of this state~~;~~ and ~~[(2)]~~ have its principal place of business in this state; and

(2) the organization that owns 100 percent of the interest in or controls the legal owner as described by Subsection (c) must have equitable title to the property.

(i) Property owned for the purpose of constructing or rehabilitating a housing project on the property is exempt under this section only if:

(1) the property is used to provide housing to individuals or families described by Subsection (f); or

(2) the housing project is under active construction or rehabilitation or other physical preparation.

(j) For purposes of Subsection (i)(2), a housing project is under physical preparation if the organization has engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction or rehabilitation of the project or has conducted an environmental or land use study relating to the construction or rehabilitation of the project.

(k) An organization may not receive an exemption for property owned for the purpose of constructing a housing project ~~[constructed by the organization]~~ if the construction of the project was completed before January 1, 2004.

(l) If the property is owned for the purpose of rehabilitating a housing project on the property:

(1) the original construction of the housing project must have been completed at least 10 years before the date the organization began actual rehabilitation of the project;

(2) the person from whom the organization acquired the project must have owned the project for at least five years, if the organization is not the original owner of the project, unless the organization acquired the project from a person that acquired the project by foreclosing on the project or receiving a deed or other instrument in lieu of foreclosure that conveyed the project to the person;

(3) the organization must provide to the chief appraiser and, if the project was financed with bonds, the issuer of the bonds a written statement prepared by a certified public accountant stating that the organization has spent on rehabilitation costs at least the greater of \$5,000 or the amount required by the financial lender for each dwelling unit in the project; and

(4) the organization must maintain a reserve fund for replacements:

(A) in the amount required by the financial lender; or

(B) if the financial lender does not require a reserve fund for replacements, in an amount equal to \$300 per unit per year.

(t) Notwithstanding Section 11.43(c), an exemption under this section does not terminate because of a change in ownership of the property if:

(1) the property is foreclosed on for any reason and, not later than the 30th day after the date of the foreclosure sale, the owner of the property submits to the chief appraiser evidence that the property is owned by:

(A) an organization that meets the requirements of Subsection (b);

or

(B) an entity that meets the requirements of Subsections (c) and (d); or

(2) in the case of property owned by an entity described by Subsections (c) and (d), the organization meeting the requirements of Subsection (b) that owns 100 percent of the interest in or controls the ~~[general partner interest of or is the parent of the]~~ entity as described by Subsection (c) ceases to serve in that capacity and, not later than the 30th day after the date the cessation occurs, the owner of the property submits evidence to the chief appraiser that the organization has been succeeded in that capacity by another organization that meets the requirements of Subsection (b).

SECTION _____. Section 11.1826(c), Tax Code, is amended to read as follows:

(c) Not later than the 180th day after the last day of the organization's most recent fiscal year, the organization must deliver a copy of the audit to the department, if required by the organization's financing documents, and the chief appraiser of the appraisal district in which the property is located.

SECTION _____. This Act shall not be construed to permit refunds of taxes paid before the effective date of this Act on low or moderate income housing determined eligible for an exemption under the provisions of this Act, and applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION _____. This Act takes effect January 1, 2013.

(2) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was withdrawn.

Representative Garza moved to postpone consideration of **HB 1576** until 8:10 p.m. today.

The motion prevailed.

HB 335 ON SECOND READING**(by Shelton, Kolkhorst, Schwertner, Zerwas, Creighton, et al.)**

HB 335, A bill to be entitled An Act relating to implementation and requirements of certain health care reform laws.

Amendment No. 1

Representative Shelton offered the following amendment to **HB 335**:

Amend **HB 335** (house committee printing) as follows:

- (1) On page 1, lines 12-13, strike "to the board" and substitute: "to:
 - (1) the board;
 - (2) the governor;
 - (3) the lieutenant governor;
 - (4) the speaker of the house of representatives; and
 - (5) the appropriate standing legislative committees having jurisdiction over issues relating to health care reform".
- (2) On page 2, line 21, after the semicolon, insert "and".
- (3) On page 2, line 23, strike "provision; and" and substitute "provision."
- (4) Strike page 2, lines 24-25.

Amendment No. 1 was adopted.

HB 335, as amended, was passed to engrossment.

CSHB 1043 ON SECOND READING**(by Christian, Lucio, Zedler, and Rodriguez)**

CSHB 1043, A bill to be entitled An Act relating to creating an offense for engaging in certain conduct relating to cockfighting.

Amendment No. 1

Representative S. Miller offered the following amendment to **CSHB 1043**:

Amend **CSHB 1043** (house committee printing) as follows:

- (1) On page 2, between lines 18 and 19, insert the following:
 - (e) It is a defense to prosecution for an offense under this section that:
 - (1) the actor was engaged in bona fide experimentation for scientific research; or
 - (2) the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or agriculture practice involving livestock animals.
- (2) On page 2, line 19, strike "(e)" and substitute "(f)".

Amendment No. 1 was adopted.

CSHB 1043, as amended, was passed to engrossment. (Cain, T. King, Landtroop, Peña, Perry, Raymond, V. Taylor, and White recorded voting no.)

HB 3282 ON SECOND READING**(by Guillen)**

HB 3282, A bill to be entitled An Act relating to the operation and regulation of 24-number bingo games.

HB 3282 - POINT OF ORDER

Representative C. Howard raised a point of order against further consideration of **HB 3282** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Guillen moved to postpone consideration of **HB 3282** until 8:45 p.m. today.

The motion prevailed.

**CSHB 2728 ON SECOND READING
(by Thompson)**

CSHB 2728, A bill to be entitled An Act relating to the operation and regulation of charitable bingo.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 2728**:

Amend **CSHB 2728** as follows:

1. Strike SECTION 5
2. On page 4, line 14 strike \$50 and insert \$25

Amendment No. 1 was adopted.

CSHB 2728, as amended, was passed to engrossment. (C. Anderson, Berman, Cain, Carter, J. Davis, Flynn, Hopson, Landtroop, Laubenberg, Patrick, Perry, V. Taylor, Weber, and Workman recorded voting no.)

**CSHB 2649 ON SECOND READING
(by Allen)**

CSHB 2649, A bill to be entitled An Act relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

LEAVE OF ABSENCE GRANTED

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

Marquez on motion of Raymond.

CSHB 2649 - (consideration continued)**Amendment No. 1**

Representative Allen offered the following amendment to **CSHB 2649**:

Amend **CSHB 2649** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 15(h), Article 42.12, Code of Criminal Procedure, is amended by amending Subdivision (1) and adding Subdivisions (4), (5), and (6) to read as follows:

(1) A defendant confined in a state jail felony facility does not earn good conduct time for time served in the facility but may be awarded diligent participation credit in accordance with Subdivision (6).

(4) For purposes of Subdivisions (5) and (6), "diligent participation" includes:

(A) successful completion of an educational, vocational, or substance abuse treatment program; and

(B) progress toward successful completion of an educational, vocational, or substance abuse treatment program that was interrupted by illness, injury, or another circumstance outside the control of the defendant.

(5) For a defendant who has participated in an educational, vocational, or substance abuse treatment program while confined in a state jail felony facility, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, the Texas Department of Criminal Justice shall report to the sentencing court the number of days during which the defendant diligently participated in any educational, vocational, or substance abuse treatment program.

(6) A judge, based on the report received under Subdivision (5), may credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, or substance abuse treatment program. A time credit under this subdivision may not exceed one-fifth of the amount of time the defendant is originally required to serve in the facility. A defendant may not be awarded a credit under this subdivision for any period during which the defendant is subject to disciplinary action.

SECTION 2. The change in law made by this Act applies only to a person confined in a state jail felony facility for an offense committed on or after the effective date of this Act. A person confined in a state jail felony facility for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 2

Representative Allen offered the following amendment to Amendment No. 1:

Amend the proposed floor substitute (82R27599) to **CSHB 2649** as follows:

- (1) On page 1, line 13, strike "substance abuse".
- (2) On page 1, line 13, strike "and".
- (3) On page 1, line 15, strike "substance abuse".
- (4) On page 1, line 17, before the period, insert "; and
(C) active involvement in a work program".
- (5) On page 1, line 19, strike "or substance abuse".
- (6) On page 1, line 19, after "treatment", insert ", or work".

- (7) On page 1, line 25, strike "or substance abuse".
- (8) On page 1, line 25, after "treatment", insert ", or work".
- (9) On page 1, line 25, after the period, insert:

The contents of a report submitted under this subdivision are not subject to challenge by a defendant.

- (10) On page 2, lines 2 and 3, strike "or substance abuse".
- (11) On page 2, line 2, after "treatment", insert ", or work".
- (12) On page 2, line 7, after the period, insert "A time credit under this subdivision is a privilege and not a right."

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 2649, as amended, was passed to engrossment.

CSHB 2975 ON SECOND READING
(by Hunter, Naishtat, Parker, Brown, et al.)

CSHB 2975, A bill to be entitled An Act relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

CSHB 2975 was passed to engrossment.

POSTPONED BUSINESS

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

HB 1951 ON THIRD READING
(by L. Taylor)

HB 1951, A bill to be entitled An Act relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

HB 1951 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Eiland offered the following amendment to **HB 1951**:

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering existing ARTICLES of the bill accordingly:

ARTICLE ____ . APPRAISALS UNDER PROPERTY INSURANCE
POLICIES

SECTION ____ .001. Subchapter B, Chapter 542, Insurance Code, is amended by adding Section 542.063 to read as follows:

Sec. 542.063. APPRAISALS. (a) A request for appraisal with respect to a claim under a property insurance policy shall not stay court proceedings during the appraisal process.

(b) A decision resulting from the appraisal process under a property insurance policy is binding only as to the amount of loss. An appraisal may not be used to determine liability issues such as coverage, causation, or conditions or limits imposed by the policy. The appraisal decision does not affect any other remedy available at law.

SECTION _____.002. The heading to Subchapter B, Chapter 542, Insurance Code, is amended to read as follows:

SUBCHAPTER B. PROMPT PAYMENT OF CLAIMS; APPRAISALS

SECTION _____.003. Section 542.063, Insurance Code, as added by this article, applies only to a dispute that arises on or after the effective date of this Act. A dispute that arises before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Eiland offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading as follows:

(1) In Section 1458.001(2)(A), Insurance Code, as added on second reading by Amendment No. 34 by Eiland, between "services" and the semicolon, insert "to covered individuals".

(2) In Section 1458.102(a)(1), Insurance Code, as added on second reading by Amendment No. 34 by Eiland, strike ", other than a payor who is not an insurer or a health maintenance organization,".

(3) After Section 1458.102(e), Insurance Code, as added on second reading by Amendment No. 34 by Eiland, insert:

(f) The notice described by Subsection (a)(1) is not required to include information regarding payors who are insurers or health maintenance organizations.

(4) In Section 1458.151(a), Insurance Code, as added on second reading by Amendment No. 34 by Eiland, strike "(a)".

(5) Strike Section 1458.151(b), Insurance Code, as added on second reading by Amendment No. 34 by Eiland.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Eiland offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE _____. EMPLOYER CONTRIBUTIONS TO INDIVIDUAL HEALTH INSURANCE POLICIES

SECTION _____.01. Subtitle A, Title 8, Insurance Code, is amended by adding chapter 1221 to read as follows:

CHAPTER 1221. EMPLOYER CONTRIBUTIONS TO INDIVIDUAL
HEALTH INSURANCE POLICIES

Sec. 1221.001. RULES; EMPLOYER CONTRIBUTIONS. The commissioner by rule, unless it would violate state or federal law, may develop procedures to allow an employer to make financial contributions to or premium payments for an employee or retiree's individual consumer directed health insurance policy in a manner that eliminates or minimizes the state or federal tax consequences, or provides positive state or federal tax consequences, to the employer.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Y. Davis offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . REQUIRED OFFER TO EXCLUDE NAMED DRIVERS
FROM PERSONAL AUTOMOBILE INSURANCE POLICIES

SECTION ____ .001. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Section 1952.059 to read as follows:

Sec. 1952.060. REQUIRED OFFER: EXCLUSION OF NAMED DRIVERS. (a) In addition to applying to the insurers subject to this chapter under Section 1952.001, this section applies to a county mutual insurance company.

(b) An insurer that delivers or issues for delivery in this state a personal automobile insurance policy, including a policy provided through the Texas Automobile Insurance Plan Association under Chapter 2151, that covers liability arising out of the ownership, maintenance, or use of a motor vehicle and that would otherwise cover all residents in the named insured's household must offer the insured a provision that would exclude from coverage under the policy any resident of the named insured's household who is specifically named as being excluded.

(c) An exclusion under this section must be in writing and must:

(1) include the name of the person excluded from coverage;

(2) be signed by the named insured; and

(3) be attached to the policy and stated on the liability insurance card or any other form of proof of liability insurance verification.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Bohac offered the following amendment to **HB 1951**:

Amend **HB 1951** (house committee report version) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Sections 6002.158(e), Insurance Code, is amended to read as follows:

(e) The curriculum for a residential fire alarm technician course must consist of at least seven [eight] hours of instruction on installing, servicing, and maintaining single-family and two-family residential fire alarm systems as defined by National Fire Protection Standard No. 72 and an examination on National Fire Protection Standard No. 72 for which at least one hour is allocated for completion. The examination must consist of at least 25 questions, and an applicant must accurately answer at least 80 percent of the questions to pass the examination.

SECTION _____. The changes in law made by this Act to Section 6002.158, Insurance Code, apply only to an application for approval or renewal of approval of a training school submitted to the state fire marshal on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Gallego offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading, in Section 2210.105(f), Insurance Code, as added on second reading by Amendment No. 1 by Taylor, as follows:

(1) Strike "second" and substitute "fifth".

(2) Following the period at the end of Section 2210.105(f), Insurance Code, insert "A recording of a meeting may be maintained for a period longer than the period required by this subsection."

Amendment No. 6 was adopted.

Amendment No. 7

Representative Gallego offered the following amendment to **HB 1951**:

Amend **HB 1951** (house committee printing) on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. NOTICE OF VARIABLES

SECTION _____.001. Section 2251.009, Insurance Code, is added to read as follows:

Sec. 2251.009. NOTICE OF VARIABLES USED TO DETERMINE PREMIUM. (a) This section applies to an insurer writing residential property or personal automobile insurance.

(b) An insurer shall provide each policyholder with a list of:

(1) At the minimum:

(A) the ten variables with the greatest impact in determining the policyholder's premium; or

(B) if less than ten variables apply to the policy, all of the variables used in determining the policyholder's premium; and

(C) any additional variables that the commissioner by rule may require, if those variables are used to determine the policyholder's premium, or

(2) all variables used in determining the policyholder's premium.

(c) The list described in Subsection (b) shall be listed in order of greatest impact and also include a plain-language description of each variable.

(d) The variables shall include any variables that affect the premium charged the policyholder, including factors, relativities, tiers, increased limits factors, classification relativities, deductible relativities, discounts, surcharges, and fees.

(e) An insurer shall provide the list required by subsection (b) to the policyholder:

(1) when the policy is issued; and

(2) with the notice of:

(A) renewal;

(B) an offer of replacement coverage if the policy is nonrenewed;

or

(C) as required by the commissioner by rule.

(f) The commissioner shall adopt rules as necessary to implement this subchapter.

SECTION ____ .002. Section 32.102(a)(2), Insurance Code, is amended by adding paragraph (H) to read as follows:

(H) a list and plain-language description of each variable described in Section 2251.009 that may be used to determine the policyholder's premium.

(Keffer in the chair)

Representative L. Taylor moved to table Amendment No. 7.

The motion to table prevailed by (Record 977): 94 Yeas, 47 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Bohac; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Fletcher; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Solomons; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hancock; Paxton.

STATEMENT OF VOTE

When Record No. 977 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

Amendment No. 8

Representative W. Smith offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading, in Section 2210.2551, Insurance Code, as added on second reading by Amendment No. 1 by Taylor, by adding the following new Subsection (c) to Section 2210.2551, Insurance Code:

(c) Subsection (b) applies only to a determination concerning the appointment of a qualified inspector under this chapter. The exclusive jurisdiction of the department under this section does not apply to the practice of engineering as defined by Section 1001.003, Occupations Code, or to a license issued, qualification required, determination made, order issued, judgment rendered, or other action of a board operating under Chapter 1001, Occupations Code. In the event of conflict, the authority of that board prevails with regard to the practice of engineering.

Amendment No. 8 was adopted.

Amendment No. 9

On behalf of Representative Hughes, Representative Orr offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading, by striking Section 2703.0515(c), Insurance Code, as added on second reading by the Orr amendment to Amendment No. 6 by Darby, and substituting:

(c) An additional premium or other amount may not be charged for an endorsement to a loan policy of title insurance if the endorsement:

(1) insures against loss from damage to improvements or permanent buildings located on land that results from the future exercise of any right existing on the date of the loan policy to use the surface of the land for the extraction or development of coal, lignite, oil, gas, or another mineral;

(2) expressly does not insure against loss resulting from subsidence;
and

(3) was promulgated by the commissioner in calendar year 2009.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Veasey offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . INSURANCE COVERAGE FOR CHILD PASSENGER SAFETY SEAT SYSTEMS

SECTION __.01. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Section 1952.059 to read as follows:

Sec. 1952.059. COVERAGE OF CHILD PASSENGER SAFETY SEAT SYSTEM. (a) In this section, "child passenger safety seat system" has the meaning assigned by Section 545.412, Transportation Code.

(b) This section applies to a moderate or severe traffic collision in which:

(1) a child passenger safety seat system suffers cracks or warping as a result of the collision;

(2) the vehicle door nearest the child safety seat was damaged;

(3) a vehicle occupant suffered an injury; or

(4) an airbag deployed.

(c) This section applies to a collision described by Subsection (b) regardless of whether the vehicle in which the seat was installed was driven from the scene of the collision.

(d) In addition to an insurer described by Section 1952.001, this section applies to a county mutual insurance company.

(e) An automobile insurance policy that provides liability coverage shall cover the cost of replacing a child passenger safety seat system damaged in a collision if:

(1) a driver covered by the policy is at fault for the collision; and

(2) the damaged child passenger safety seat system was installed in a vehicle other than the vehicle operated by the driver covered by the policy.

(f) An automobile insurance policy that provides collision coverage shall cover the cost of replacing a child passenger safety seat system installed in a covered vehicle that is damaged in a collision unless that cost is first recovered from a driver who is at fault in the collision or insurance covering that driver. This subsection does not affect a right of subrogation of an insurer who covers the cost of replacing a child passenger safety seat system as required by this section.

AMENDMENT NO. 10 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE JACKSON: Just so I fully understand—I haven't looked at the amendment, I just remember it from yesterday—let's do this A-B scenario again. I'm car A, you're car B, I run into you. I've got liability insurance. If I have a car seat in my car that's damaged—torn up—my liability insurance doesn't cover the car seat in my car?

REPRESENTATIVE VEASEY: No.

JACKSON: It would cover a car seat in the other person's car if I'm at fault.

VEASEY: Absolutely, correct.

JACKSON: But, only if I'm at fault.

VEASEY: Absolutely.

JACKSON: And if it's in the policy limits.

VEASEY: Yes.

REMARKS ORDERED PRINTED

Representative Jackson moved to print remarks between Representative Veasey and Representative Jackson.

The motion prevailed.

Representative L. Taylor moved to table Amendment No. 10.

The motion to table prevailed by (Record 978): 93 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Harless; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Alonzo; Bohac; Davis, J.; Murphy; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 978. I intended to vote no.

Hilderbran

When Record No. 978 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

Amendment No. 11

Representative Deshotel offered the following amendment to **HB 1951**:

Amendment No. ____ by Deshotel to **HB 1951** (house committee printing) by adding the following appropriately numbered Article to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____.

SECTION 1. Subchapter A, Chapter 2502, Insurance Code, is amended by adding Section 2502.006 to read as follows:

Sec. 2502.006. CERTAIN EXTRA HAZARDOUS COVERAGES PROHIBITED. (a) A title insurance company may not insure against loss or damage sustained by reason of any claim that under federal bankruptcy, state insolvency, or similar creditor's rights laws the transaction vesting title in the insured as shown in the policy or creating the lien of the insured mortgage is:

(1) a preference or preferential transfer under 11 U.S.C. Section 547;

(2) a fraudulent transfer under 11 U.S.C. Section 548;

(3) a transfer that is fraudulent as to present and future creditors under Section 24.005, Business & Commerce Code, or a similar law of another state; or

(4) a transfer that is fraudulent as to present creditors under Section 24.006, Business & Commerce Code, or a similar law of another state.

(b) The commissioner may by rule designate coverages that violate this section. It is not a defense against a claim that a title insurance company has violated this section that the commissioner has not adopted a rule under this subsection.

(c) Title insurance issued in or on a form prescribed by the commissioner shall be considered to comply with this section.

(d) Nothing in this section prohibits title insurance with respect to liens, encumbrances, or other defects to title to land that:

(1) appear in the public records before the date on which the contract of title insurance is made;

(2) occur or result from transactions before the transaction vesting title in the insured or creating the lien of the insured mortgage; or

(3) result from failure to timely perfect or record any instrument before the date on which the contract of title insurance is made.

(e) A title insurance company may not engage in the business of title insurance in this state if the title insurance company provides insurance of the type prohibited by Subsection (a) anywhere in the United States, except to the extent that the laws of another state require the title insurance company to provide that type of insurance.

SECTION 2. Section 2502.006, Insurance Code, as added by this Act, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2012. A policy delivered, issued for delivery, or renewed before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 11 was adopted.

Amendment No. 12

Representative Coleman offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CERTAIN HEALTH COVERAGES

SECTION ____ .01. Section 1355.001(1), Insurance Code, is amended to read as follows:

(1) "Serious mental illness" means the following psychiatric illnesses as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual (DSM):

(A) bipolar disorders (hypomanic, manic, depressive, and mixed);

(B) depression in childhood and adolescence;

(C) major depressive disorders (single episode or recurrent);

(D) obsessive-compulsive disorders;

(E) paranoid and other psychotic disorders;

(F) schizo-affective disorders (bipolar or depressive); ~~and~~

(G) schizophrenia; and

(H) anorexia nervosa, bulimia nervosa, and eating disorders not otherwise specified.

Representative L. Taylor moved to table Amendment No. 12.

The motion to table prevailed by (Record 979): 88 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Coleman; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Johnson; King, T.; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bohac; Deshotel; Miller, D.; Torres.

STATEMENT OF VOTE

When Record No. 979 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

Amendment No. 13

Representative Coleman offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . RESCISSION OF HEALTH BENEFIT PLAN

SECTION ____ .001. Chapter 1202, Insurance Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. RESCISSION OF HEALTH BENEFIT PLAN

Sec. 1202.101. DEFINITION. In this subchapter, "rescission" means the termination of an insurance agreement, contract, evidence of coverage, insurance policy, or other similar coverage document in which the health benefit plan issuer, as applicable, refunds premium payments or demands the recoupment of any benefit already paid under the plan.

Sec. 1202.102. APPLICABILITY. (a) This subchapter applies only to a health benefit plan, including a small or large employer health benefit plan written under Chapter 1501, that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;
- (5) a reciprocal exchange operating under Chapter 942;
- (6) a Lloyd's plan operating under Chapter 941;
- (7) a health maintenance organization operating under Chapter 843;
- (8) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or

(9) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) This subchapter does not apply to:

- (1) a health benefit plan that provides coverage:
 - (A) only for a specified disease or for another limited benefit other than an accident policy;
 - (B) only for accidental death or dismemberment;

(C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;

(D) as a supplement to a liability insurance policy;

(E) for credit insurance;

(F) only for dental or vision care;

(G) only for hospital expenses; or

(H) only for indemnity for hospital confinement;

(2) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss), as amended;

(3) a workers' compensation insurance policy;

(4) medical payment insurance coverage provided under a motor vehicle insurance policy;

(5) a long-term care insurance policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan described by Subsection (a);

(6) a Medicaid managed care plan offered under Chapter 533, Government Code;

(7) any policy or contract of insurance with a state agency, department, or board providing health services to eligible individuals under Chapter 32, Human Resources Code; or

(8) a child health plan offered under Chapter 62, Health and Safety Code, or a health benefits plan offered under Chapter 63, Health and Safety Code.

Sec. 1202.103. RESCISSION PROHIBITED; EXCEPTION. (a) Notwithstanding any other law, except as provided by Subsection (b), a health benefit plan issuer may not rescind coverage under a health benefit plan with respect to an enrollee in the plan.

(b) A health benefit plan issuer may rescind coverage under a health benefit plan with respect to an enrollee if the enrollee engages in conduct that constitutes fraud or makes an intentional misrepresentation of a material fact.

Sec. 1202.104. NOTICE OF INTENT TO RESCIND. (a) A health benefit plan issuer may not rescind a health benefit plan without first notifying the affected enrollee in writing at least 30 days in advance of the issuer's intent to rescind the health benefit plan.

(b) The notice required under Subsection (a) must include, as applicable:

(1) the principal reasons for the decision to rescind the health benefit plan;

(2) the date on which the rescission is effective and the prior date to which the rescission retroactively reaches;

(3) an itemized list of any pending or paid claims the health benefit plan issuer intends to recoup following the rescission;

(4) an explanation of how the enrollee may obtain any documentation used by the health benefit plan issuer to justify the rescission;

(5) a statement that the enrollee is entitled to appeal a rescission decision to an independent review organization and that the health benefit plan issuer bears the burden of proof on appeal;

(6) an explanation of any time limit with which the enrollee must comply to appeal the rescission decision to an independent review organization, and a description of the consequences of failure to appeal within that time limit; and

(7) a statement that there is no cost to the individual to appeal the rescission decision to an independent review organization.

Sec. 1202.105. INDEPENDENT REVIEW PROCESS; PAYMENT OF CLAIMS. (a) An enrollee may appeal a health benefit plan issuer's rescission decision to an independent review organization in the manner prescribed by the commissioner by rule.

(b) A health benefit plan issuer shall comply with all requests for information made by the independent review organization and with the independent review organization's determination regarding the appropriateness of the issuer's decision to rescind.

(c) A health benefit plan issuer shall pay all otherwise valid medical claims under an individual's plan until the later of:

(1) the date on which an independent review organization determines that the decision to rescind is appropriate; or

(2) the time to appeal to an independent review organization has expired without an affected individual initiating an appeal.

(d) The commissioner shall adopt rules necessary to implement and enforce this section, including rules establishing certification standards for independent review organizations for purposes of this chapter.

Sec. 1202.106. BURDEN OF PROOF. In an appeal to an independent review organization under Section 1202.105 or an enforcement action or cause of action based on a violation of this subchapter by a health benefit plan issuer, the health benefit plan issuer must prove that the issuer did not violate this subchapter.

SECTION ____ .002. The change in law made by this article applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2012. A health benefit plan that is delivered, issued for delivery, or renewed before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 13 was adopted.

HB 1951, as amended, was passed by (Record 980): 101 Yeas, 40 Nays, 4 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless;

Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lucio; Lyne; Madden; Margo; McClendon; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Coleman; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Hernandez Luna; Hochberg; Johnson; Lewis; Lozano; Mallory Caraway; Martinez; Martinez Fischer; Muñoz; Naishtat; Oliveira; Paxton; Pickett; Raymond; Reynolds; Rodriguez; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Keffer(C); Menendez; Miles.

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Howard, C.

STATEMENTS OF VOTE

When Record No. 980 was taken, I was in the house but away from my desk. I would have voted yes.

C. Howard

I was shown voting no on Record No. 980. I intended to vote yes.

Lewis

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 773, SB 781, SB 898, SB 937, SB 981, SB 1002, SB 1133, SB 1393, and SB 1910** at 8 a.m. tomorrow in JHR 140.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 8 a.m. tomorrow, JHR 140, for a public hearing, to consider **SB 773, SB 781, SB 898, SB 937, SB 981, SB 1002, SB 1133, SB 1393, and SB 1910**.

FIVE-DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 49, SB 127, SB 224, SB 226, SB 738, SB 1113, and SB 1543** at 8 a.m. tomorrow, in E2.028.

The motion prevailed.

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 4** at 8 a.m. Friday, May 13 in E2.036.

The motion prevailed.

(Morrison in the chair)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, 8 a.m. tomorrow, E2.028, for a public hearing, to consider **SB 49, SB 127, SB 224, SB 226, SB 738, SB 1113, and SB 1543**.

Public Education, 8 a.m. Friday, May 13, E2.036, for a public hearing, to consider **SB 4**.

**GENERAL STATE CALENDAR
(consideration continued)**

**HB 1580 ON SECOND READING
(by Brown)**

HB 1580, A bill to be entitled An Act relating to the training and certification of state agency employees or contractors performing service work on pressure vessels.

HB 1580 was passed to engrossment. (Garza recorded voting no.)

**CSHB 1871 ON SECOND READING
(by Giddings)**

CSHB 1871, A bill to be entitled An Act relating to the amount and payment of attorney's fees in certain workers' compensation cases.

CSHB 1871 was passed to engrossment. (Fletcher, Garza, and Riddle recorded voting no.)

**CSHB 36 ON SECOND READING
(by Menendez)**

CSHB 36, A bill to be entitled An Act relating to the punishment for and certain civil consequences of committing the offense of prostitution.

CSHB 36 was passed to engrossment.

**CSHB 242 ON SECOND READING
(by Craddick and Torres)**

CSHB 242, A bill to be entitled An Act relating to the authority of certain retired peace officers to carry certain firearms.

CSHB 242 was passed to engrossment.

HB 1689 ON SECOND READING
(by Brown)

HB 1689, A bill to be entitled An Act relating to the monitoring and enhancement of health and human services information technology.

(D. Miller in the chair)

HB 1689 was passed to engrossment.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 3.)

POSTPONED BUSINESS

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

CSHJR 135 ON SECOND READING
(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

CSHJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

CSHJR 135 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHJR 135**:

Amend **CSHJR 135** on page 1, lines 14-15, by striking ", directly, indirectly, or incidentally, substantially burden" and substitute "substantially burden, whether the burden is direct, indirect, or incidental,".

Amendment No. 2

Representative Hochberg offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Phillips to **CSHJR 135** (house committee printing) by striking the text of the amendment and substituting the following:

Amend **CSHJR 135** by striking page 1, lines 14-17, and substituting the following:

(b) The government may not directly, indirectly, or incidentally impose a substantial burden on an individual's or an organization's conduct that is substantially motivated by a sincerely held religious belief, unless the government is:

Representative Phillips moved to table Amendment No. 2.

The motion to table prevailed by (Record 981): 75 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Lewis; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Ritter; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; White; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Burnam; Carter; Coleman; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; King, T.; Kuempel; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Miles; Morrison; Muñoz; Naishtat; Oliveira; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Shelton; Strama; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman.

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anderson, C.; Crownover; Eissler; Guillen; Menendez; Pickett; Taylor, L.; Thompson.

Representative Phillips moved to postpone consideration of **CSHJR 135** until 10 a.m. tomorrow.

The motion prevailed.

HB 1576 ON SECOND READING
(by Garza)

HB 1576, A bill to be entitled An Act relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.

HB 1576 was read second time earlier today, an amendment was offered and disposed of, and **HB 1576** was postponed until this time.

HB 1576 was passed to engrossment.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 1244 ON SECOND READING
(by Castro)

CSHB 1244, A bill to be entitled An Act relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

Representative Patrick moved to postpone consideration of **CSHB 1244** until 4 a.m. tomorrow.

The motion prevailed.

HB 1886 ON SECOND READING
(by Morrison, et al.)

HB 1886, A bill to be entitled An Act relating to unclaimed property.

HB 1886 was passed to engrossment.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 10 a.m. tomorrow, in 3W.15, to consider pending business.

Permission to meet was granted.

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, at 10:30 p.m. today, in 3W.9, to consider the previously posted agenda.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, 10:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 173, SB 233, SB 234, SB 577, SB 759, SB 768, SB 992, SB 1030, SB 1184, SB 1255, and SB 1882.**

County Affairs, 10 a.m. tomorrow, 3W.15, for a formal meeting, to consider pending business.

PROVIDING FOR ADJOURNMENT

Representative Branch moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9:30 a.m. tomorrow in memory of Shirley Bird Perry of Stockdale.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 10:22 p.m., adjourned until 9:30 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 151 (By Lavender), In memory of Bowie County Transport Deputy Sherri Jones.

To Rules and Resolutions.

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

To Public Education.

HCR 153 (By Dukes), Honoring the Austin Area Urban League.

To Rules and Resolutions.

HCR 154 (By Craddick), Congratulating Stephen Hartmann of Midland on his retirement as executive director of University Lands for The University of Texas System.

To Rules and Resolutions.

HCR 156 (By Raymond), Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium.

To Culture, Recreation, and Tourism.

HCR 158 (By Hartnett), Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service.

To State Affairs.

HR 1763 (By Callegari), Honoring the University of Houston System at Cinco Ranch on its 30th anniversary.

To Rules and Resolutions.

HR 1765 (By Callegari), Congratulating Joe Hegar on his retirement as Katy city attorney.

To Rules and Resolutions.

HR 1766 (By Callegari), Congratulating LaCenterra at Cinco Ranch/Vista Equities Group on its selection as Business of the Year for 2009 by the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 1767 (By Callegari), Congratulating the Honorable William "Bill" Yeoman on being named the 2009 Citizen of the Year by the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 1769 (By Madden), Congratulating Dr. Lannette Linthicum on her receipt of the 2011 E. R. Cass Correctional Achievement Award from the American Correctional Association.

To Rules and Resolutions.

HR 1771 (By McClendon), In memory of the Reverend Dr. Laymon H. Frank Mills.

To Rules and Resolutions.

HR 1772 (By Farrar), Congratulating Nicholas David Reed on being sworn in as an attorney on May 7, 2011, at the State Capitol.

To Rules and Resolutions.

HR 1773 (By Vo), Commemorating the 2011 Taiwanese American Heritage Week celebratory concert in Houston.

To Rules and Resolutions.

HR 1774 (By W. Smith), Recognizing May 15-21, 2011, as National Public Works Week in Texas.

To Rules and Resolutions.

HR 1775 (By Gonzalez), Honoring Donald Leon Williams for his service as chair of the Black El Paso Democrats.

To Rules and Resolutions.

HR 1779 (By Perry), Congratulating the students from Seminole High School who have participated in the 2011 UIL One-Act Play competitions.

To Rules and Resolutions.

HR 1780 (By Perry), Congratulating the Seminole High School academic team for their achievements in 2011 UIL competition.

To Rules and Resolutions.

HR 1781 (By Perry), Congratulating the student competitors from Plains High School on their triumph in the regional round of the UIL One-Act Play Contest and extending them best wishes for success at the state meet.

To Rules and Resolutions.

HR 1782 (By Isaac), Honoring the Salt Lick in Driftwood on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

To Rules and Resolutions.

HR 1783 (By Isaac), Honoring Chisholm Trail Bar-B-Que in Lockhart on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

To Rules and Resolutions.

HR 1784 (By Isaac), Honoring Black's Barbecue in Lockhart on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

To Rules and Resolutions.

HR 1785 (By Isaac), Honoring Ronnie's BBQ in Johnson City on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

To Rules and Resolutions.

HR 1786 (By Gutierrez), Congratulating Wesley George Dempster on his graduation from The Citadel.

To Rules and Resolutions.

HR 1787 (By Gutierrez), Congratulating Lorene Wallace on being nominated for the Presidential Award for Excellence in Mathematics and Science Teaching.

To Rules and Resolutions.

HR 1788 (By Gutierrez), Recognizing May 1-7, 2011, as Public Service Recognition Week in Texas.

To Rules and Resolutions.

HR 1789 (By Schwertner), Commemorating the dedication of a Texas Historical Marker at the First National Bank of Cameron.

To Rules and Resolutions.

HR 1790 (By Flynn), Congratulating Carl and Ruth Evans of Fruitvale on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1791 (By Flynn), Congratulating Brady and Laretta Bass of Cash on their 52nd wedding anniversary.

To Rules and Resolutions.

HR 1792 (By Flynn), Congratulating Doug and Jo Ann Morris of Campbell on their 25th wedding anniversary.

To Rules and Resolutions.

HR 1793 (By Pitts), Congratulating the Texas Department of Licensing and Regulation on being named one of the top workplaces in the Austin area by the Austin American-Statesman.

To Rules and Resolutions.

HR 1794 (By Zedler), Congratulating Arlington Municipal Airport on being named the 2011 Reliever Airport of the Year by the Texas Department of Transportation Aviation Division.

To Rules and Resolutions.

HR 1795 (By Villarreal), Congratulating the educators and administrators who have earned 2011 H-E-B Excellence in Education Awards.

To Rules and Resolutions.

HR 1796 (By Parker), Commemorating the Flower Mound High School Circle of Friends 2011 Grande Ball.

To Rules and Resolutions.

HR 1797 (By Parker), Congratulating the Destination ImagiNation team from Clayton Downing Middle School in Flower Mound on its first-place finish at the 2011 Texas Destination ImagiNation Affiliate Tournament.

To Rules and Resolutions.

HR 1798 (By Parker), Congratulating the North Texas Municipal Water District on its receipt of the 2011 Texas Environmental Excellence Award for water conservation.

To Rules and Resolutions.

HR 1799 (By Parker), Honoring members of the Zumwalt, Kent, and Burket families for their service during the Texas Revolution and the period of the Texas Republic.

To Rules and Resolutions.

HR 1800 (By Parker), In memory of U.S. Army First Lieutenant Robert F. Welch III of Denton.

To Rules and Resolutions.

HR 1801 (By V. Gonzales), In memory of Immigration and Customs Enforcement Special Agent Jaime Jorge Zapata.

To Rules and Resolutions.

HR 1802 (By V. Gonzales), Recognizing May 16-20, 2011, as Diabetic Peripheral Neuropathy Awareness Week.

To Rules and Resolutions.

HR 1803 (By Lozano), Congratulating Mike and Judy Muzyczyn of the Kleberg County Airport on their selection as the 2011 General Aviation Management Team of the Year by the Texas Department of Transportation, Aviation Division.

To Rules and Resolutions.

HR 1804 (By Riddle), Congratulating Lawrence J. "Doc" Cohen on being inducted into the International Franchise Association Hall of Fame.

To Rules and Resolutions.

HR 1805 (By Hunter), In memory of Michael James Ellis of Corpus Christi.

To Rules and Resolutions.

HR 1806 (By Madden), In memory of Joseph Allen Hill of Collin County.

To Rules and Resolutions.

HR 1807 (By Madden), In memory of former Plano mayor Robert Lee Harrington, Jr.

To Rules and Resolutions.

HR 1808 (By Madden), Congratulating Judge Curt B. Henderson on his retirement as senior state district judge for the 219th Judicial District Court.

To Rules and Resolutions.

HR 1810 (By Carter), Congratulating Analisa Anastasi of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1811 (By Carter), Congratulating Emily Andrews of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1812 (By Carter), Congratulating Lauren Elizabeth Baskett of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1813 (By Carter), Congratulating Victoria Elena Christiansen of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1814 (By Y. Davis), Honoring James Baugh on the occasion of his retirement as city manager of DeSoto.

To Rules and Resolutions.

HR 1815 (By Gooden), Honoring Kinlie Johnson for her service to the Athens community.

To Rules and Resolutions.

HR 1816 (By Cain), Congratulating Bobby and Brenda Vaughan of Powderly on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1817 (By Morrison), Congratulating Larry Wheeler of Victoria on his retirement as a Walgreens store manager and pharmacist.

To Rules and Resolutions.

HR 1818 (By Murphy), Commemorating the 40th anniversary of Houston Community College.

To Rules and Resolutions.

HR 1820 (By Hunter), Congratulating Martha McLeod of the Fulton 4-5 Learning Center in Rockport on her receipt of the Presidential Award for Excellence in Science Teaching for the State of Texas.

To Rules and Resolutions.

HR 1821 (By Madden), In memory of Rhonda H. Picon of Plano.

To Rules and Resolutions.

HR 1822 (By Guillen), Honoring John Eric Pena on his 51st birthday.

To Rules and Resolutions.

HR 1823 (By Carter), Congratulating Katherine Ruth Seitz of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1824 (By Carter), Congratulating Rabbi Yerachmiel D. Fried on his selection as an Outstanding Community Leader by the Texas Legislative Black Caucus.

To Rules and Resolutions.

HR 1825 (By Carter), Congratulating Lois Finkelman on being appointed as head of the Dallas Gas Drilling Task Force.

To Rules and Resolutions.

HR 1826 (By Carter), Congratulating Amelia Catherine Mugavero of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1827 (By Carter), Congratulating Victoria Knight of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1828 (By Carter), Congratulating Carly H. Kaplan of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1829 (By Carter), Congratulating Allison Claire Marie Golden of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1830 (By Carter), Congratulating Dana LeeAnn Flinn of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1831 (By Carter), Congratulating Jillian Fisher of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1832 (By Carter), Congratulating Katherine Dodgen of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1833 (By Carter), Congratulating Julia Anne Dankberg of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1834 (By Carter), Recognizing May 2011 as Tuberos Sclerosis Complex Awareness Month in Texas.

To Rules and Resolutions.

HR 1835 (By Menendez), Honoring Michael Gerber for his service as executive director of the Texas Department of Housing and Community Affairs.

To Rules and Resolutions.

HR 1836 (By Craddick), Congratulating J. B. and Lorene Woodruff of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1838 (By Harper-Brown), Congratulating the Bowie Middle School seventh-grade boys' track team on winning the 2011 Irving ISD city championship.

To Rules and Resolutions.

HR 1839 (By Muñoz), Honoring R. P. "Bob" Sanchez for his distinguished career and his service to his community, state, and nation.

To Rules and Resolutions.

HR 1840 (By Muñoz), Honoring Dr. Cayetano E. Barrera III of McAllen for his distinguished medical career and service to his community.

To Rules and Resolutions.

HR 1841 (By S. King), In memory of former state representative David Graves Stubbeman.

To Rules and Resolutions.

HR 1842 (By Veasey), Congratulating Dorothy Louise Stewart on her retirement from the Fort Worth Independent School District.

To Rules and Resolutions.

HR 1843 (By Solomons), Honoring Harmony School of Innovation in Carrollton.

To Rules and Resolutions.

HR 1844 (By Hopson), Congratulating Cord Fletcher of Henderson High School on winning the UIL state wrestling championship in the 215-pound weight class.

To Rules and Resolutions.

HR 1845 (By Madden), Congratulating John Roach on his retirement as district attorney of Collin County.

To Rules and Resolutions.

HR 1846 (By Woolley), Congratulating Benjamin McPhaul on his graduation from The University of Texas at Austin.

To Rules and Resolutions.

HR 1847 (By Woolley), Congratulating Carson Elizabeth Brown of Houston on her graduation from Episcopal High School and her admission to the University of Mississippi.

To Rules and Resolutions.

HR 1848 (By Margo), Congratulating Ellen Negrete of Polk Elementary School in El Paso on being named the Region 19 Nurse of the Year by the Texas School Nurses Organization.

To Rules and Resolutions.

HR 1849 (By Margo), In memory of Frank Gillespie McKnight.

To Rules and Resolutions.

HR 1850 (By Perry), Congratulating Dean B. Stanzone II on his graduation from the Institute for Court Management's Court Executive Development Program.

To Rules and Resolutions.

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

To Culture, Recreation, and Tourism.

HR 1956 (By Dutton), Honoring the Galveston/Houston Archdiocesan Council of Catholic Women.

To Rules and Resolutions.

HR 1957 (By Dutton), Congratulating Cleo Johnson Ashley of Houston on her 100th birthday.

To Rules and Resolutions.

SB 40 to Higher Education.

SB 146 to State Affairs.

SB 197 to Transportation.

SB 200 to Higher Education.

SB 303 to County Affairs.

SB 371 to Pensions, Investments, and Financial Services.

SB 467 to Natural Resources.

SB 471 to Public Education.

SB 649 to Urban Affairs.

SB 669 to State Affairs.

SB 765 to Natural Resources.

SB 975 to Higher Education.

SB 995 to Licensing and Administrative Procedures.

SB 1073 to Natural Resources.

SB 1074 to Natural Resources.

SB 1114 to Public Education.

SB 1330 to Transportation.

SB 1360 to Public Health.

SB 1449 to Human Services.

SB 1493 to Defense and Veterans' Affairs.

SB 1610 to Transportation.

SB 1611 to Transportation.

SB 1616 to Criminal Jurisprudence.

SB 1671 to Pensions, Investments, and Financial Services.

SB 1735 to Insurance.

SB 1809 to State Affairs.

SB 1829 to State Affairs.

SB 1857 to Public Health.

SB 1866 to State Affairs.

SB 1880 to Natural Resources.

SB 1881 to Natural Resources.

SB 1906 to County Affairs.

SB 1907 to State Affairs.

SB 1922 to Land and Resource Management.

SCR 32 to Select State Sovereignty.

SCR 53 to Rules and Resolutions.

List No. 2

SB 5 to Higher Education.

List No. 3

SB 1213 to Insurance.

SB 1265 to Public Health.

SB 1285 to Pensions, Investments, and Financial Services.

SB 1581 to Appropriations.

SB 1588 to Appropriations.

SIGNED BY THE SPEAKER

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

Senate List No. 26

SB 887

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

Wednesday, May 11, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 564 Craddick SPONSOR: Seliger
Relating to maintenance of portable fire extinguishers in government-owned vehicles in certain local governmental jurisdictions.

HB 716 Miller, Sid SPONSOR: Fraser
Relating to the taking of certain feral hogs and coyotes using a helicopter.
(Committee Substitute)

HB 994 Castro SPONSOR: Zaffirini
Relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

HB 1112 Phillips SPONSOR: Nichols
Relating to the authority and powers of regional mobility authorities.
(Committee Substitute/Amended)

HB 1251 Deshotel SPONSOR: Williams
Relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.

HCR 157 Hughes SPONSOR: Eltife
Congratulating Bill and Marlena Terry of White Oak on the occasion of their 50th wedding anniversary.

SB 197 West
Relating to the compulsory inspection of motor vehicles; providing penalties.

SB 975 Hinojosa
Relating to the operation of dropout recovery programs by certain public junior colleges in partnership with school districts.

SB 995 Fraser
Relating to the sale of souvenir bottles of distilled spirits by the holder of a distiller's and rectifier's permit.

SB 1074 Jackson
Relating to water districts' authority to set rates and a presumption of validity.

SB 1360 Harris
Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

SB 1493 Uresti
Relating to the directors of a defense base management authority and to a study on the effectiveness of the authority.

SB 1610 Lucio
Relating to seat belt requirements for certain vehicles.

SB 1611 Wentworth
Relating to the funding of projects in the boundaries of certain intermunicipal commuter rail districts.

SB 1829 Wentworth

Relating to the application of the public information law to chambers of commerce and nonprofit corporations that provide economic services to a governmental body.

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

SB 748 (31 Yeas, 0 Nays)

SB 1107 (29 Yeas, 2 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 11, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1265 Uresti

Relating to the accreditation of paramedic training programs.

SB 1588 Ogden

Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 10

Agriculture and Livestock - **SB 1480**

Business and Industry - **SB 238, SB 472, SB 1320**

Corrections - **HB 2650, HB 3538**

Culture, Recreation, and Tourism - **SB 810, SB 958**

Defense and Veterans' Affairs - **SB 356**

Economic and Small Business Development - **SB 304**

Environmental Regulation - **HB 2639**

Human Services - **SB 221**

Judiciary and Civil Jurisprudence - **SB 533**

Natural Resources - **SB 1290, SB 1625**

Public Health - **SB 190, SB 510, SB 613, SB 761, SB 795, SB 796, SB 1661**

State Affairs - **SB 375, SB 652, SB 1504**

Technology - **SB 442, SB 988**

Urban Affairs - **HB 1055, HB 3735**

Ways and Means - **SB 449, SB 803, SB 804, SJR 16**

ENGROSSED

May 10 - HB 274

ENROLLED

May 10 - HB 571, HB 610, HB 1806, HB 1832, HB 2785, HCR 116, HCR 139

SENT TO THE GOVERNOR

May 10 - HB 74