

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SEVENTH DAY — MONDAY, APRIL 27, 2009

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

The roll of the house was called and a quorum was announced present (Record 328).

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

Absent, Excused — Bonnen.

Absent — Martinez; McClendon.

The invocation was offered by John Meadow, pastor, First Baptist Church, Euless, as follows:

Dear Father in heaven, I come to you in Jesus' name today asking you to bless this day and this session of the Texas House of Representatives. Since you have declared that "there is no authority except from God, and those which exist are established by God," (Romans 13:1) we recognize that these men and women are here because you, ultimately, want them to be. I pray that today they may have a sense of representing the people of their district, but also a sense of representing that which is good, fair, and right. Impress on their hearts and minds their accountability to the people, and ultimately their accountability to you.

Father, there is no question that we live in challenging times where men and women are looking to you and to their government for hope and help. We face economic challenges that most of us have never known. There are hurting and worried people throughout our state and country. To help address those needs, you have given the men and women in this room the power to do good, to exercise the resources of this great state in helping govern and guide the citizens of Texas, both now and future. Help them as they attempt to do that. They need wisdom that is greater than natural and earthly wisdom. Your word promises that, "If any man lacks wisdom, let him ask of God, who gives to all generously and without reproach." (James 1:5) I ask you today on their behalf, give them wisdom to see and do what needs to be done. Help them be able to discern the motives of each proposal, and the ultimate outcomes. Give them wisdom to see what is "pure, peaceable, gentle, reasonable, full of mercy and good fruit, unwavering, and without hypocrisy." (James 3:17)

I ask you today to allow these men and women to put their combined wisdom, discernment, and insights together in such a way so that they may find unifying ways to address issues. We know that "a house divided against itself cannot stand." The challenge they face today and every day is to find ways to "seek peace and pursue it" (Psalm 34:14) in the midst of proposals, bills, and amendments where it is difficult to find common ground. Give them that ability.

God, today I ask you to be with each representative in a real and tangible way. I ask you to bless their lives and protect them from harm. I ask that you be with their families and their homes while they serve here in Austin. I pray for their marriages and their friendships. I ask that you let them remember that there are many good people who pray for them regularly and believe that what they do is important and significant.

Finally, I ask you to fulfill your word in Psalm 34. "The one who desires life, to love and see good days, must keep his tongue from evil and his lips from speaking deceit. He must turn away from evil and do good; he must seek peace and pursue it. For the eyes of the Lord are toward the righteous, and his ears attend to their prayer, but the face of the Lord is against those who do evil." (Psalm 34:12-14) Father, hear this prayer today, and I ask this in Jesus' mighty name. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative F. Brown who presented Dr. Kurt Davis and Dr. David McClellan of Bryan as the "Doctors for the Day."

The house welcomed Drs. Davis and McClellan and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Thompson in the chair)

MESSAGE FROM THE SENATE

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

LEAVE OF ABSENCE GRANTED

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

Bonnen on motion of Ritter.

**HR 1588 - ADOPTED
(by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1588**.

The motion prevailed.

The following resolution was laid before the house:

HR 1588, In memory of Dwain "Duby" English of Abilene.

HR 1588 was read and was unanimously adopted by a rising vote.

**HR 948 - PREVIOUSLY ADOPTED
(by S. King)**

The chair laid out the following previously adopted resolution:

HR 948, Congratulating the Taylor Electric Cooperative on its 70th anniversary.

**HR 1562 - ADOPTED
(by Zerwas)**

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 1562**.

The motion prevailed.

The following resolution was laid before the house:

HR 1562, Recognizing April 27, 2009, as Prairie View A&M University Day at the State Capitol.

HR 1562 was adopted.

**HR 1583 - ADOPTED
(by Driver)**

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 1583**.

The motion prevailed.

The following resolution was laid before the house:

HR 1583, Recognizing April 27, 2009, as Ron White Day.

HR 1583 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Driver who introduced Ron White and members of his family and friends. Mr. White briefly addressed the house.

HR 1466 - ADOPTED (by Zerwas)

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 1466**.

The motion prevailed.

The following resolution was laid before the house:

HR 1466, Commending the Reverend Alvertice Bowdre, Jr., for his service as a member of the Prairie View Volunteer Fire Fighting Association.

HR 1466 was adopted.

(Martinez and McClendon now present)

LEAVE OF ABSENCE GRANTED

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

Hancock on motion of J. Davis.

INTRODUCTION OF GUESTS

The chair recognized Representative Corte who introduced Captain Travis Patterson and his father, Lieutenant Colonel Jerry Patterson (ret.).

HR 8 - ADOPTED (by Dukes, Thompson, and Allen)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 8**.

The motion prevailed.

The following resolution was laid before the house:

HR 8, Recognizing April 27, 2009, as Alpha Kappa Alpha Day at the State Capitol.

HR 8 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 8** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dukes who introduced members of Alpha Kappa Alpha Sorority, Incorporated.

(Oliveira in the chair)

HR 1548 - ADOPTED
(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1548**.

The motion prevailed.

The following resolution was laid before the house:

HR 1548, Commemorating the grand opening of the North Lake College South Campus in Irving.

HR 1548 was adopted.

HR 1551 - ADOPTED
(by Coleman)

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 1551**.

The motion prevailed.

The following resolution was laid before the house:

HR 1551, Recognizing April 27, 2009, as Texas Southern University Day at the State Capitol.

HR 1551 was adopted.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 1551** as signers thereof.

HR 1594 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1594**.

The motion prevailed.

The following resolution was laid before the house:

HR 1594, Welcoming members of Leadership Mission to the State Capitol and honoring them for their community service.

HR 1594 was adopted.

On motion of Representative Gonzales, the names of all the members of the house were added to **HR 1594** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Flores who introduced members of Leadership Mission.

HR 1584 - ADOPTED
(by Chisum)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 1584**.

The motion prevailed.

The following resolution was laid before the house:

HR 1584, Congratulating the High Ground of Texas on its 20th anniversary.

HR 1584 was adopted.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 1584** as signers thereof.

HR 1567 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 1567**.

The motion prevailed.

The following resolution was laid before the house:

HR 1567, Honoring Dr. Paul G. Cunningham on his retirement as a general superintendent for the Church of the Nazarene.

HR 1567 was adopted.

LEAVE OF ABSENCE GRANTED

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

Laubenberg on motion of Paxton.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 1147 (by Bolton), Honoring the Bedichek Junior Marine Corps program at Bedichek Middle School in Austin.

HR 1347 (by Kent, Button, and Vaught), Honoring Ginger Tonne, president of the Richardson ISD Council of PTAs, for her service to Richardson schools.

HR 1348 (by Riddle), Honoring Kevin Petroff of the Harris County District Attorney's Office on his 36th birthday.

HR 1349 (by Eissler), Congratulating The Woodlands High School Highsteppers on being named Grand Champions at the Champion National Dance/Drill Team Competition.

HR 1350 (by Eissler), Congratulating The Woodlands High School boys' cross-country team on winning the 2008 UIL 5A state championship.

HR 1351 (by Eissler), Congratulating The Woodlands High School girls' cross-country team on winning the 2008 UIL 5A state championship.

HR 1352 (by Eissler), Congratulating The Woodlands High School girls' swimming and diving team on winning the 2009 UIL 5A state championship.

HR 1353 (by Eissler), Honoring the Hughes Christensen Company of The Woodlands on its 100th anniversary.

HR 1354 (by Eissler), Congratulating The Woodlands High School on winning the 2007-2008 University Interscholastic League 5A Lone Star Cup.

HR 1355 (by Castro), Congratulating Jordan David Schmucker of San Antonio on becoming an Eagle Scout.

HR 1356 (by Castro), Congratulating Christopher James Moritz of San Antonio on becoming an Eagle Scout.

HR 1357 (by C. Turner), Congratulating Liz Adetiba on winning first place in the 2009 Fort Worth Star-Telegram Regional Spelling Bee.

HR 1358 (by C. Turner), Honoring Jack Yarborough of Crowley on attaining the rank of Eagle Scout.

HR 1359 (by Cook), Congratulating the boys' basketball team of Slocum High School in Elkhart on winning the UIL 1A Division 2 state championship.

HR 1361 (by Bohac), Congratulating Antonio Campos of Houston on the occasion of his 103rd birthday.

HR 1362 (by Bohac), Congratulating Andrew Joseph Hoffart of Houston on attaining the rank of Eagle Scout.

HR 1364 (by Bohac), Honoring Ryan Austin Kattchee on attaining the rank of Eagle Scout.

HR 1367 (by Castro), Congratulating Steven Joseph Hemberger of Earl Warren High School in San Antonio on being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

HR 1368 (by Castro), Congratulating Valerie Garza of Earl Warren High School in San Antonio on being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

HR 1369 (by Castro), Congratulating Esteban Hinojosa of Communications Arts High School in San Antonio on being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

HR 1370 (by Castro), Congratulating Joshua Redwine of Earl Warren High School in San Antonio on being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

HR 1371 (by Castro), Congratulating Paul Lozano of Earl Warren High School in San Antonio on being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

HR 1372 (by Castro), Congratulating Matthew Sanchez of Communications Arts High School in San Antonio on being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

HR 1373 (by Castro), Congratulating Kaileigh Castillo of Communications Arts High School in San Antonio on being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

HR 1374 (by Castro), Congratulating Joshua C. Ruder of Communications Arts High School in San Antonio on being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

HR 1375 (by C. Turner), Congratulating Jackson Eudy of Arlington on becoming an Eagle Scout.

HR 1376 (by C. Turner), Congratulating Eddy and Sheila Jones of Kennedale on the occasion of their 45th wedding anniversary.

HR 1379 (by Hamilton), Congratulating Angela Grisham of Sour Lake for saving the life of a choking child with the Heimlich maneuver.

HR 1385 (by Castro), Commemorating the opening of the Elvira Cisneros Senior Community Center in San Antonio.

HR 1386 (by Castro), Congratulating Sylvia Wolff and Irma Flores on the expansion of their business, Custom Crush Winery, in San Antonio.

HR 1387 (by Castro), Congratulating John Boudreau of San Antonio on the establishment of his business, A&T Assets, LLC.

HR 1388 (by Hopson), Congratulating Thomas L. Johnson and Katherine P. Miller of Austin on their wedding.

HR 1392 (by Craddick), Honoring Paul and Kay Gilbert of Lubbock on their 50th wedding anniversary.

HR 1393 (by Craddick), Congratulating Clayton Williams, Jr., on his receipt of the Texas A&M University Michel T. Halbouty Geosciences Medal.

HR 1394 (by Hughes), Congratulating Edward and Margery Grimes of Mineola on the occasion of their 50th wedding anniversary.

HR 1395 (by Flynn), Welcoming the students of Lighthouse Christian Academy in Canton to the State Capitol on April 17, 2009.

HR 1396 (by Button and Kent), Congratulating Charles and Ann Eisemann on earning the first Excellence in Education Award from the Richardson ISD Excellence in Education Foundation.

HR 1398 was withdrawn.

HR 1399 (by Paxton), Commemorating the Ride for Relief Nursery of Collin County on April 25, 2009.

HR 1401 (by S. Turner), Congratulating the Knights of Peter Claver, Inc., on its centennial, commemorating the organization's 94th Annual Convention, and recognizing August 3, 2009, as the Knights of Peter Claver Day.

HR 1406 (by Marquez), Congratulating Dr. Jose Antonio Marquez of El Paso on his 70th birthday.

HR 1408 (by Marquez), Commending the El Paso chapter of Project Linus.

HR 1409 (by Marquez), Congratulating Daniel Novick of El Paso on his awards from the Texas Associated Press Broadcasters.

HR 1410 (by Marquez), Honoring Jaime Esparza for his distinguished service as district attorney of El Paso, Culberson, and Hudspeth Counties.

HR 1411 (by Marquez), Congratulating Richard D. Wiles on his election as sheriff of El Paso County.

HR 1412 (by Marquez), Congratulating Gregory Allen on his 2008 appointment as Chief of Police for the City of El Paso.

HR 1413 (by T. Smith), Honoring Bob Whistler for his community service in the city of Bedford.

HR 1416 (by Chavez), Honoring Paul J. Strelzin of El Paso for his work as an educator, civil rights activist, and broadcaster.

HR 1418 (by Hughes), Congratulating Paul and Gay Ingram of Big Sandy on the occasion of their 50th wedding anniversary.

HR 1420 (by Hughes), Congratulating Bobby Kenneth and Margaret Aldridge of Mineola on their 50th wedding anniversary.

HR 1423 (by T. Smith), Congratulating Paul and Connie McDonald of Bedford on their 50th wedding anniversary.

HR 1426 (by Marquez), Honoring county attorney of El Paso County Jose Rodriguez for his service to his fellow residents.

HCR 178 (by Isett), Congratulating Louise Hopkins Underwood of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

HCR 179 (by Isett), Congratulating Margarita Olivarez of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 966 (by Zerwas), In memory of noted Texas writer Horton Foote.

HR 1360 (by Bohac), In memory of Clara F. Santikos of Houston.

HR 1363 (by Bohac), In memory of William Butcher of Houston.

HR 1365 (by Bohac), In memory of Ronald Eugene "Butch" Parker of Houston.

HR 1378 (by Hamilton), In memory of retired state district judge Drew O'Neal Bacon of Newton.

HR 1380 (by Hamilton), In memory of Harold Newton "Newt" Hopkins of Silsbee.

HR 1381 (by Hamilton), In memory of Clester Ray "Buddy" Moore of Kountze.

HR 1384 (by Castro), Honoring the life of Fay Sinkin of San Antonio.

HR 1390 (by Farabee), Honoring the life of former Wichita Falls police chief Curtis R. Harrelson.

HR 1400 (by Hilderbran), In memory of U.S. Army Corporal Javier G. Paredes of San Antonio.

HR 1407 (by Marquez), In memory of Betty Gayle "Bucky" Bowen of El Paso.

HR 1421 (by Hughes), In memory of Wilburn Carrol Maynard of Hawkins.

HR 1425 (by Marquez), In memory of El Paso community activist Juanita McCray.

HCR 165 (by Homer), In memory of Gratie Mae Potts of Clarksville.

HCR 185 was withdrawn.

HCR 186 was withdrawn.

The resolutions were unanimously adopted by a rising vote.

POSTPONED BUSINESS

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

HB 1462 ON THIRD READING (by Pickett, Herrero, Moody, and Guillen)

HB 1462, A bill to be entitled An Act relating to leave for certain state employees who volunteer or participate in training for Court Appointed Special Advocates.

HB 1462 was read third time on April 24 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Christian offered the following amendment to **HB 1462**:

Amend **HB 1462** on third reading as follows:

On page 1, line 10, after "Advocates", insert "or any charitable organization eligible to participate in the state employee charitable contribution campaign as provided by Section 659.146 of the Government Code".

Amendment No. 1 - Point of Order

Representative Pickett raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

(Speaker in the chair)

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representatives McReynolds and Madden offered the following amendment to **HB 1462**:

Amend **HB 1462** on page 1, line 12, after the period by inserting the following:

This section does not apply to an employee of the Texas Youth Commission, the Texas Juvenile Probation Commission, or the Texas Department of Criminal Justice.

Amendment No. 2 was adopted.

HB 1462, as amended, was passed by (Record 329): 87 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Kent; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Otto; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, W.; Solomons; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Isett; Jones; Keffer; King, P.; Kleinschmidt; Kolkhorst; Legler; Lewis; Miller, D.; Miller, S.; Morrison; Orr; Parker; Patrick; Paxton; Phillips; Riddle; Rios Ybarra; Sheffield; Shelton; Smith, T.; Smithee; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen; Hancock; Laubenberg.

Absent — Merritt; Vaught.

STATEMENTS OF VOTE

I was shown voting no on Record No. 329. I intended to vote yes.

Branch

I was shown voting yes on Record No. 329. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 329. I intended to vote no.

W. Smith

SB 482 ON SECOND READING (Chisum - House Sponsor)

SB 482, A bill to be entitled An Act relating to the Texas Holocaust and Genocide Commission.

SB 482 was considered in lieu of **HB 795** .

SB 482 was read second time.

Representative Chisum moved to postpone consideration of **SB 482** until 2 p.m. today.

The motion prevailed.

HB 1833 ON SECOND READING**(by Hughes)**

HB 1833, A bill to be entitled An Act relating to the electronic storage of records by the clerks of the supreme court and the courts of appeals.

HB 1833 was read second time on April 20 and was postponed until 10 a.m. today.

Representative Hughes moved to postpone consideration of **HB 1833** until 10 a.m. Wednesday, April 29.

The motion prevailed.

HB 462 ON SECOND READING**(by Eissler, Guillen, et al.)**

HB 462, A bill to be entitled An Act relating to the use of personal leave by a public school employee.

HB 462 was read second time on April 21 and was postponed until 10 a.m. today.

Representative Eissler moved to postpone consideration of **HB 462** until 2 p.m. today.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 20 and Senate List No. 20).

(Farabee in the chair)

CSHB 2774 ON SECOND READING**(by Truitt)**

CSHB 2774, A bill to be entitled An Act relating to the licensing and regulation of certain persons involved in residential mortgage lending; providing a penalty.

CSHB 2774 was read second time on April 23 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2774**:

Amend **CSHB 2774** as follows:

(1) On page 2, strike lines 1-3 and substitute the following:

SECTION 4. Sections 156.104(a), (b), and (h), Finance Code, are amended to read as follows:

(2) On page 2, strike lines 6-25 and substitute the following:

(b) The advisory committee is composed of six members [~~to be~~] appointed by ~~as follows:~~

~~[(1)] the commissioner. Each of the members must be [shall appoint four members, each of whom]:~~

~~(1) under the regulatory authority of the department [(A) must hold a mortgage broker license];~~

~~(2) [(B) is] actively engaged in the business of originating, brokering, or funding residential mortgage loans at the time of appointment; and~~

~~(3) [(C) has been] primarily engaged in the business of originating, brokering, or funding residential mortgage loans for at least two years before the member's appointment[; and~~

~~[(2) the Texas Real Estate Commission shall appoint two members, each of whom must hold a real estate broker or salesperson license].~~

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

SECTION _____. Effective April 1, 2010, Section 156.104, Finance Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The members of the committee must include:

(1) three individuals licensed as residential mortgage loan originators under this chapter, one of whom must hold an active real estate broker or salesperson license issued under Chapter 1101, Occupations Code; and

(2) three individuals licensed as residential mortgage loan originators under Chapter 157, one of whom must hold an active real estate broker or salesperson license issued under Chapter 1101, Occupations Code.

(4) On page 3, lines 25 and 26, strike "Sections 156.204(a) and (c), Finance Code, are amended" and substitute "Section 156.204, Finance Code, is amended by amending Subsections (a) and (c) and adding Subsection (f)".

(5) Strike page 5, line 23, through page 6, line 8, and substitute the following:

(9) provide the commissioner with satisfactory evidence that:

(A) if the individual [person] has not been previously licensed as a mortgage broker or a loan officer under this subchapter, the individual [person] has completed 90 [classroom] hours of education courses approved by the commissioner under this section; or

(B) if the individual [person] has not been previously licensed as a mortgage broker under this subchapter but has been licensed as a loan officer under this subchapter, the individual [person] has successfully completed an additional 30 [classroom] hours of education courses approved by the commissioner under this section.

(6) Strike page 6, line 16, through page 7, line 12, and substitute the following:

(4) provide the commissioner with satisfactory evidence that the applicant satisfies one of the following:

(A) the person ~~[meets one of the requirements described by Subsection (a)(4) and]~~ has successfully completed at least 60 [classroom] hours of education courses approved by the commissioner; ~~[under this section;]~~

~~(B) the person [has 18 months of experience as a loan officer as evidenced by documentary proof of full-time employment as a loan officer with a person exempt under Section 156.202 and] has successfully completed 30 [classroom] hours of education courses approved by the commissioner under this section if the applicant:~~

(i) has 18 months or more of experience as a mortgage loan officer as evidenced by documentary proof of full-time employment as a mortgage loan officer with a person exempt under Section 156.202; or

(ii) is a person who meets the qualifications under Subsection (a)(4)(B); or

(C) the person holds an active mortgage broker license issued under this chapter [for applications received prior to January 1, 2000, the mortgage broker that will sponsor the applicant provides a certification under oath that the applicant has been provided necessary and appropriate education and training regarding all applicable state and federal law and regulations relating to mortgage loans];

(7) On page 8, between lines 1 and 2, insert the following:

(f) Subsection (c) and this subsection expire January 1, 2011.

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

SECTION ____. Effective January 1, 2011, Section 156.204, Finance Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) To be eligible to be licensed as a loan officer a person must:

(1) be an individual who is at least 18 years of age;

(2) be a citizen of the United States or a lawfully admitted alien;

(3) designate in the application the name of the mortgage broker sponsoring the loan officer;

(4) provide the commissioner with satisfactory evidence that the applicant satisfies one of the following:

(A) the person has successfully completed at least 60 hours of education courses approved by the commissioner;

(B) the person has successfully completed 30 hours of education courses approved by the commissioner under this section if the applicant has 18 months or more of experience as a residential mortgage loan originator as evidenced by documentary proof of full-time employment; or

(C) the person holds an active license as a residential mortgage loan originator under Chapter 157 and has held that license for a minimum of one year;

(5) not have been convicted of a criminal offense that the commissioner determines directly relates to the occupation of a loan officer as provided by Chapter 53, Occupations Code;

(6) satisfy the commissioner as to the individual's good moral character, including the individual's honesty, trustworthiness, and integrity;

(7) provide the commissioner with satisfactory evidence of having passed an examination, offered by a testing service or company approved by the finance commission, that demonstrates knowledge of:

(A) the mortgage industry; and
(B) the role and responsibilities of a loan officer; and
(8) not be in violation of this chapter, a rule adopted under this chapter,
or any order previously issued to the individual by the commissioner.

(9) On page 8, line 21, strike "Subsection (k)" and substitute "Subsections (k) and (l)".

(10) On page 11, between lines 12 and 13, insert the following:

(l) Subsections (a) and (b) and this subsection expire January 1, 2011.

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

SECTION ____ . Effective January 1, 2011, Section 156.208, Finance Code, is amended by adding Subsections (a-1) and (b-1) to read as follows:

(a-1) A mortgage broker license issued under this chapter is valid for a term of not more than two years and may be renewed on or before its expiration date if the mortgage broker:

(1) pays to the commissioner a renewal fee in an amount determined by the commissioner not to exceed \$375 and a recovery fund fee provided by Section 156.502;

(2) has not been convicted of a criminal offense the commissioner determines is directly related to the occupation of a mortgage broker as provided by Chapter 53, Occupations Code; and

(3) provides the commissioner with satisfactory evidence that the mortgage broker has attended, during the term of the current license, continuing education courses in accordance with the applicable requirements of Chapter 180.

(b-1) A loan officer license issued under this chapter is valid for a term of not more than two years and may be renewed on or before its expiration date if the loan officer:

(1) pays to the commissioner a renewal fee in an amount determined by the commissioner not to exceed \$275 and a recovery fund fee provided by Section 156.502;

(2) has not been convicted of a criminal offense the commissioner determines is directly related to the occupation of a loan officer as provided by Chapter 53, Occupations Code; and

(3) provides the commissioner with satisfactory evidence that the loan officer has attended, during the term of the current license, continuing education courses in accordance with the applicable requirements of Chapter 180.

(12) On page 12, strike lines 10-15 and substitute the following:

(4) pay an annual registration fee in an amount determined as follows [of the lesser of]:

(A) if the registered financial services company has 2,000 or fewer exclusive agents acting in this state, an amount equal to the lesser of:

(i) one-half of the license fee for a loan officer under Section 156.203(c)(1), multiplied by the number of exclusive agents under contract to act for the person in this state; or

(ii) ~~(B)~~ \$200,000;

(B) if the registered financial services company has at least 2,001 but not more than 2,500 exclusive agents acting in this state, \$225,000;

(C) if the registered financial services company has at least 2,501 but not more than 3,000 exclusive agents acting in this state, \$250,000;

(D) if the registered financial services company has at least 3,001 but not more than 5,000 exclusive agents acting in this state, \$300,000; or

(E) if the registered financial services company has at least 5,001 exclusive agents acting in this state, \$350,000; and

Amendment No. 1 was adopted.

CSHB 2774, as amended, was passed to engrossment.

(Speaker in the chair)

CSHB 3971 ON SECOND READING
(by Ritter, Lucio, Homer, Bonnen, and Peña)

CSHB 3971, A bill to be entitled An Act relating to the funding of certain activities of the General Land Office pertaining to the management of coastal public land.

CSHB 3971 was read second time on April 23, postponed until April 24, and was again postponed until 10 a.m. today.

Representative Ritter moved to postpone consideration of **CSHB 3971** until 10 a.m. Thursday, April 30.

The motion prevailed.

HB 1325 ON SECOND READING
(by Rios Ybarra, Lucio, et al.)

HB 1325, A bill to be entitled An Act relating to the degrees awarded by the Texas State Technical College System.

HB 1325 was read second time on April 24 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Rios Ybarra offered the following amendment to **HB 1325**:

Amend **HB 1325** (house committee printing) on page 2, line 9, between "College–Harlingen" and "if" by inserting "campus".

Amendment No. 1 was adopted.

HB 1325, as amended, was passed to engrossment.

CSHB 1490 ON SECOND READING
(by Driver, Menendez, et al.)

CSHB 1490, A bill to be entitled An Act relating to injury leave and related benefits for certain state peace officers injured in the course of performance of duty.

CSHB 1490 was read second time on April 24 and was postponed until 10 a.m. today.

Representative Menendez moved to postpone consideration of **CSHB 1490** until 10 a.m. Wednesday, April 29.

The motion prevailed.

CSHB 1093 ON SECOND READING
(by Pickett)

CSHB 1093, A bill to be entitled An Act relating to oversight of regional poison control centers and the poison control network.

CSHB 1093 was read second time on April 24 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Pickett offered the following amendment to **CSHB 1093**:

Amend **CSHB 1093** (House Committee Report) on page 4 of the bill by striking line 6 and substituting the following:

"~~General Hospital,~~ El Paso, El Paso County Hospital District;"

Amendment No. 1 was adopted.

CSHB 1093, as amended, was passed to engrossment. (Flynn recorded voting no.)

HB 677 ON SECOND READING
(by Hartnett)

HB 677, A bill to be entitled An Act relating to liability for a respondent's attorney's fees and costs incurred in defending against a sworn complaint filed with the Texas Ethics Commission.

HB 677 was read second time on April 24 and was postponed until 10 a.m. today.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, upon lunch recess today, 3W.9, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon lunch recess today, Desk 28, for a formal meeting, to consider **SB 778**.

RECESS

At 12:24 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 Oliveira.

HB 677 - (pending business)

(Speaker in the chair)

Amendment No. 1

Representative Hartnett offered the following amendment to **HB 677**:

Amend **HB 677** as follows:

- (1) On page 1, line 10, strike "60th" and substitute "30th".
- (2) On page 1, strike lines 12 through 18 and substitute the following:
 - (2) the respondent is a candidate in the election.

(3) Strike page 1, line 22, through page 2, line 4, and substitute the following:

liable for the respondent's reasonable and necessary attorney's fees and other costs incurred in defending against the complaint.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hartnett offered the following amendment to **HB 677**:

Amend **HB 677** as follows:

(1) On page 1, between lines 5 and 6, insert the following sections, appropriately numbered:

SECTION _____. Section 571.122, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) An individual must be a resident of this state to be eligible to file a sworn complaint with the commission. A copy of one of the following documents must be attached to the complaint:

(1) the complainant's driver's license or personal identification certificate issued under Chapter 521, Transportation Code, or commercial driver's license issued under Chapter 522, Transportation Code; or

(2) a utility bill, bank statement, government check, paycheck, or other government document that:

(A) shows the name and address of the complainant; and

(B) is dated not more than 30 days before the date on which the complaint is filed.

SECTION _____. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1221 to read as follows:

Sec. 571.1221. DISMISSAL OF COMPLAINT FILED AT DIRECTION OR URGING OF NONRESIDENT. At any stage of a proceeding under this subchapter, the commission shall dismiss the complaint if the commission determines that the complaint was filed at the direction or urging of a person who is not a resident of this state.

(2) On page 2, line 4, strike "Section 571.142, Government Code, as added by this Act, applies" and substitute "Section 571.122, Government Code, as amended by this Act, and Sections 571.1221 and 571.142, Government Code, as added by this Act, apply".

Amendment No. 2 was adopted. (Phillips recorded voting no.)

Amendment No. 3

Representative Heflin offered the following amendment to **HB 677**:

Amend **HB 677** as follows:

(1) On page 1, strike lines 21 and 22 and substitute "the commission's jurisdiction has not occurred and that the complaint is groundless and without merit, the complainant may be liable for:".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Solomons offered the following amendment to **HB 677**:

Amend **HB 677** on page 2, between lines 4 and 5 by inserting the following:

(c) This section does not apply to a sworn complaint regarding a reporting omission required by law.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Lewis offered the following amendment to **HB 677**:

Amend **HB 677** as follows:

(1) On page 1, between lines 5 and 6, insert the following new SECTION, appropriately numbered, and renumber the subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 571, Government Code, is amended by adding Section 571.0631 to read as follows:

Sec. 571.0631. RULES CONCERNING TECHNICAL AND CLERICAL VIOLATIONS. The commission shall adopt rules defining technical and clerical violations of laws within the commission's jurisdiction.

(2) On page 1, line 11, strike "and".

(3) On page 1, line 18, strike the period and substitute the following:

; and

(3) the complaint alleges a violation other than a technical or clerical violation.

Amendment No. 5 was adopted.

HB 677, as amended, was passed to engrossment by (Record 330): 84 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; England; Fletcher; Flores; Flynn; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hodge; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Legler; Lewis; Madden; McCall; McClendon; McReynolds; Merritt; Miller, D.; Miller, S.; Morrison; Oliveira; Orr; Otto; Parker; Patrick; Peña; Pickett; Pitts; Quintanilla; Riddle; Rios Ybarra; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Turner, S.; Vaught; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Crabb; Deshotel; Dukes; Dunnam; Eiland; Farabee; Farias; Farrar; Frost; Gallego; Geren; Guillen; Gutierrez; Hernandez; Herrero; Homer; Hopson;

Kent; Kolkhorst; Leibowitz; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miklos; Moody; Naishtat; Olivo; Ortiz; Phillips; Pierson; Raymond; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen; Hancock; Laubenberg.

Absent — Chavez; Davis, Y.; Dutton; Edwards; Hochberg; King, S.; Lucio; Paxton.

STATEMENTS OF VOTE

When Record No. 330 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

I was shown voting yes on Record No. 330. I intended to vote no.

England

When Record No. 330 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 330 was taken, I was in the house but away from my desk. I would have voted no.

Lucio

When Record No. 330 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

HB 1949 ON SECOND READING (by Rios Ybarra)

HB 1949, A bill to be entitled An Act relating to the issuance and execution of agriculture warrants; creating an offense.

HB 1949 was read second time on April 24 and was postponed until 10 a.m. today.

HB 1949 was passed to engrossment.

HB 774 ON SECOND READING (by T. Smith)

HB 774, A bill to be entitled An Act relating to procedures for the adoption of a municipal zoning regulation or zoning district boundary.

HB 774 was read second time on April 24 and was postponed until 10 a.m. today.

HB 774 was passed to engrossment.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

CSHB 10 ON SECOND READING

(by Solomons)

CSHB 10, A bill to be entitled An Act relating to the regulation of residential mortgage loan originators; providing a penalty.

Amendment No. 1

Representative Cook offered the following amendment to **CSHB 10**:

Amend **CSHB 10** as follows:

- (1) On page 8, line 12, strike "and".
- (2) On page 8, line 15, strike the period and substitute "; and".
- (3) On page 8, between lines 15 and 16, insert the following:

(6) a nonprofit organization providing self-help housing that originates zero interest residential mortgage loans for borrowers who have provided part of the labor to construct the dwelling securing the loan.

Amendment No. 1 was adopted.

CSHB 10, as amended, was passed to engrossment.

CSHB 2447 ON SECOND READING

(by Flynn, Otto, Kolkhorst, McClendon, and Harper-Brown)

CSHB 2447, A bill to be entitled An Act relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation.

(Bonnen now present)

(Farabee in the chair)

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 2447**:

Amend **CSHB 2447** (House Committee Report) as follows:

(1) On page 6, lines 16-18, strike "assistance in prosecuting violations of the commission's rules or this chapter"

- (2) Renumber subsections accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Flynn offered the following amendment to **CSHB 2447**:

Amend **CSHB 2447** (House committee printing) on page 23, line 9, by striking "one member" and substituting "three members".

Amendment No. 2 was adopted.

CSHB 2447, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

SB 482 ON SECOND READING (Chisum - House Sponsor)

SB 482, A bill to be entitled An Act relating to the Texas Holocaust and Genocide Commission.

SB 482 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Chisum offered the following amendment to **SB 482**:

Amend **SB 482** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 442, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TEXAS HOLOCAUST AND GENOCIDE PROGRAM

Sec. 442.101. DEFINITIONS. In this subchapter:

(1) "Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such:

(A) killing members of the group;

(B) causing serious bodily or mental harm to members of the group;

(C) deliberately inflicting on the group conditions of life calculated to bring about the group's physical destruction in whole or in part;

(D) imposing measures intended to prevent births within the group;

or

(E) forcibly transferring children of the group to another group.

(2) "Holocaust" means the killing of approximately six million Jews and millions of other persons during World War II by the National Socialist German Workers' Party (Nazis) and Nazi collaborators as part of a state-sponsored, systematic program of genocide and other actions of persecution, discrimination, violence, or other human rights violations committed by the Nazis and Nazi collaborators against those persons.

Sec. 442.102. TEXAS HOLOCAUST AND GENOCIDE PROGRAM. (a) The commission shall:

(1) provide advice and assistance to public and private primary and secondary schools and institutions of higher education in this state regarding implementation of Holocaust and genocide courses of study and awareness programs;

(2) meet with appropriate representatives of public and private organizations, including service organizations, to provide information on and to assist in planning, coordinating, or modifying Holocaust and genocide courses of study and awareness programs;

(3) determine which, if any, existing Holocaust or other genocide memorials, exhibits, or other resources could be included in or used to support Holocaust and genocide courses of study and awareness programs;

(4) compile a list of volunteers, such as Holocaust or other genocide survivors, liberators of concentration camps, scholars, and members of the clergy, who have agreed to share, in classrooms, seminars, exhibits, or workshops, their verifiable knowledge and experiences regarding the Holocaust or other genocide;

(5) coordinate events in this state memorializing the Holocaust and other genocides on January 27, International Holocaust Remembrance Day, on the Days of Remembrance established by the United States Congress, or on any other day designated by the commission for that purpose; and

(6) solicit volunteers to participate in commemorative events designed to enhance public awareness of the continuing significance of the Holocaust and other genocides.

(b) In implementing Subsection (a)(3), the commission may contact and cooperate with:

(1) existing public or private Holocaust or other genocide resource organizations, including the United States Holocaust Memorial Museum;

(2) other museums, centers, and organizations based in this state;

(3) state agencies that carry out the educational functions of the state delegated under the Education Code, including the Texas Education Agency and the Texas Higher Education Coordinating Board; and

(4) members of the United States Congress and of the legislature of this state.

SECTION 2. This Act takes effect September 1, 2009.

Amendment No. 1 was adopted.

SB 482, as amended, was passed to third reading.

HB 795 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chisum moved to lay **HB 795** on the table subject to call.

The motion prevailed.

SB 522 ON SECOND READING

(Eissler - House Sponsor)

SB 522, A bill to be entitled An Act relating to the use of personal leave by a public school employee.

SB 522 was considered in lieu of **HB 462**.

SB 522 was read second time and was passed to third reading.

HB 462 - LAID ON THE TABLE SUBJECT TO CALL

Representative Eissler moved to lay **HB 462** on the table subject to call.

The motion prevailed.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

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

HJR 36 ON SECOND READING

(by Otto, et al.)

HJR 36, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead; and authorizing the legislature to authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations.

HJR 36 was adopted by (Record 331): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Hancock; Laubenberg.

Absent — Eiland; Hunter; King, S.; Oliveira.

STATEMENTS OF VOTE

When Record No. 331 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

When Record No. 331 was taken, my vote failed to register. I would have voted yes.

Oliveira

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).

CSHJR 77 ON SECOND READING

(by D. Howard, Anchia, Eissler, Chisum, Dutton, et al.)

CSHJR 77, A joint resolution proposing a constitutional amendment to create the Permanent School Fund Management Council to assume the duty of the State Board of Education to manage the permanent school fund.

CSHJR 77 - POINT OF ORDER

Representative Harper-Brown raised a point of order against further consideration of **CSHJR 77** under 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 D. Howard moved to postpone consideration of **CSHJR 77** until the end of today's calendar.

The motion prevailed.

GENERAL STATE CALENDAR**HOUSE BILLS****SECOND READING**

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

CSHB 2037 ON SECOND READING

(by D. Howard, Anchia, Branch, Eissler, Guillen, et al.)

CSHB 2037, A bill to be entitled An Act relating to the creation of the Permanent School Fund Management Council to manage the permanent school fund; providing a criminal penalty.

Representative D. Howard moved to postpone consideration of **CSHB 2037** until the end of today's calendar.

The motion prevailed.

HB 3147 ON SECOND READING

(by T. Smith and Guillen)

HB 3147, A bill to be entitled An Act relating to taking or attempting to take a weapon from a commissioned security officer.

HB 3147 was passed to engrossment.

HB 4293 ON SECOND READING

(by Branch)

HB 4293, A bill to be entitled An Act relating to notice to the attorney general of an action, suit, or proceeding challenging the validity of a Texas statute or rule.

Representative Cohen moved to postpone consideration of **HB 4293** until the end of today's calendar.

The motion prevailed.

HB 2347 ON SECOND READING
(by Thibaut and Guillen)

HB 2347, A bill to be entitled An Act relating to tuition and laboratory fee exemptions at public institutions of higher education for certain peace officers enrolled in criminal justice or law enforcement management-related course work.

Amendment No. 1

Representative Thibaut offered the following amendment to **HB 2347**:

Amend **HB 2347** on page 1, line 21, by striking "designed for peace officers".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Driver offered the following amendment to **HB 2347**:

Amend **HB 2347** as follows:

On line 18 in subsection (a)(2) after the word "by" add the words "the state or by".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Thibaut offered the following amendment to **HB 2347**:

Amend **HB 2347** (house committee report) by inserting the following on page 2, between lines 1 and 2:

(c) The Texas Higher Education Coordinating board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

Amendment No. 3 was adopted.

Representative Thibaut moved to postpone consideration of **HB 2347** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 2004 ON SECOND READING
(by McCall)

CSHB 2004, A bill to be entitled An Act relating to a breach of computer security involving sensitive personal information.

Amendment No. 1

Representative Dunnam offered the following amendment to **CSHB 2004**:

Amend **CSHB 2004** by inserting the following appropriately-numbered new SECTION:

SECTION _____. Amend Section 521.052, Business and Commerce Code, as added by Chapter 885 (**HB 2278**), Acts of the 80th Legislature, Regular Session, 2007, as follows:

(d) As used in this section, "business" includes a nonprofit athletic or sports association.

Amendment No. 1 was adopted.

CSHB 2004, as amended, was passed to engrossment.

CSHB 2465 ON SECOND READING

(by Chavez, Moody, and Guillen)

CSHB 2465, A bill to be entitled An Act relating to taking a deposition of an elderly or disabled victim of or witness to an offense.

CSHB 2465 was passed to engrossment.

CSHB 2507 ON SECOND READING

(by Chisum, Gallego, Merritt, Gonzales, Corte, et al.)

CSHB 2507, A bill to be entitled An Act relating to the establishment of an interoperable statewide emergency radio infrastructure and the establishment of an emergency radio infrastructure account.

CSHB 2507 was passed to engrossment.

CSHB 4031 ON SECOND READING

(by McCall)

CSHB 4031, A bill to be entitled An Act relating to the agricultural biomass and landfill diversion incentive program.

(Speaker in the chair)

Representative McCall moved to postpone consideration of **CSHB 4031** until 3:30 p.m. today.

The motion prevailed.

HB 3611 ON SECOND READING

(by Otto, Oliveira, Hilderbran, Heflin, Kolkhorst, et al.)

HB 3611, A bill to be entitled An Act relating to the consolidation of appraisal review boards.

HB 3611 was passed to engrossment.

CSHB 3612 ON SECOND READING
(by Otto, Oliveira, Villarreal, Gattis, Truitt, et al.)

CSHB 3612, A bill to be entitled An Act relating to the creation of a pilot program that allows taxpayer appeals from certain appraisal review board determinations in certain counties to be heard by the State Office of Administrative Hearings.

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 3612**:

Amend **CSHB 3612** on page 2, line 23, by striking "15th" and substituting "30th".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Otto offered the following amendment to **CSHB 3612**:

Amend **CSHB 3612** as follows:

- (1) On page 5, line 17, strike "or".
- (2) On page 5, between lines 17 and 18, insert:
(4) a registered property tax consultant; or
- (3) On page 5, line 18, strike "(4)" and substitute "(5)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Otto offered the following amendment to **CSHB 3612**:

Amend **CSHB 3612** as follows:

- (1) On page 8, lines 24 and 25, strike ", except that a party is not entitled to a jury trial".
- (2) On page 9, line 2, strike "Except as provided by Subsection (a), to" and substitute "To".

Amendment No. 3 was adopted.

CSHB 3612, as amended, was passed to engrossment.

HB 3613 ON SECOND READING
(by Otto, Oliveira, Paxton, Taylor, Peña, et al.)

HB 3613, A bill to be entitled An Act relating to the determination of the market value of a residence homestead for ad valorem tax purposes on the basis of the property's value as a residence homestead.

HB 3613 was passed to engrossment.

HB 3595 ON SECOND READING
(by McReynolds and Guillen)

HB 3595, A bill to be entitled An Act relating to the provision of drug court programs in this state.

HB 3595 was passed to engrossment.

CSHB 3231 ON SECOND READING
(by J. Davis and Guillen)

CSHB 3231, A bill to be entitled An Act relating to clarification of legislative intent regarding enrollment of newborns in Medicaid managed care plans and validating related acts and decisions.

CSHB 3231 was passed to engrossment.

CSHB 3450 ON SECOND READING
(by Legler, Anchia, W. Smith, et al.)

CSHB 3450, A bill to be entitled An Act relating to a temporary faculty license for chiropractic faculty.

Representative Legler moved to postpone consideration of **CSHB 3450** until 9 a.m. Friday, May 1.

The motion prevailed.

HB 3076 ON SECOND READING
(by Deshotel, Eissler, et al.)

HB 3076, A bill to be entitled An Act relating to a parenting and paternity awareness program used in the health curriculum for public schools.

Representative Deshotel moved to postpone consideration of **HB 3076** until 3:30 p.m. today.

The motion prevailed.

HB 3025 ON SECOND READING
(by Coleman, Leibowitz, and Naishtat)

HB 3025, A bill to be entitled An Act relating to regulation by a property owners' association of certain religious displays.

(Martinez Fischer in the chair)

Amendment No. 1

Representative Coleman offered the following amendment to **HB 3025**:

Amend **HB 3025** (House committee printing) as follows:

(1) On page 1, line 11, strike "entry to" and substitute "entry door or doorframe of"

(2) On page 1, line 13, strike ", including a mezuzah".

(3) On page 1, line 15, between "that" and "prohibits" insert ", to the extent allowed by the constitution of this state and the United States,"

(4) On page 1, line 18, strike "or"

(5) On page 1, line 20, between "person" and the period insert the following:

;

(4) is in a location other than the entry door or doorframe or extends past the outer edge of the doorframe of the owner's or resident's dwelling; or

(5) individually or in combination with each other religious item displayed or affixed on the entry door or doorframe has a total size of greater than 25 square inches

(6) On page 1, line 21, between "(c)" and "A" insert the following:
Except as otherwise provided by this section, this section does not authorize an owner or resident to use a material or color for an entry door or doorframe of the owner's or resident's dwelling or make an alteration to the entry door or doorframe that is not authorized by the restrictive covenants governing the dwelling.

(d)

Amendment No. 1 was adopted.

Amendment No. 2

Representative Chisum offered the following amendment to **HB 3025**:

Amend **HB 3025** (house committee printing) as follows:

- (1) On page 1, line 17, after the semicolon, insert "or".
- (2) On page 1, line 18, strike "; or" and substitute a period.
- (3) On page 1, strike lines 19 and 20.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Paxton offered the following amendment to **HB 3025**:

Amend **HB 3025** as follows:

On page 1, lines 12 and 13, strike "required to be displayed by a tenet of the owner's or resident's religion,"

Amendment No. 3 was adopted.

HB 3025, as amended, was passed to engrossment.

CSHB 2532 ON SECOND READING (by Bonnen)

CSHB 2532, A bill to be entitled An Act relating to coordinating information regarding the location of infrastructure to which the supply of electric service is critical to the public health and safety or for emergency management purposes.

CSHB 2532 was passed to engrossment.

CSHB 2572 ON SECOND READING (by Gonzalez Toureilles)

CSHB 2572, A bill to be entitled An Act relating to the authority of a gas corporation to use a public right-of-way.

Amendment No. 1

Representative Gonzalez Toureilles offered the following amendment to **CSHB 2572**:

Amend **CSHB 2572** (house committee printing) as follows:

(1) On page 1, line 8, between "over," and "under," insert "along."

(2) Add the following appropriately numbered SECTION and renumber other SECTIONS of the bill accordingly:

SECTION _____. Section 121.2025(a), Utilities Code, is amended to read as follows:

(a) Except as otherwise provided by this section or Section 182.025, Tax Code, a municipality may not assess a charge for the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal of a gas pipeline facility on, along, under, or across a public road, highway, street, alley, stream, canal, or other public way.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gonzalez Toureilles offered the following amendment to **CSHB 2572**:

Amend **CSHB 2572** (house committee printing) on page 1 of the bill, by striking lines 12 - 15 and substituting the following:

(b) The right granted by Subsection (a) relating to the use of a municipal street or alley is subject to the payment of charges in accordance with 121.2025 of this code, and Sections 182.025 and 182.026, Tax Code.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Burnam offered the following amendment to **CSHB 2572**:

Amend **CSHB 2572** by adding the following SECTION, appropriately numbered, and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 181, Utilities Code, is amended by adding Section 181.0045 to read as follows:

Sec. 181.0045. ROUTING OF CERTAIN GAS PIPELINES. The Railroad Commission of Texas shall adopt rules regarding the routing of gas pipelines by a person who gathers or transports natural gas. At a minimum, the rules must ensure that the proposed route of a pipeline and the proposed location of related facilities maximize, to the extent practicable, the use of existing easements and public rights-of-way, including streets, roads, highways, and utility rights-of-way.

Amendment No. 3 - Point of Order

Representative Hardcastle raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 3 was withdrawn.

Representative Gonzalez Toureilles moved to postpone consideration of **CSHB 2572** until the end of today's calendar.

The motion prevailed.

CSHB 2571 ON SECOND READING

(by Gonzales, T. Smith, Lucio, Martinez, and Leibowitz)

CSHB 2571, A bill to be entitled An Act relating to the licensing and regulation of towing companies and vehicle storage facilities; providing penalties.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 2571**:

Amend **CSHB 2571** (House committee printing) by adding the following appropriately numbered SECTION to the bill and amending remaining SECTIONS of the bill accordingly:

SECTION _____. Section 2303.155, Occupations Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

(b) Except as provided by Subsection (h), the [The] operator of a vehicle storage facility or governmental vehicle storage facility may charge the owner of a vehicle stored or parked at the facility:

(1) a notification fee set in a reasonable amount for providing notice under this subchapter, including notice under Section 2303.154(c);

(2) an impoundment fee of \$20 for any action that:

(A) is taken by or at the direction of the owner or operator of the facility; and

(B) is necessary to preserve, protect, or service a vehicle stored or parked at the facility;

(3) a daily storage fee of:

(A) not less than \$5 and not more than \$20 for each day or part of a day the vehicle is stored at the facility if the vehicle is not longer than 25 feet; or

(B) \$35 for each day or part of a day the vehicle is stored at the facility if the vehicle is longer than 25 feet;

(4) any fee that is required to be submitted to a law enforcement agency, the agency's authorized agent, or a governmental entity; and

(5) a fee in an amount set by the commission for the remediation, recovery, or capture of an environmental or biological hazard.

(h) The operator of a vehicle storage facility or governmental vehicle storage facility may not charge a fee under Subsection (b) to the owner of a vehicle stored or parked at the facility as a result of recovery of the vehicle after being stolen if the vehicle owner provides the operator with a copy of the police report or similar report prepared by any law enforcement agency showing that the vehicle was reported stolen.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Heflin offered the following amendment to **CSHB 2571**:

Amend **CSHB 2571** (House committee printing) on page 2, line 21, by striking "before" and substituting "within five years of".

Amendment No. 2 was adopted.

CSHB 2571, as amended, was passed to engrossment. (Hunter recorded voting no.)

SB 741 ON SECOND READING
(Darby - House Sponsor)

SB 741, A bill to be entitled An Act relating to jurisdiction over a wage claim filed after the deadline.

SB 741 was considered in lieu of **HB 2661**.

SB 741 was passed to third reading.

HB 2661 - LAID ON THE TABLE SUBJECT TO CALL

Representative Darby moved to lay **HB 2661** on the table subject to call.

The motion prevailed.

HB 2806 ON SECOND READING
(by Maldonado, Corte, Fletcher, Peña, and Edwards)

HB 2806, A bill to be entitled An Act relating to the reinstatement of a firefighter or police officer to a previously held position based on seniority on the return of another firefighter or police officer from a military leave of absence.

HB 2806 was passed to engrossment.

CSHB 2779 ON SECOND READING
(by Truitt)

CSHB 2779, A bill to be entitled An Act relating to the regulation of certain mortgage banker employees who are residential mortgage loan originators; providing penalties.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2779**:

Amend **CSHB 2779** as follows:

(1) Strike page 3, line 20, through page 4, line 16, and substitute the following:

SECTION 4. Section 157.004, Finance Code, is amended to read as follows:

Sec. 157.004. EXEMPTIONS. This chapter does not apply to:

(1) a federally insured bank, savings bank, savings and loan association, Farm Credit System Institution, or credit union;

(2) a ~~[an affiliate or]~~ subsidiary of a federally insured bank, savings bank, savings and loan association, Farm Credit System Institution, or credit union;

(3) a person licensed as a mortgage broker under Chapter 156; ~~[or]~~

(4) an authorized lender licensed under Chapter 342; or

(5) the state or a governmental agency, political subdivision, or other instrumentality of the state, or an employee of the state or a governmental agency, political subdivision, or instrumentality of the state who is acting within the scope of the person's employment ~~[#]~~

~~[(A) the authorized lender includes with an application for a mortgage loan a notice that is substantially similar to the notice required by Section 157.007 and provides the method of submitting complaints to the consumer credit commissioner;~~

~~[(B) the authorized lender uses the forms adopted by the Finance Commission of Texas under Section 157.011(b); and~~

~~[(C) the Finance Commission of Texas determines by rule that the consumer credit commissioner may suspend or revoke a license issued under Chapter 342 if the authorized lender engages in unlawful or unfair practices while making a mortgage loan].~~

(2) On page 6, strike lines 22-27.

Amendment No. 1 was adopted.

CSHB 2779, as amended, was passed to engrossment.

HB 2580 ON SECOND READING
(by Frost)

HB 2580, A bill to be entitled An Act relating to the establishment of a peace officer employment opportunity Internet website by the Commission on Law Enforcement Officer Standards and Education.

HB 2580 was passed to engrossment. (Aycocock, Harless, and Patrick recorded voting no.)

HB 2667 ON SECOND READING
(by Ritter and Creighton)

HB 2667, A bill to be entitled An Act relating to performance standards for plumbing fixtures sold in this state.

HB 2667 was passed to engrossment. (Patrick and Phillips recorded voting no.)

HB 960 ON SECOND READING
(by Anchia, Lucio, Leibowitz, Castro, et al.)

HB 960, A bill to be entitled An Act relating to providing municipalities and counties access to criminal history record information for sexually oriented business license applicants.

Amendment No. 1

Representative Orr offered the following amendment to **HB 960**:

Amend **HB 960** as follows:

(1) On page 1, line 13, strike "from" and substitute "for a sexually oriented business issued by".

(2) On page 1, line 15, strike "from" and substitute "for a sexually oriented business issued by".

(3) On page 1, line 18, strike "from" and substitute "for a sexually oriented business issued by".

Amendment No. 1 was adopted.

HB 960, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

HB 3076 ON SECOND READING

(by Deshotel, Eissler, et al.)

HB 3076, A bill to be entitled An Act relating to a parenting and paternity awareness program used in the health curriculum for public schools.

HB 3076 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Deshotel offered the following amendment to **HB 3076**:

Amend **HB 3076** (house committee report) as follows:

(1) On page 1, line 11, strike "middle, junior high, and".

(2) On page 1, line 12, between the period and "The", insert the following:

A school district may use the program developed under this subsection in the district's middle or junior high school curriculum. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.

(3) On page 2, line 10, strike "may" and substitute "shall".

Amendment No. 1 was adopted.

HB 3076, as amended, was passed to engrossment. (Aycock, Harless, and Phillips recorded voting no.)

(Speaker in the chair)

GENERAL STATE CALENDAR

(consideration continued)

CSHB 1506 ON SECOND READING

(by Herrero, Leibowitz, Bolton, Gattis, et al.)

CSHB 1506, A bill to be entitled An Act relating to the imposition of conditions on certain defendants charged with an offense involving family violence.

CSHB 1506 was passed to engrossment.

CSHB 2259 ON SECOND READING

(by Crownover, Hardcastle, Farabee, Chisum, Gonzalez Tourelles, et al.)

CSHB 2259, A bill to be entitled An Act relating to the plugging of certain inactive oil or gas wells.

Representative Crownover moved to postpone consideration of **CSHB 2259** until the end of today's calendar.

The motion prevailed.

CSHB 2317 ON SECOND READING
(by Villarreal, Flores, et al.)

CSHB 2317, A bill to be entitled An Act relating to the qualifications and training of appraisal review board members.

Amendment No. 1

Representative Flynn offered the following amendment to **CSHB 2317**:

Amend **CSHB 2317** as follows:

(1) On page 1, line 10, strike "and" and substitute "[~~and~~]".

(2) On page 1, line 13, between "completion" and the period, insert the following:

; and

(3) make all materials for use in training and educating members of an appraisal review board freely available online

Amendment No. 1 was adopted.

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 2317**:

Amend **CSHB 2317** as follows:

(1) On page 2, line 9, strike "and".

(2) On page 2, line 11, between "property" and the underlined period, insert the following:

;

(10) the right of a property owner to protest the appraisal of the property as provided by Chapter 41; and

(12) a detailed explanation of each of the actions described by Sections 41.41(a), 41.411, 41.412, 41.413, 41.42, and 41.43 so that members are fully aware of each of the grounds on which a property appraisal can be appealed

Amendment No. 2 was adopted.

Amendment No. 3

Representative Phillips offered the following amendment to **CSHB 2317**:

Amend **CSHB 2317** (House committee printing) as follows:

(1) On page 1, line 10, strike "and" and substitute "[~~and~~]".

(2) On page 1, line 13, between "completion" and the period, insert the following:

; and

(3) establish and maintain a toll-free telephone number that appraisal review board members may call for answers to technical questions relating to the duties and responsibilities of appraisal review board members and property appraisal issues.

Amendment No. 3 was adopted.

CSHB 2317, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

**CSHB 4031 ON SECOND READING
(by McCall)**

CSHB 4031, A bill to be entitled An Act relating to the agricultural biomass and landfill diversion incentive program.

CSHB 4031 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Hamilton offered the following amendment to **CSHB 4031**:

Amend **CSHB 4031** (house committee printing), as follows:

(1) On page 3, strike lines 7 and 8 and substitute the following:

SECTION 2. Section 22.003, Agriculture Code is amended by amending Subsections (a), (b), (c), (d), (e), and (f), and adding Subsection (h) to read as follows:

(2) On page 6, between lines 8 and 9, insert the following:

(h) Notwithstanding Subsection (b)(2), a facility placed in service before August 31, 2009, is eligible for reimbursement under this chapter if another facility placed in operation after August 31, 2009, is located 25 miles or less from the existing facility.

Amendment No. 1 was adopted.

CSHB 4031, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

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

**GENERAL STATE CALENDAR
(consideration continued)****HB 4577 ON SECOND READING
(by Martinez and Leibowitz)**

HB 4577, A bill to be entitled An Act relating to the seizure and destruction of certain plants.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 4577**:

Amend **HB 4577** (house committee printing) on page 4, delete lines 6 through line 9 and insert the following:

(e-1) The department may provide for compensation to an owner of a citrus plant, citrus plant product, or citrus substance destroyed under Subsection (a)(3) of this section.

Amendment No. 1 was adopted.

HB 4577, as amended, was passed to engrossment.

CSHB 2225 ON SECOND READING
(by Parker, Hughes, Rose, Legler, Lucio, et al.)

CSHB 2225, A bill to be entitled An Act relating to creating a committee to review the process for finding permanent placements for children in the conservatorship of the state.

Amendment No. 1

Representative Parker offered the following amendment to **CSHB 2225**:

Amend **CSHB 2225** as follows:

(1) On page 1, line 23, strike "six" and substitute "four".

(2) On page 2, strike lines 6 and 7.

(3) On page 2, line 8, strike "(E)" and substitute "(C)".

(4) On page 2, line 10, strike "(F)" and substitute "(D)".

(5) On page 2, strike lines 12-16 and substitute the following:

(2) five members appointed by the governor who have expertise in or a demonstrated commitment to adoption issues.

(6) On page 2, between lines 16 and 17, insert the following:

(c) The adoption review committee shall meet at least quarterly.

(7) On page 2, line 17, strike "(c)" and substitute "(d)".

(8) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION _____. Not later than December 1, 2009, the executive commissioner of the Health and Human Services Commission and the governor shall appoint the members of the adoption review committee and the adoption review committee shall begin performing its duties as provided by this Act.

Amendment No. 1 was adopted.

CSHB 2225, as amended, was passed to engrossment.

CSHB 3961 ON SECOND READING
(by McReynolds and Peña)

CSHB 3961, A bill to be entitled An Act relating to the regulation of nursing.

CSHB 3961 was passed to engrossment.

CSHB 887 ON SECOND READING
(by Naishtat and Menendez)

CSHB 887, A bill to be entitled An Act relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

(Harper-Brown in the chair)

CSHB 887 was passed to engrossment.

HB 1109 ON SECOND READING
(by Anchia, et al.)

HB 1109, A bill to be entitled An Act relating to late fees under a residential lease.

HB 1109 was passed to engrossment.

SB 347 ON SECOND READING
(Kolkhorst and J. Davis - House Sponsors)

SB 347, A bill to be entitled An Act relating to the receipt and release of immunization information by the immunization registry in connection with a disaster; providing penalties.

SB 347 was considered in lieu of **HB 2383**.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **SB 347**:

Amend **SB 347** (House Committee Report) in SECTION 5 of the bill, in added Section 161.00735(a), Health and Safety Code (page 5, lines 7-8 of the bill), by striking "has the meaning assigned by Section 418.004, Government Code" and substituting "means a disaster declared by the president of the United States, the governor of this state, or the governor of another state".

Amendment No. 1 was adopted.

SB 347, as amended, was passed to third reading.

HB 2383 - LAID ON THE TABLE SUBJECT TO CALL

Representative Kolkhorst moved to lay **HB 2383** on the table subject to call.

The motion prevailed.

CSHB 1509 ON SECOND READING
(by Bonnen)

CSHB 1509, A bill to be entitled An Act relating to motor vehicles used for fire, emergency, or disaster response purposes.

Amendment No. 1

Representative Bonnen offered the following amendment to **CSHB 1509**:

Amend **CSHB 1509** on page 1, line 7, by striking "USED OR SOLD BY" and substituting "USED BY OR SOLD TO".

Amendment No. 1 was adopted.

CSHB 1509, as amended, was passed to engrossment.

HB 1721 ON SECOND READING
(by Bohac and Leibowitz)

HB 1721, A bill to be entitled An Act relating to taking or attempting to take a weapon from an employee or official of a correctional facility that is operated by a county or municipality.

Amendment No. 1

Representative Bohac offered the following amendment to **HB 1721**:

Amend **HB 1721** (house committee printing) as follows:

(1) On page 1, line 9, strike "CERTAIN CORRECTIONAL FACILITIES" and substitute "CORRECTIONAL FACILITY".

(2) On page 1, lines 16 and 17, strike "that is operated by a county or municipality".

(3) On page 1, lines 23 and 24, strike "that is operated by a county or municipality".

(4) On page 2, lines 2 and 3, strike "that is operated by a county or municipality".

(5) On page 2, line 9, strike "that is operated by a county or municipality".

(6) On page 2, lines 14 and 15, strike "that is operated by a county or municipality".

Amendment No. 1 was adopted.

HB 1721, as amended, was passed to engrossment.

CSHB 2389 ON SECOND READING
(by Hernandez)

CSHB 2389, A bill to be entitled An Act relating to supplemental breath alcohol testing court costs and the distribution of those costs in certain counties.

CSHB 2389 was passed to engrossment.

CSHB 2515 ON SECOND READING
(by T. Smith)

CSHB 2515, A bill to be entitled An Act relating to the minimum dollar amount for certain requirements to apply to certain public contracts.

CSHB 2515 was passed to engrossment.

CSHB 2480 ON SECOND READING
(by Hochberg and Guillen)

CSHB 2480, A bill to be entitled An Act relating to agreements with public junior colleges for courses for joint high school and junior college credit.

CSHB 2480 was passed to engrossment.

HB 3515 ON SECOND READING
(by Dunnam)

HB 3515, A bill to be entitled An Act relating to the creation of the offense of failure to report barratry and solicitation of employment.

Amendment No. 1

Representative Dunnam offered the following amendment to **HB 3515**:

Amend **HB 3515** (house committee printing) as follows:

(1) On page 1, line 11, strike "that another lawyer or another person" and substitute "that a person, other than a lawyer subject to the Texas Disciplinary Rules of Professional Conduct,".

(2) On page 1, line 15, strike "second" and substitute "45th".

Amendment No. 1 was adopted.

HB 3515, as amended, was passed to engrossment. (Flynn recorded voting no.)

HB 3103 ON SECOND READING
(by Leibowitz)

HB 3103, A bill to be entitled An Act relating to a change in ownership of entities awarded grants from the Texas Enterprise Fund.

HB 3103 was passed to engrossment.

CSHB 2729 ON SECOND READING
(by Pitts and Edwards)

CSHB 2729, 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.

CSHB 2729 was passed to engrossment.

CSHB 4102 ON SECOND READING
(by Eiland and Guillen)

CSHB 4102, A bill to be entitled An Act relating to the disaster contingency fund.

Amendment No. 1

Representative Eiland offered the following amendment to **CSHB 4102**:

Amend **CSHB 4102** (house committee printing) as follows:

(1) On page 1, line 22, strike "Subsection (f)" and substitute "Subsections (f) and (g)".

(2) On page 2, insert the following between lines 8 and 9:

(g) A state or local government entity or other eligible entity may request funding from the disaster contingency fund to pay for a disaster risk financing instrument using a parametric index based on affected population to leverage available funds and receive proceeds greater than appropriated amounts to pay for extraordinary expenses incurred as a result of damages or disruptions caused by a natural disaster or other catastrophe.

Amendment No. 1 was adopted.

CSHB 4102, as amended, was passed to engrossment.

COMMITTEE GRANTED PERMISSION TO MEET

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 5 p.m. today, in 2W.6, for a formal meeting, to consider the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5 p.m. today, 2W.6, for a formal meeting, to consider the calendar.

**CSHB 2932 ON SECOND READING
(by Vaught, Pierson, Miklos, Fletcher, et al.)**

CSHB 2932, A bill to be entitled An Act relating to including in the computerized criminal history system certain forensic DNA test results that indicate the person committed another offense.

CSHB 2932 was passed to engrossment.

**CSHB 3632 ON SECOND READING
(by Geren)**

CSHB 3632, A bill to be entitled An Act relating to the authority of the state to acquire, sell, or exchange certain land.

CSHB 3632 was passed to engrossment.

POSTPONED BUSINESS

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

**HB 4293 ON SECOND READING
(by Branch)**

HB 4293, A bill to be entitled An Act relating to notice to the attorney general of an action, suit, or proceeding challenging the validity of a Texas statute or rule.

HB 4293 was read second time earlier today and was postponed until this time.

HB 4293 was passed to engrossment.

**CSHB 2259 ON SECOND READING
(by Crownover, Hardcastle, Farabee, Chisum, Gonzalez Toureilles, et al.)**

CSHB 2259, A bill to be entitled An Act relating to the plugging of certain inactive oil or gas wells.

CSHB 2259 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 2259**:

Amend **CSHB 2259** (House Committee Printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 6), strike "and (13)" and substitute "(13), and (14)".

(2) In SECTION 1 of the bill, following proposed Section 89.002(a)(13), Natural Resources Code (page 2, following line 18), add the following:

(14) "Responsible party" means any person who assumed responsibility for operating a well before the current operator, as shown by forms filed with the commission.

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

SECTION _____. Subchapter B, Chapter 89, Natural Resources Code, is amended by adding Section 89.013 to read as follows:

Sec. 89.013. DUTY OF RESPONSIBLE PARTY. (a) If the operator of a well fails to comply with Section 89.011 and the nonoperators fail to comply with Section 89.012, each responsible party assumes the duty to plug the well in accordance with Section 89.011. If there is more than one responsible party, each responsible party is liable for the cost of plugging the well and for reimbursing the commission for the cost of enforcing this section, provided that each responsible party who bears all or part of the costs of plugging the well and enforcement of this section has a claim against:

(1) the defaulting operator and nonoperators for the entire amount spent by the responsible party; and

(2) the other responsible parties for their proportionate shares of the costs of plugging the well and enforcement of this section.

(b) In lieu of liability for plugging the well in accordance with Subsection (a), a responsible party may elect to submit a supplemental bond, letter of credit, or cash deposit to the commission in the amount necessary for the entire cost of plugging the well and enforcing this section to be covered by current and enforceable bonds, letters of credit, or cash deposits.

(c) The commission may consider the cost of enforcing this section when determining an operator's proportionate share.

SECTION _____. Section 89.042, Natural Resources Code, is amended by adding Subsection (c) to read as follows:

(c) If the nonoperators cannot be found, or if they lack the assets or refuse to plug the well under Subsection (b), the commission shall order the responsible parties to plug the well according to the rules of the commission in effect at the time the order is issued.

SECTION _____. Section 91.002(a), Natural Resources Code, is amended to read as follows:

(a) A person who wilfully or with criminal negligence violates Section 91.019 or 91.101 [of this code] or a rule, order, or permit of the commission issued under one of those sections [that section] commits an offense.

SECTION _____. Subchapter B, Chapter 91, Natural Resources Code, is amended by adding Section 91.019 to read as follows:

Sec. 91.019. ELECTRIC LINES. (a) An operator must ensure that electric lines associated with the operator's oil or gas wells do not present an unreasonable risk of causing a fire.

(b) An operator must ensure that all electric lines associated with the operator's oil or gas wells are properly connected to equipment that requires a source of power. Live electric lines may not at any time be left in contact with the ground while unattached to equipment that requires a source of power.

SECTION _____. Section 89.011(e), Natural Resources Code, is repealed.

(Speaker in the chair)

Amendment No. 1 - Point of Order

Representative Chisum raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

Representative Crownover moved to postpone consideration of **CSHB 2259** until the end of today's calendar.

The motion prevailed.

(Phillips in the chair)

CSHB 2572 ON SECOND READING (by Gonzalez Toureilles)

CSHB 2572, A bill to be entitled An Act relating to the authority of a gas corporation to use a public right-of-way.

CSHB 2572 was read second time earlier today, amendments were offered and disposed of, and **CSHB 2572** was postponed until this time.

Amendment No. 4

Representative Burnam offered the following amendment to **CSHB 2572**:

Amend **CSHB 2572**, between lines 15 and 16 by inserting the following:

(c) The proposed route of a pipeline and the proposed location of pipeline related facilities must maximize, to the extent practicable and economically reasonable, the use of existing easements and public rights-of-way, including streets, roads, highways, and utility rights-of-way, if adequate space exists and the use will not violate, or cause the violation of, any applicable pipeline safety regulations.

Amendment No. 4 was adopted.

CSHB 2572, as amended, was passed to engrossment.

CSHJR 77 ON SECOND READING**(by D. Howard, Anchia, Eissler, Chisum, Dutton, et al.)**

CSHJR 77, A joint resolution proposing a constitutional amendment to create the Permanent School Fund Management Council to assume the duty of the State Board of Education to manage the permanent school fund.

CSHJR 77 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Orr offered the following amendment to **CSHJR 77**:

Amend **CSHJR 77** (House committee printing) as follows:

(1) On page 3, line 2, between "available school fund," and "and", insert "funds described by Subsection (a-1).".

(2) Between page 3, line 27 and page 4, line 1, insert the following and amend the recital for SECTION 3 appropriately:

(a-1) If the permanent school fund is not able to make a distribution for a fiscal year under Subsection (a)(1) or (2), the School Land Board may distribute to the available school fund for the fiscal year an amount not to exceed the five-year annual average of funds released by the School Land Board for use by the permanent school fund. A vote to transfer funds to the available school fund by the School Land Board under this section must be unanimous.

Amendment No. 1 was adopted.

LEAVES OF ABSENCE GRANTED

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

Corte on motion of Anderson.

C. Howard on motion of W. Smith.

CSHJR 77 - (consideration continued)

The vote of the house was taken on the adoption of **CSHJR 77**, as amended, and the vote was announced yeas 99, nays 45.

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 332): 104 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bolton; Bonnen; Branch; Burnam; Button; Castro; Chavez; Chisum; Cohen; Coleman; Cook; Darby; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jones; Keffer; Kent; King, S.; King, T.; Kuempel; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt;

Miklos; Miller, D.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Strama; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Christian; Crabb; Craddick; Creighton; Crownover; Davis, J.; Elkins; Fletcher; Flynn; Hamilton; Harper-Brown; Hilderbran; Hughes; Isett; Jackson; King, P.; Kleinschmidt; Kolkhorst; Legler; Madden; Miller, S.; Morrison; Parker; Paxton; Phillips; Riddle; Sheffield; Smith, W.; Smithee; Solomons; Swinford; Taylor; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Hancock; Howard, C.; Laubenberg.

Absent — Thompson.

The speaker stated that **CSHJR 77**, as amended, was adopted by the above vote.

CSHB 2037 ON SECOND READING

(by D. Howard, Anchia, Branch, Eissler, Guillen, et al.)

CSHB 2037, A bill to be entitled An Act relating to the creation of the Permanent School Fund Management Council to manage the permanent school fund; providing a criminal penalty.

CSHB 2037 was read second time earlier today and was postponed until this time.

CSHB 2037 was passed to engrossment. (Harper-Brown and Phillips recorded voting no.)

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. 4).

CSHB 2259 ON SECOND READING

(by Crownover, Hardcastle, Farabee, Chisum, Gonzalez Toureilles, et al.)

CSHB 2259, A bill to be entitled An Act relating to the plugging of certain inactive oil or gas wells.

CSHB 2259 was read second time earlier today, an amendment was offered and disposed of, and **CSHB 2259** was postponed until this time.

Representative Crownover moved to postpone consideration of **CSHB 2259** until 10 a.m. tomorrow.

The motion prevailed.

**SB 1 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE INSTRUCTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Pitts, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1**.

Representative Dunnam moved to instruct the Conference Committee on **SB 1** to meet with the senate conferees only in public and only after the posting of notice as required under Rule 13, Section 7 of the House Rules.

The motion to instruct the conferees prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1**: Pitts, chair; Raymond, McClendon, Otto, and Zerwas.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pitts requested permission for the Conference Committee on **SB 1** to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pitts moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Appropriations to consider **HB 4325** and previously posted bills at 8 a.m. tomorrow.

The motion prevailed.

Representative Oliveira moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Ways and Means to consider **HJR 64**.

The motion prevailed.

Representative Pickett moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Transportation to consider **HB 2057** and previously posted business.

The motion prevailed.

Representative Oliveira moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Public Education to consider **HB 2476**, **HB 2703**, and the posted agenda.

The motion prevailed.

Representative Coleman moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **HB 4818** upon final recess today in E2.016.

The motion prevailed.

Representative Kolkhorst moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Public Health to consider **HB 2599** and previously posted business at 8 a.m. tomorrow in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, upon final recess today, E2.016, for a public hearing, to consider **HB 4818** and the previously posted agenda.

Ways and Means, upon final recess today, E2.036, to consider **HJR 64** and posted business.

Appropriations, 8 a.m. tomorrow, E1.030, for a public hearing, to consider **HB 4325** and previously posted bills.

Transportation, 8 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 2057** and previously posted business.

Public Health, 8 a.m. tomorrow, E2.012, for a public hearing, to consider **HB 2599** and previously posted business.

Public Education, upon final adjournment/recess tomorrow, E2.036, for a public hearing, to consider **HB 2476**, **HB 2703**, and the posted agenda.

(Otto in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Merritt requested permission for the Committee on Public Safety to meet while the house is in session, during bill referral today, in E2.014, for a public hearing, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference Committee on **SB 1**, during bill referral today, 3W.15, for a work session.

PROVIDING FOR RECESS

Representative Dutton moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow in memory of Roger Spencer of Houston.

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.)

(Branch in the chair)

RECESS

In accordance with a previous motion, the house, at 6:16 p.m., recessed until 10 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

HB 4819 (By Chisum), Relating to the regulation of groundwater by the Panhandle Groundwater Conservation District.

To Natural Resources.

HB 4820 (By Corte), Relating to the preservation of a record in a proceeding in a municipal court of record in San Antonio.

To Judiciary and Civil Jurisprudence.

HB 4821 (By B. Brown), Relating to the creation of an additional county court at law in Kaufman County.

To Judiciary and Civil Jurisprudence.

HB 4822 (By Vaught), Relating to the jurisdiction and preference of certain county criminal courts in Dallas County.

To Judiciary and Civil Jurisprudence.

HB 4823 (By Martinez Fischer), Relating to the Bexar Metropolitan Water District.

To Natural Resources.

HB 4824 (By Deshotel), Relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.

To Transportation.

HB 4825 (By Rose), Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.

To County Affairs.

HR 1561 (By Miklos), Congratulating Jana Hunter-Kovar on her receipt of the 2009 Women in Service and Enterprise Award from Mesquite Social Services.

To Rules and Resolutions.

HR 1563 (By Rodriguez), Honoring Jennifer Atkinson on her selection as a finalist in the H-E-B Excellence in Education Awards.

To Rules and Resolutions.

HR 1564 (By Chavez), Honoring Dr. Kathleen Staudt on her receipt of the 2009 BRAVO Award from the League of Women Voters of El Paso.

To Rules and Resolutions.

HR 1565 (By Branch), Commemorating the 80th anniversary of Woodrow Wilson High School in Dallas.

To Rules and Resolutions.

HR 1568 (By Flynn), Honoring Major General Christopher J. Powers of Austin for his exceptional service to this country.

To Rules and Resolutions.

HR 1569 (By Anderson), Congratulating Corporal Brent Ewing on his receipt of a Distinguished Service Award from the Robinson Police Department.

To Rules and Resolutions.

HR 1570 (By Anderson), Congratulating Ruth Pitts of McLennan Community College for being named a Piper Professor of 2008.

To Rules and Resolutions.

HR 1571 (By Anderson), Congratulating Officer Patrick Carey on his receipt of a Life-Saving Award from the Robinson Police Department.

To Rules and Resolutions.

HR 1572 (By Anderson), Congratulating Fernando and Hortensia Reyna on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1573 (By Anderson), Congratulating Jacob L. Oatman of Waco on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1574 (By Anderson), Congratulating David Johnson of Crawford on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1575 (By Anderson), Congratulating T. J. and Jerrie Lynn Corbitt of Waco on their 50th anniversary.

To Rules and Resolutions.

HR 1576 (By Anderson), In memory of Lucile Lacy Taylor II of Waco.

To Rules and Resolutions.

HR 1577 (By Anderson), Congratulating John R. Dailey of Lorena on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1578 (By Anderson), Congratulating J. T. and Reba Taylor on their 70th wedding anniversary.

To Rules and Resolutions.

HR 1580 (By Castro), Honoring the Restoration Center in San Antonio.

To Rules and Resolutions.

HR 1581 (By Marquez), Honoring James Stephen DeGroat for his outstanding service as vice president of the El Paso County Hospital District Board of Managers.

To Rules and Resolutions.

HR 1582 (By Marquez), Honoring Edward Hernandez for his commitment to civil rights law in El Paso.

To Rules and Resolutions.

HR 1587 (By Miklos), Recognizing Art Greenhaw for his contributions to Mesquite.

To Rules and Resolutions.

HR 1589 (By Vaught), In memory of Matt Gayton Martinez, Jr., of Dallas.

To Rules and Resolutions.

HR 1590 (By Vaught), In memory of Hal Wayne Maddoux of Burleson.

To Rules and Resolutions.

HR 1592 (By Vo), Honoring First United Methodist Church in Lubbock for its history of service to the local community.

To Rules and Resolutions.

HR 1593 (By Button), Commemorating the 21st anniversary of the establishment of the Sister State relationship between Texas and Taiwan.

To Rules and Resolutions.

HR 1595 (By Sheffield), Congratulating Robert and Jan Elliott of Belton on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 1596 (By Farabee), Honoring Terry Wolf of Holliday High School on achieving his 500th victory as a baseball coach.

To Rules and Resolutions.

HR 1597 (By Eissler), In memory of Frederick Thomas Shetz of The Woodlands.

To Rules and Resolutions.

HR 1598 (By Miklos), Honoring Mesquite Police Department officer Doug Boyd for being named 2008 Officer of the Year.

To Rules and Resolutions.

HR 1599 (By Miklos), Honoring Alex Priakos for her service as executive director of Mesquite Social Services.

To Rules and Resolutions.

HR 1600 (By Legler), Commemorating the 2009 Bands for Brothers and Sisters Concert in Pasadena.

To Rules and Resolutions.

SB 7 to Public Health.

SB 1569 to Business and Industry.

SIGNED BY THE SPEAKER

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

House List No. 20

HB 2457, HCR 41, HCR 60, HCR 82, HCR 101, HCR 104, HCR 107, HCR 108, HCR 109, HCR 110, HCR 111, HCR 112, HCR 114, HCR 128, HCR 129, HCR 130, HCR 131, HCR 140, HCR 150, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158

Senate List No. 20

SB 346, SCR 62

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
Monday, April 27, 2009

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 11 Carona
Relating to the prevention, investigation, prosecution, and punishment for certain gang-related and other criminal offenses and to the consequences and costs of engaging in certain activities of a criminal street gang or certain other criminal activity; providing penalties.

SB 12 Carona
Relating to disaster preparedness and emergency management and to certain vehicles used in emergencies; providing a penalty.

SB 350 Shapleigh
Relating to the application for and continuation of certain health benefit plan coverage; providing a civil penalty.

SB 388 Carona
Relating to the creation of a public corruption unit in the Department of Public Safety of the State of Texas.

SB 472 Estes
Relating to notice required before and period to vacate after foreclosure sale of real property.

SB 563 Jackson, Mike
Relating to the designation of a candidate as an incumbent on a primary ballot.

SB 819 Davis, Wendy
Relating to the vaccination against bacterial meningitis of certain first-time students at public and private or independent institutions of higher education.

SB 858 Seliger
Relating to offering the classroom portion of a driver education course through an alternative method of instruction.

SB 867 Lucio
Relating to summer nutrition programs provided for by school districts.

SB 992 Duncan
Relating to the jurisdiction and administration of, and procedures relating to, certain courts in this state, including procedures for appeals.

SB 1022 Ellis

Relating to death benefits for the survivors of certain members of the Texas National Guard.

SB 1063 Watson
Relating to the powers of certain hospital districts and to the retirement benefits of employees of the districts and related entities.

SB 1064 Watson
Relating to the investigation of child abuse or neglect.

SB 1173 Seliger
Relating to certain procedures for delivery of a warrant of execution and modifications or withdrawals of a warrant of execution.

SB 1214 Deuell
Relating to consumption advisories for mercury contamination in fish, crustaceans, molluscan shellfish, and other aquatic and terrestrial animals.

SB 1237 Estes
Relating to the authority of certain juvenile probation officers to carry firearms.

SB 1296 Hegar
Relating to the certification of a county jailer as a special officer for offenders with mental impairments.

SB 1520 Shapleigh
Relating to the protection and care of individuals with mental retardation residing in certain residential care facilities.

SB 1609 Hegar
Relating to the control of access to state highways by the Texas Department of Transportation.

SB 1612 Lucio
Relating to the provision of information by health and human services agencies to assist children with velocardiofacial syndrome.

SB 1666 Estes
Relating to the establishment of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee.

SB 1693 Ogden
Relating to the regulation of poultry facilities and poultry litter.

SB 1837 Patrick, Dan
Relating to the continuation of the Texas Bleeding Disorders Advisory Council.

SB 1954 Jackson, Mike
Relating to a temporary faculty license for chiropractic faculty.

SB 2017 Watson
Relating to public participation in the development of transportation projects by the Texas Department of Transportation.

SB 2047 Williams
Relating to the interception or the collection of information from certain communications in an investigation of criminal conduct.

SB 2146 Duncan
Relating to the annual allocation of certain constitutional funds to eligible agencies and institutions of higher education.

SB 2230 Averitt

Relating to the jurisdiction and operation of the district courts in McLennan County.

SB 2244 Zaffirini

Relating to the eligibility of employees of certain businesses or organizations established as part of the state's economic development program and of dependents of those employees to pay resident tuition at public institutions of higher education.

SB 2274 Seliger

Relating to the authority of a school district to impose ad valorem taxes.

SB 2308 Gallegos

Relating to the use of discretionary funds raised by public school campuses.

SB 2325 Hinojosa

Relating to the confidentiality of certain information pertaining to the State Commission on Judicial Conduct.

SB 2379 Jackson, Mike

Relating to responsibility and criminal penalties for certain violations committed by commercial oyster boat crews.

SB 2465 Seliger

Relating to the payment of certain costs associated with educational programs of the John Ben Shepperd Public Leadership Institute of The University of Texas of the Permian Basin.

SB 2470 Estes

Relating to the creation of the Maverick Improvement District of Palo Pinto County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2481 Hegar

Relating to certain fees for future transfer of real property.

SB 2503 Nichols

Relating to the powers and duties of the Lake View Management and Development District; providing authority to impose a tax and issue bonds; granting certain powers relating to navigation improvements; and granting powers of a road district.

SB 2504 Nichols

Relating to the creation of the Montgomery County Municipal Utility Districts Nos. 128 and 129; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SJR 48 Williams

Proposing a constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead; and authorizing the legislature to authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 27, 2009 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1484 Pitts SPONSOR: Fraser
Relating to the use of certain professional titles by interior designers.

HCR 122 Naishtat SPONSOR: Shapleigh
Designating April 27, 2009, as Social Work Day at the State Capitol.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 27, 2009 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 89 Van de Putte
Relating to the prosecution, punishment, and prevention of offenses involving trafficking of persons or certain forced or sex-based labor or services, law enforcement training relating to the trafficking of persons, and the creation of the trafficking of persons investigation and prosecution account in the general revenue fund.

SB 650 Van de Putte
Relating to certain peace officers commissioned by the Texas State Board of Pharmacy.

SB 1378 Duncan
Relating to the responsibility of oil and gas well operators with regard to plugging inactive oil or gas wells and to ensuring the proper connection of electric lines.

SB 1456 Duncan

Relating to the time for bringing an action on a consumer debt.

SB 1553 Wentworth
Relating to the creation of district courts in certain counties.

SB 1717 West
Relating to prohibition of certain practices by owners of developments supported with low income housing tax credit allocations.

SB 1728 West
Relating to the administration of and eligibility for the Joint Admissions Medical Program.

SB 1933 Carona
Relating to the confidentiality of information and documents collected, developed, or produced during a school district security audit.

SB 2045 Williams
Relating to certain constitutionally dedicated funds allocated to the Lamar Institute of Technology and to the administration of that institution.

SB 2105 Uresti
Relating to limiting the liability of space flight entities.

SB 2424 Deuell
Relating to the authorization of certain nonemergency ambulance services under the Medicaid program.

SB 2476 Deuell
Relating to the creation of the North Texas Trauma and Burn Authority in Trauma Service Area E.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 27, 2009 - 4

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 1249 Zaffirini
Relating to the creation of a pilot program to improve curricula alignment between junior colleges and general academic teaching institutions for engineering degree programs.

SB 1394 Zaffirini
Relating to notification of an applicant for admission to a general academic teaching institution regarding the availability of degree programs in the applicant's preferred major field of study offered by other institutions.

SB 1661 Harris
Relating to child support liens on real property.

SB 1754 Wentworth
Relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.

SB 1843 Van de Putte
Relating to coverage of drivers under a personal automobile insurance policy.

SB 2111 Averitt
Relating to the implementation of and incentives for projects involving the capture, transportation, injection, sequestration, geologic storage, or abatement of carbon dioxide; providing for the issuance of bonds.

SB 2154 Wentworth
Relating to the confidentiality of certain travel vouchers submitted by certain peace officers.

SB 2376 Lucio
Relating to the change of the name of Texas A&M University–Kingsville to Texas A&I University.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 24

Agriculture and Livestock - **HB 3143**

Business and Industry - **HB 2295, HB 4219, HB 4360, HB 4545**

County Affairs - **HB 240, HB 1187, HB 1230, HB 1640, HB 2320, HB 2994, HB 3089, HB 3253, HB 4522**

Criminal Jurisprudence - **HB 124, HB 1480, HB 2267, HB 3886**

Culture, Recreation, and Tourism - **HB 3864, HB 4789, SB 482, SB 1035**

Defense and Veterans' Affairs - **HB 269, HB 4130, HJR 132**

Elections - **HB 2253, HB 3218, HB 3602, HB 3923**

Energy Resources - **HB 2853, HB 3346, HB 4300, SB 1658**

Higher Education - **HB 746, HB 2013, HB 3795, HB 4022**

Insurance - **HB 1570, HB 2552, HB 3994**

Judiciary and Civil Jurisprudence - **HB 3468, HB 4127**

Land and Resource Management - **HB 3552**

Licensing and Administrative Procedures - **SB 862**

Public Education - **HB 192, HB 3918, HB 4208**

Public Safety - **HB 1779, HB 3352, HB 3594, HB 4143, HB 4517, HB 4541**

State Affairs - **HB 3406, HCR 50**

Transportation - **HB 2490**

Urban Affairs - **HB 2228, HB 2647, HB 2792, HB 3072, HB 3082, HB 3162, HB 3168, HB 4094**

Ways and Means - **HB 1936, HB 2441, HJR 75, HJR 83**

ENGROSSED

April 24 - HB 8, HB 108, HB 281, HB 409, HB 415, HB 530, HB 549, HB 888, HB 1013, HB 1579, HB 1804, HB 1831, HB 1866, HB 2032, HB 2071, HB 2086, HB 2100, HB 2249, HB 2304, HB 2318, HB 2440, HB 2491, HB 2502, HB 2557, HB 2619, HB 3004, HB 3309, HJR 58

ENROLLED

April 24 - HB 2594, HCR 40, HCR 43, HCR 44, HCR 45, HCR 68, HCR 69, HCR 99, HCR 100, HCR 102, HCR 103, HCR 105, HCR 106, HCR 132

SENT TO THE GOVERNOR

April 24 - HB 2594, HCR 40, HCR 43, HCR 44, HCR 45, HCR 68, HCR 69, HCR 99, HCR 100, HCR 102, HCR 103, HCR 105, HCR 106, HCR 132

SIGNED BY THE GOVERNOR

April 24 - HCR 123, HCR 138, HCR 163