

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — THURSDAY, APRIL 30, 2009

The house met at 3:45 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 410).

Present — Mr. Speaker; 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; 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 Tourelles; 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; Mallory Caraway; Marquez; Martine; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Corte; Maldonado.

LEAVES OF ABSENCE GRANTED

On motion of Representative Y. Davis and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

HB 4765 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative McCall moved to adopt the following rule governing floor consideration of **HB 4765**:

(a) All original amendments that will be offered during second reading consideration of **HB 4765** must be filed with the chief clerk not later than 6 p.m. on Friday, May 1.

(b) Any amendment to **HB 4765** is not in order unless the amendment is revenue neutral. For purposes of this rule, revenue neutral means that the total cost of the bill may not exceed \$172,123,000 for the 2010-11 biennium and that there are no other additional costs in any other biennium.

(c) For the purposes of this rule, the fiscal impact of an amendment will be determined based on estimates provided by the Legislative Budget Board and the Office of the Comptroller.

(d) This rule does not apply to an amendment that makes an adjustment solely to correct a technical or clerical error.

The motion to adopt the Committee on Calendars rule prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Oliveira requested permission for the Committee on Ways and Means to meet while the house is in session, at 4:30 p.m. today, in 3W.15, for a formal meeting, to consider pending business.

Permission to meet was granted.

(Speaker in the chair)

HB 670 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 670, A bill to be entitled An Act relating to a qualified privilege of a journalist not to testify.

Representative Martinez Fischer moved to concur in the senate amendments to **HB 670**.

The motion to concur in the senate amendments to **HB 670** prevailed by (Record 411): 146 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; 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, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.;

Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Maldonado.

Absent — Howard, C.

Senate Committee Substitute

CSHB 670, A bill to be entitled An Act relating to a qualified privilege of a journalist not to testify.

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

SECTION 1. Chapter 22, Civil Practice and Remedies Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. JOURNALIST'S QUALIFIED TESTIMONIAL PRIVILEGE IN CIVIL PROCEEDINGS

Sec. 22.021. DEFINITIONS. In this subchapter:

(1) "Communication service provider" means a person or the parent, subsidiary, division, or affiliate of a person who transmits information chosen by a customer by electronic means, including:

(A) a telecommunications carrier, as defined by Section 3, Communications Act of 1934 (47 U.S.C. Section 153);

(B) a provider of information service, as defined by Section 3, Communications Act of 1934 (47 U.S.C. Section 153);

(C) a provider of interactive computer service, as defined by Section 230, Communications Act of 1934 (47 U.S.C. Section 230); and

(D) an information content provider, as defined by Section 230, Communications Act of 1934 (47 U.S.C. Section 230).

(2) "Journalist" means a person, including a parent, subsidiary, division, or affiliate of a person, who for a substantial portion of the person's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information that is disseminated by a news medium or communication service provider and includes:

(A) a person who supervises or assists in gathering, preparing, and disseminating the news or information; or

(B) notwithstanding the foregoing, a person who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person obtained or prepared the requested information, or a person who at the time the person obtained or prepared the requested information:

(i) is earning a significant portion of the person's livelihood by obtaining or preparing information for dissemination by a news medium or communication service provider; or

(ii) was serving as an agent, assistant, employee, or supervisor of a news medium or communication service provider.

(3) "News medium" means a newspaper, magazine or periodical, book publisher, news agency, wire service, radio or television station or network, cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or Internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including:

(A) print;

(B) television;

(C) radio;

(D) photographic;

(E) mechanical;

(F) electronic; and

(G) other means, known or unknown, that are accessible to the

public.

(4) "Official proceeding" means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant, including a proceeding under Rule 202, Texas Rules of Civil Procedure.

(5) "Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed the person's duties:

(A) an officer, employee, or agent of government;

(B) a juror;

(C) an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy;

(D) an attorney or notary public when participating in the performance of a governmental function; or

(E) a person who is performing a governmental function under a claim of right, although the person is not legally qualified to do so.

Sec. 22.022. PURPOSE. The purpose of this subchapter is to increase the free flow of information and preserve a free and active press and, at the same time, protect the right of the public to effective law enforcement and the fair administration of justice.

Sec. 22.023. PRIVILEGE. (a) Except as otherwise provided by this subchapter, a judicial, legislative, administrative, or other body with the authority to issue a subpoena or other compulsory process may not compel a journalist to testify regarding or to produce or disclose in an official proceeding:

(1) any confidential or nonconfidential information, document, or item obtained or prepared while acting as a journalist; or

(2) the source of any information, document, or item described by Subdivision (1).

(b) A subpoena or other compulsory process may not compel the parent, subsidiary, division, or affiliate of a communication service provider or news medium to disclose the information, documents, or items or the source of any information, documents, or items that are privileged from disclosure under Subsection (a).

Sec. 22.024. LIMITED DISCLOSURE GENERALLY. After notice and an opportunity to be heard, a court may compel a journalist, a journalist's employer, or a person with an independent contract with a journalist to testify regarding or to produce or disclose any information, document, or item or the source of any information, document, or item obtained while acting as a journalist, if the person seeking the information, document, or item or the source of any information, document, or item makes a clear and specific showing that:

(1) all reasonable efforts have been exhausted to obtain the information from alternative sources;

(2) the subpoena is not overbroad, unreasonable, or oppressive and, when appropriate, will be limited to the verification of published information and the surrounding circumstances relating to the accuracy of the published information;

(3) reasonable and timely notice was given of the demand for the information, document, or item;

(4) in this instance, the interest of the party subpoenaing the information outweighs the public interest in gathering and dissemination of news, including the concerns of the journalist;

(5) the subpoena or compulsory process is not being used to obtain peripheral, nonessential, or speculative information; and

(6) the information, document, or item is relevant and material to the proper administration of the official proceeding for which the testimony, production, or disclosure is sought and is essential to the maintenance of a claim or defense of the person seeking the testimony, production, or disclosure.

Sec. 22.025. NOTICE. An order to compel testimony, production, or disclosure to which a journalist has asserted a privilege under this subchapter may be issued only after timely notice to the journalist, the journalist's employer, or a person who has an independent contract with the journalist and a hearing. The order must include clear and specific findings as to the showing made by the person seeking the testimony, production, or disclosure and the clear and specific evidence on which the court relied in issuing the court's order.

Sec. 22.026. PUBLICATION OF PRIVILEGED INFORMATION. Publication or dissemination by a news medium or communication service provider of information, documents, or items privileged under this subchapter is not a waiver of the journalist's privilege.

Sec. 22.027. NEWS MEDIA RECORDINGS. Extrinsic evidence of the authenticity of evidence as a condition precedent to the admissibility of the evidence in a civil proceeding is not required with respect to a recording that purports to be a broadcast by a radio or television station that holds a license issued by the Federal Communications Commission at the time of the recording. The court may take judicial notice of the recording license as provided by Rule 201, Texas Rules of Evidence.

SECTION 2. Chapter 38, Code of Criminal Procedure, is amended by adding Articles 38.11 and 38.111 to read as follows:

Art. 38.11. JOURNALIST'S QUALIFIED TESTIMONIAL PRIVILEGE IN CRIMINAL PROCEEDINGS

Sec. 1. DEFINITIONS. In this article:

(1) "Communication service provider" means a person or the parent, subsidiary, division, or affiliate of a person who transmits information chosen by a customer by electronic means, including:

(A) a telecommunications carrier, as defined by Section 3, Communications Act of 1934 (47 U.S.C. Section 153);

(B) a provider of information service, as defined by Section 3, Communications Act of 1934 (47 U.S.C. Section 153);

(C) a provider of interactive computer service, as defined by Section 230, Communications Act of 1934 (47 U.S.C. Section 230); and

(D) an information content provider, as defined by Section 230, Communications Act of 1934 (47 U.S.C. Section 230).

(2) "Journalist" means a person, including a parent, subsidiary, division, or affiliate of a person, who for a substantial portion of the person's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information that is disseminated by a news medium or communication service provider and includes:

(A) a person who supervises or assists in gathering, preparing, and disseminating the news or information; or

(B) notwithstanding the foregoing, a person who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person obtained or prepared the requested information, or a person who at the time the person obtained or prepared the requested information:

(i) is earning a significant portion of the person's livelihood by obtaining or preparing information for dissemination by a news medium or communication service provider; or

(ii) was serving as an agent, assistant, employee, or supervisor of a news medium or communication service provider.

(3) "News medium" means a newspaper, magazine or periodical, book publisher, news agency, wire service, radio or television station or network, cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or Internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including:

(A) print;

(B) television;

(C) radio;

(D) photographic;

(E) mechanical;

(F) electronic; and

(G) other means, known or unknown, that are accessible to the public.

(4) "Official proceeding" means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant.

(5) "Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed the person's duties:

(A) an officer, employee, or agent of government;

(B) a juror or grand juror;

(C) an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy;

(D) an attorney or notary public when participating in the performance of a governmental function; or

(E) a person who is performing a governmental function under a claim of right, although the person is not legally qualified to do so.

Sec. 2. PURPOSE. The purpose of this article is to increase the free flow of information and preserve a free and active press and, at the same time, protect the right of the public to effective law enforcement and the fair administration of justice.

Sec. 3. PRIVILEGE. (a) Except as otherwise provided by this article, a judicial, legislative, administrative, or other body with the authority to issue a subpoena or other compulsory process may not compel a journalist to testify regarding or to produce or disclose in an official proceeding:

(1) any confidential or nonconfidential unpublished information, document, or item obtained or prepared while acting as a journalist; or

(2) the source of any information, document, or item described by Subdivision (1).

(b) A subpoena or other compulsory process may not compel the parent, subsidiary, division, or affiliate of a communication service provider or news medium to disclose the unpublished information, documents, or items or the source of any information, documents, or items that are privileged from disclosure under Subsection (a).

Sec. 4. PRIVILEGE CONCERNING CONFIDENTIAL SOURCES. (a) A journalist may be compelled to testify regarding or to disclose the confidential source of any information, document, or item obtained while acting as a journalist if the person seeking the testimony, production, or disclosure makes a clear and specific showing that the source of any information, document, or item:

(1) was observed by the journalist committing a felony criminal offense and the subpoenaing party has exhausted reasonable efforts to obtain from alternative sources the confidential source of any information, document, or item obtained or prepared while acting as a journalist;

(2) is a person who confessed or admitted to the journalist the commission of a felony criminal offense and the subpoenaing party has exhausted reasonable efforts to obtain from alternative sources the confidential source of any information, document, or item obtained or prepared while acting as a journalist;

(3) is a person for whom probable cause exists that the person participated in a felony criminal offense and the subpoenaing party has exhausted reasonable efforts to obtain from alternative sources the confidential source of any information, document, or item obtained or prepared while acting as a journalist; or

(4) disclosure of the confidential source is reasonably necessary to stop or prevent reasonably certain death or substantial bodily harm.

(b) If the alleged criminal conduct is the act of communicating, receiving, or possessing the information, document, or item, this section does not apply, and Section 5 governs the act.

(c) Notwithstanding Subsection (b), if the information, document, or item was disclosed or received in violation of a grand jury oath given to either a juror or a witness under Article 19.34 or 20.16, a journalist may be compelled to testify if the person seeking the testimony, production, or disclosure makes a clear and specific showing that the subpoenaing party has exhausted reasonable efforts to obtain from alternative sources the confidential source of any information, document, or item obtained. In this context, the court has the discretion to conduct an in camera hearing. The court may not order the production of the confidential source until a ruling has been made on the motion.

(d) An application for a subpoena of a journalist under Article 24.03, or a subpoena of a journalist issued by an attorney representing the state under Article 20.10 or 20.11, must be signed by the elected district attorney, elected criminal district attorney, or elected county attorney, as applicable. If the elected district attorney, elected criminal district attorney, or elected county attorney has been disqualified or recused or has resigned, the application for the subpoena or the subpoena must be signed by the person succeeding the elected attorney. If the elected officer is not in the jurisdiction, the highest ranking assistant to the elected officer must sign the subpoena.

Sec. 5. PRIVILEGE CONCERNING UNPUBLISHED INFORMATION, DOCUMENT, OR ITEM AND NONCONFIDENTIAL SOURCES. (a) After service of subpoena and an opportunity to be heard, a court may compel a journalist, a journalist's employer, or a person with an independent contract with a journalist to testify regarding or to produce or disclose any unpublished information, document, or item or the source of any information, document, or item obtained while acting as a journalist, other than as described by Section 4, if the person seeking the unpublished information, document, or item or the source of any information, document, or item makes a clear and specific showing that:

(1) all reasonable efforts have been exhausted to obtain the information from alternative sources; and

(2) the unpublished information, document, or item:

(A) is relevant and material to the proper administration of the official proceeding for which the testimony, production, or disclosure is sought and is essential to the maintenance of a claim or defense of the person seeking the testimony, production, or disclosure; or

(B) is central to the investigation or prosecution of a criminal case and based on something other than the assertion of the person requesting the subpoena, reasonable grounds exist to believe that a crime has occurred.

(b) The court, when considering an order to compel testimony regarding or to produce or disclose any unpublished information, document, or item or the source of any information, document, or item obtained while acting as a journalist, should consider the following factors, including but not limited to whether:

(1) the subpoena is overbroad, unreasonable, or oppressive;

(2) reasonable and timely notice was given of the demand for the information, document, or item;

(3) in this instance, the interest of the party subpoenaing the information outweighs the public interest in gathering and dissemination of news, including the concerns of the journalist; and

(4) the subpoena or compulsory process is being used to obtain peripheral, nonessential, or speculative information.

(c) A court may not consider a single factor under Subsection (b) as outcome-determinative in the decision whether to compel the testimony or the production or disclosure of the unpublished information, document, or item, or the source of any information, document, or item.

Sec. 6. NOTICE. An order to compel testimony, production, or disclosure to which a journalist has asserted a privilege under this article may be issued only after timely notice to the journalist, the journalist's employer, or a person who has an independent contract with the journalist and a hearing. The order must include clear and specific findings as to the showing made by the person seeking the testimony, production, or disclosure and the clear and specific evidence on which the court relied in issuing the court's order.

Sec. 7. PUBLICATION OF PRIVILEGED INFORMATION. Publication or dissemination by a news medium or communication service provider of information, documents, or items privileged under this article is not a waiver of the journalist's privilege regarding sources and unpublished information, documents, or items.

Sec. 8. PUBLISHED INFORMATION. This article does not apply to any information, document, or item that has at any time been published or broadcast by the journalist.

Sec. 9. REIMBURSEMENT OF COSTS. The subpoenaing party shall pay a journalist a reasonable fee for the journalist's time and costs incurred in providing the information, item, or document subpoenaed, based on the fee structure provided by Subchapter F, Chapter 552, Government Code.

Art. 38.111. NEWS MEDIA RECORDINGS. Extrinsic evidence of the authenticity of evidence as a condition precedent to the admissibility of the evidence in a criminal proceeding is not required with respect to a recording that purports to be a broadcast by a radio or television station that holds a license issued by the Federal Communications Commission at the time of the recording. The court may take judicial notice of the recording license as provided by Rule 201, Texas Rules of Evidence.

SECTION 3. This Act applies only to information, documents, or items or the source of any information, document, or item obtained or prepared for publication in a news medium or communication service provider on or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 4:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

(Speaker pro tempore in the chair)

LEAVES OF ABSENCE GRANTED

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

Otto on motion of Orr.

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

Olivo on motion of Miklos.

RULES SUSPENDED

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

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

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

(Record 412): 144 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; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); 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; 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; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; 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 — Corte; Maldonado; Olivo.

Absent, Excused, Committee Meeting — Otto.

Absent — Heflin.

SB 43

SB 803

SB 862 (Flynn - no) (143 - 1 - 1)

SB 1040

SB 1149

SB 1260

SB 1966

HB 92

HB 488

HB 567

HB 601 (Aycock and Christian - no) (142 - 2 - 1)

HB 784

HB 1063

HB 1089

HB 1139 (Sheffield - no) (143 - 1 - 1)

HB 1230

HB 1321

HB 1397

HB 1460

HB 1493

HB 1526

HB 1531 (Flynn - no) (143 - 1 - 1)

HB 1544

HB 1570 (Sheffield - no) (143 - 1 - 1)

SB 778

HB 1727

HB 1739

HB 1741

HB 1749

HB 1843

HB 1850

HB 2130

HB 2228

HB 2229

HB 2490

HB 2529

HB 2552

SB 83

HB 2640 (Christian - no) (143 - 1 - 1)

HB 2647

HB 2706

HB 2710

HB 2728

HB 2833

HB 2893

HB 3012

HB 3057

HB 3070

HB 3082 (Aycock and Flynn - no) (142 - 2 - 1)

HB 3089

HB 3136

HB 3216

HB 3218

HB 3253

HB 3306

HB 3346

HB 3352

HB 3385

HB 3408 (Aycock, Bohac, Flynn, Harper-Brown, and Madden-no)(139-5-1)

HB 3468

HB 3491

HB 3602

HB 3626

HB 3723

HB 3762

HB 3785

HB 3844

HB 3872

HB 3918

HB 3921

HB 3922

HB 3923

HB 4060

HB 4064

HB 4127

HB 4149

HB 4290

HB 4311

HB 4314

HB 4316

HB 4464

HB 4465

HB 4541

HB 4642

HB 4700**HB 4721****HB 4789****HB 1324** (Flynn and Sheffield - no) (142 - 2 - 1)**HCR 174****REGULAR ORDER OF BUSINESS SUSPENDED**

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

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

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

HB 3496 ON THIRD READING**(by S. Miller and Christian)**

HB 3496, A bill to be entitled An Act relating to the establishment of the Texas Nursery and Floral Advisory Council and the promotion of Texas nursery and floral industries.

HB 3496 was passed by (Record 413): 144 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; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); 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; Mallory Caraway; Marquez; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; 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 — Corte; Maldonado; Olivo.

Absent, Excused, Committee Meeting — Otto.

Absent — Martinez Fischer.

HB 3330 ON THIRD READING
(by Aycock)

HB 3330, A bill to be entitled An Act relating to a disease surveillance program for elk.

HB 3330 was passed by (Record 414): 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; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; 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 — Corte; Maldonado; Olivo.

Absent, Excused, Committee Meeting — Otto.

Absent — Castro; Driver.

HB 4590 ON THIRD READING
(by Pitts)

HB 4590, A bill to be entitled An Act relating to transfers from the permanent school fund to the available school fund.

(Speaker in the chair)

HB 4590 was passed by (Record 415): 144 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; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; 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; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; 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(C).

Absent, Excused — Corte; Maldonado; Olivo.

Absent, Excused, Committee Meeting — Otto.

Absent — Driver.

HB 3461 ON THIRD READING **(by Orr)**

HB 3461, A bill to be entitled An Act relating to the powers and duties of the School Land Board and the commissioner of the General Land Office.

HB 3461 was passed by (Record 416): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; 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; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; 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(C).

Absent, Excused — Corte; Maldonado; Olivo.

Absent, Excused, Committee Meeting — Otto.

Absent — Alonzo.

HB 3454 ON THIRD READING
(by Otto, et al.)

HB 3454, A bill to be entitled An Act relating to the determination of the value of property for ad valorem tax purposes.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a committee meeting:

Bohac on motion of Anderson.

Hartnett on motion of Anderson.

C. Howard on motion of Anderson.

P. King on motion of Anderson.

Oliveira on motion of Anderson.

Paxton on motion of Anderson.

Peña on motion of Anderson.

Taylor on motion of Anderson.

The following members were granted leaves of absence temporarily for today to attend a committee meeting:

Hilderbran on motion of Anderson.

Villarreal on motion of Anderson.

Amendment No. 1

On behalf of Representative Villarreal, Representative Darby offered the following amendment to **HB 3454**:

Amend **HB 3454** on third reading by adding the following SECTION to the bill and renumbering existing SECTIONS accordingly:

SECTION _____. (a) Section 41A.01, Tax Code, is amended to read as follows:

Sec. 41A.01. RIGHT OF APPEAL BY PROPERTY OWNER. As an alternative to filing an appeal under Section 42.01, a property owner is entitled to appeal through binding arbitration under this chapter an appraisal review board order determining a protest brought under Section 41.41(a)(1) or (2) concerning the appraised or market value of [~~real~~] property if[=

~~[(1)]~~ the appraised or market value, as applicable, of the property as determined by the order is \$1 million or less~~;~~ ~~and~~

~~[(2) the appeal does not involve any matter in dispute other than the determination of the appraised or market value of the property].~~

(b) Section 41A.03(a), Tax Code, is amended to read as follows:

(a) To appeal an appraisal review board order under this chapter, a property owner must file with the appraisal district not later than the 45th day after the date the property owner receives notice of the order:

(1) a completed request for binding arbitration under this chapter in the form prescribed by Section 41A.04; and

(2) an arbitration deposit ~~[in the amount of \$500,]~~ made payable to the comptroller in the amount of:

(A) \$500; or

(B) \$250, if the property owner requests expedited arbitration

under Section 41A.031.

(c) Effective September 1, 2012, Section 41A.03(a), Tax Code, is amended to read as follows:

(a) To appeal an appraisal review board order under this chapter, a property owner must file with the appraisal district not later than the 45th day after the date the property owner receives notice of the order:

(1) a completed request for binding arbitration under this chapter in the form prescribed by Section 41A.04; and

(2) an arbitration deposit in the amount of \$500, made payable to the comptroller.

(d) Chapter 41A, Tax Code, is amended by adding Section 41A.031 to read as follows:

Sec. 41A.031. EXPEDITED ARBITRATION. (a) A property owner is entitled to an expedited arbitration if the property owner includes a request for expedited arbitration in the request filed under Section 41A.03 and pays the required deposit.

(b) An expedited arbitration must provide for not more than one hour of argument and testimony on behalf of the property owner and not more than one hour of argument and testimony on behalf of the appraisal district.

(c) The comptroller shall adopt rules and processes to assist in the conduct of an expedited arbitration, including rules relating to the evidence required to be produced by each party.

(d) This section expires September 1, 2012.

(e) Section 41A.08, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) In an arbitration proceeding under this chapter brought on the ground of unequal appraisal of property, the protest shall be determined in accordance with Section 42.26(a), except that a party may not present evidence relating to the median level of appraisal or the median appraised value of more than five other properties in the appraisal district.

(f) The change in law made by this section applies only to an appeal under Chapter 41A, Tax Code, that is filed on or after the effective date of this Act. An appeal under Chapter 41A, Tax Code, that is filed before the effective date of this Act is governed by the law in effect on the date the appeal was filed, and the former law is continued in effect for that purpose.

(g) Except as otherwise provided by this section, this section takes effect September 1, 2009.

HB 3454 - (consideration continued)

Amendment No. 1 was adopted.

Amendment No. 2

On behalf of Representative Phillips, Representative Darby offered the following amendment to **HB 3454**:

Amend **HB 3454** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 6.15(a) and (b), Tax Code, are amended to read as follows:

(a) A member of the board of directors of an appraisal district commits an offense if the member directly or indirectly communicates with the chief appraiser regarding [~~on any matter relating to~~] the appraisal of property by the appraisal district, except in:

(1) an open meeting of the appraisal district board of directors or another public forum; or

(2) a closed meeting of the board of directors held to consult with the board's attorney about pending litigation, at which the chief appraiser's presence is necessary for full communication between the board and the board's attorney.

(b) A chief appraiser commits an offense if the chief appraiser directly or indirectly communicates with a member of the board of directors of the appraisal district regarding [~~on any matter relating to~~] the appraisal of property by the appraisal district, except in:

(1) an open meeting of the board of directors or another public forum; or

(2) a closed meeting of the board of directors held to consult with the board's attorney about pending litigation, at which the chief appraiser's presence is necessary for full communication between the board and the board's attorney.

Amendment No. 2 was adopted.

HB 3454, as amended, was passed by (Record 417): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; 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; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Castro; Smith, W.

HB 3721 ON THIRD READING (by Ortiz)

HB 3721, A bill to be entitled An Act relating to the training and certification of certain members or former members of the military as correctional officers.

HB 3721 was passed by (Record 418): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; 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; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Smith, W.

HB 4767 ON THIRD READING
(by Homer and Phillips)

HB 4767, A bill to be entitled An Act relating to the designation of days, weeks, and months for recognition by concurrent resolution of the legislature.

(Villarreal now present)

HB 4767 was passed by (Record 419): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; 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; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor.

Absent, Excused, Committee Meeting — Otto.

Absent — Deshotel; Heflin; Smith, W.

LEAVE OF ABSENCE GRANTED

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

Villarreal on motion of Anderson.

HB 4054 ON THIRD READING
(by Allen and Leibowitz)

HB 4054, A bill to be entitled An Act relating to the use of state institutions of higher education to provide training to state agency employees.

HB 4054 was passed by (Record 420): 131 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Dunnam; 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; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Deshotel; Dutton; Smith, W.; Swinford.

HB 497 ON THIRD READING
(by Zerwas, Corte, et al.)

HB 497, A bill to be entitled An Act relating to a study to determine the effect on the health care infrastructure in this state if the state Medicaid program is abolished or a severe reduction in federal matching money under the program occurs.

HB 497 was passed by (Record 421): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez

Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Burnam; Creighton; Dutton; Naishtat; Smith, W.

STATEMENT OF VOTE

When Record No. 421 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

HB 610 ON THIRD READING

(by Naishtat, Herrero, Edwards, Menendez, Leibowitz, et al.)

HB 610, A bill to be entitled An Act relating to the establishment of the Legislative Committee on Aging and other initiatives relating to the aging population of this state.

Amendment No. 1

Representative Naishtat offered the following amendment to **HB 610**:

Amend **HB 610** on third reading (second reading engrossment, page 5, line 26), by striking "funding appropriated" and substituting "money in the fund".

Amendment No. 1 was adopted.

HB 610, as amended, was passed by (Record 422): 96 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Crownover; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Eiland; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hardcastle; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Isett; Jackson; Keffer; Kent; King, S.; Kleinschmidt; Legler; Leibowitz; Lewis; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison;

Naishtat; Ortiz; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Vo; Walle; Zerwas.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, F.; Cook; Crabb; Craddick; Creighton; Darby; Eissler; Elkins; Flynn; Gattis; Geren; Hancock; Harless; Hughes; Jones; Kolkhorst; Kuempel; Laubenberg; Madden; Miller, D.; Miller, S.; Orr; Parker; Patrick; Sheffield; Shelton; Smithee; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Driver; Dutton; Harper-Brown; King, T.; Smith, W.; Veasey.

STATEMENTS OF VOTE

I was shown voting no on Record No. 422. I intended to vote yes.

Anderson

I was shown voting no on Record No. 422. I intended to vote yes.

Berman

I was shown voting yes on Record No. 422. I intended to vote no.

Callegari

I was shown voting no on Record No. 422. I intended to vote yes.

Darby

I was shown voting no on Record No. 422. I intended to vote yes.

Eissler

I was shown voting no on Record No. 422. I intended to vote yes.

Geren

I was shown voting no on Record No. 422. I intended to vote yes.

Harless

When Record No. 422 was taken, I was excused to attend a committee meeting. I would have voted no.

C. Howard

I was shown voting no on Record No. 422. I intended to vote yes.

Hughes

I was shown voting no on Record No. 422. I intended to vote yes.

Jones

I was shown voting no on Record No. 422. I intended to vote yes.

Kuempel

I was shown voting no on Record No. 422. I intended to vote yes.

Madden

I was shown voting no on Record No. 422. I intended to vote yes.

Patrick

I was shown voting no on Record No. 422. I intended to vote yes.

Shelton

HB 2283 ON THIRD READING

(by Truitt)

HB 2283, A bill to be entitled An Act relating to increasing state employee participation in the TexaSaver program.

HB 2283 was passed by (Record 423): 128 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Legler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Chavez; Deshotel; Dutton; Harless; Smith, W.; Veasey.

STATEMENT OF VOTE

When Record No. 423 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

HB 923 ON THIRD READING**(by Dutton)**

HB 923, A bill to be entitled An Act relating to prohibiting the disposition of a decedent's remains by a person charged with certain criminal conduct against the decedent.

HB 923 was passed by (Record 424): 129 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Farias; Hodge; Morrison; Smith, W.; Woolley.

HB 2488 ON THIRD READING**(by Hochberg)**

HB 2488, A bill to be entitled An Act relating to open-source textbooks for public schools.

HB 2488 was passed by (Record 425): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless;

Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Eissler; Smith, W.

STATEMENT OF VOTE

When Record No. 425 was taken, I was excused to attend a committee meeting. I would have voted no.

C. Howard

HB 1012 ON THIRD READING (by Gonzalez Toureilles)

HB 1012, A bill to be entitled An Act relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.

Amendment No. 1

Representative Gonzalez Toureilles offered the following amendment to **HB 1012**:

Amend **HB 1012** the (House Second Reading Engrossment) on page 16, line 22, between "102.0045," and "153.551", by inserting "153.432, 153.433,".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Aycock offered the following amendment to **HB 1012**:

Amend **HB 1012** (House Committee Report) as follows:

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

SECTION _____. Chapter 153, Family Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. MILITARY DUTY

Sec. 153.701. DEFINITIONS. In this subchapter:

(1) "Designated person" means the person ordered by the court to temporarily exercise a conservator's rights, duties, and periods of possession and access with regard to a child during the conservator's military deployment, military mobilization, or temporary military duty.

(2) "Military deployment" means the temporary transfer of a service member of the armed forces of this state or the United States serving in an active-duty status to another location in support of combat or some other military operation.

(3) "Military mobilization" means the call-up of a National Guard or Reserve service member of the armed forces of this state or the United States to extended active duty status. The term does not include National Guard or Reserve annual training.

(4) "Temporary military duty" means the transfer of a service member of the armed forces of this state or the United States from one military base to a different location, usually another base, for a limited time for training or to assist in the performance of a noncombat mission.

Sec. 153.702. TEMPORARY ORDERS. (a) If a conservator is ordered to military deployment, military mobilization, or temporary military duty that involves moving a substantial distance from the conservator's residence so as to materially affect the conservator's ability to exercise the conservator's rights and duties in relation to a child, either conservator may file for an order under this subchapter.

(b) The court may render a temporary order in a proceeding under this subchapter regarding:

(1) possession of or access to the child; or

(2) child support.

(c) A temporary order rendered by the court under this subchapter may grant rights to and impose duties on a designated person regarding the child, except the court may not require the designated person to pay child support.

(d) After a conservator's military deployment, military mobilization, or temporary military duty is concluded, and the conservator returns to the conservator's usual residence, the temporary orders under this section terminate and the rights of all affected parties are governed by the terms of any court order applicable when the conservator is not ordered to military deployment, military mobilization, or temporary military duty.

Sec. 153.703. APPOINTING DESIGNATED PERSON FOR CONSERVATOR WITH EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD. (a) If the conservator with the exclusive right to designate the primary residence of the child is ordered to military deployment, military mobilization, or temporary military duty, the court may render a temporary order to appoint a designated person to exercise the exclusive right to designate the primary residence of the child during the military deployment, military mobilization, or temporary military duty in the following order of preference:

(1) the conservator who does not have the exclusive right to designate the primary residence of the child;

(2) if appointing the conservator described by Subdivision (1) is not in the child's best interest, a designated person chosen by the conservator with the exclusive right to designate the primary residence of the child; or

(3) if appointing the conservator described by Subdivision (1) or the person chosen under Subdivision (2) is not in the child's best interest, another person chosen by the court.

(b) A designated person named in a temporary order rendered under this section has the rights and duties of a nonparent appointed as sole managing conservator under Section 153.371.

(c) The court may limit or expand the rights of a nonparent named as a designated person in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.704. APPOINTING DESIGNATED PERSON TO EXERCISE VISITATION FOR CONSERVATOR WITH EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD IN CERTAIN CIRCUMSTANCES. (a) If the court appoints the conservator without the exclusive right to designate the primary residence of the child under Section 153.703(a)(1), the court may award visitation with the child to a designated person chosen by the conservator with the exclusive right to designate the primary residence of the child.

(b) The periods of visitation shall be the same as the visitation to which the conservator without the exclusive right to designate the primary residence of the child was entitled under the court order in effect immediately before the date the temporary order is rendered.

(c) The temporary order for visitation must provide that:

(1) the designated person under this section has the right to possession of the child for the periods and in the manner in which the conservator without the exclusive right to designate the primary residence of the child is entitled under the court order in effect immediately before the date the temporary order is rendered;

(2) the child's other conservator and the designated person under this section are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator;

(3) the designated person under this section has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the person has possession of the child; and

(4) the designated person under this section is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(d) The court may limit or expand the rights of a nonparent designated person named in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.705. APPOINTING DESIGNATED PERSON TO EXERCISE VISITATION FOR CONSERVATOR WITHOUT EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD. (a) If the conservator without the exclusive right to designate the primary residence of the child is

ordered to military deployment, military mobilization, or temporary military duty, the court may award visitation with the child to a designated person chosen by the conservator, if the visitation is in the best interest of the child.

(b) The temporary order for visitation must provide that:

(1) the designated person under this section has the right to possession of the child for the periods and in the manner in which the conservator described by Subsection (a) would be entitled if not ordered to military deployment, military mobilization, or temporary military duty;

(2) the child's other conservator and the designated person under this section are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator;

(3) the designated person under this section has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the designated person has possession of the child; and

(4) the designated person under this section is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(c) The court may limit or expand the rights of a nonparent designated person named in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.706. TEMPORARY ORDER FOR CHILD SUPPORT. A temporary order rendered under this subchapter may result in a change of circumstances sufficient to justify a temporary order modifying the child support obligations of a party.

Sec. 153.707. EXPEDITED HEARING. (a) On a motion by the conservator who has been ordered to military deployment, military mobilization, or temporary military duty, the court shall, for good cause shown, hold an expedited hearing if the court finds that the conservator's military duties have a material effect on the conservator's ability to appear in person at a regularly scheduled hearing.

(b) A hearing under this section shall, if possible, take precedence over other suits affecting the parent-child relationship not involving a conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

(c) On a motion by any party, the court shall, after reasonable advance notice and for good cause shown, allow a party to present testimony and evidence by electronic means, including by teleconference or through the Internet.

Sec. 153.708. ENFORCEMENT. Temporary orders rendered under this subchapter may be enforced by or against the designated person to the same extent that an order would be enforceable against the conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

Sec. 153.709. ADDITIONAL PERIODS OF POSSESSION OR ACCESS. (a) Not later than the 90th day after the date a conservator without the exclusive right to designate the primary residence of the child who is a member of the

armed services concludes the conservator's military deployment, military mobilization, or temporary military duty, the conservator may petition the court to:

(1) compute the periods of possession of or access to the child to which the conservator would have otherwise been entitled during the conservator's deployment; and

(2) award the conservator additional periods of possession of or access to the child to compensate for the periods described by Subdivision (1).

(b) If the conservator described by Subsection (a) petitions the court under Subsection (a), the court:

(1) shall compute the periods of possession or access to the child described by Subsection (a)(1); and

(2) may award to the conservator additional periods of possession of or access to the child for a length of time and under terms the court considers reasonable, if the court determines that:

(A) the conservator was on military deployment, military mobilization, or temporary military duty in a location where access to the child was not reasonably possible; and

(B) the award of additional periods of possession of or access to the child is in the best interest of the child.

(c) In making the determination under Subsection (b)(2), the court:

(1) shall consider:

(A) the periods of possession of or access to the child to which the conservator would otherwise have been entitled during the conservator's military deployment, military mobilization, or temporary military duty, as computed under Subsection (b)(1);

(B) whether the court named a designated person under Section 153.705 to exercise limited possession of the child during the conservator's deployment; and

(C) any other factor the court considers appropriate; and

(2) is not required to award additional periods of possession of or access to the child that equals the possession or access to which the conservator would have been entitled during the conservator's military deployment, military mobilization, or temporary military duty, as computed under Subsection (b)(1).

(d) After the conservator described by Subsection (a) has exercised all additional periods of possession or access awarded under this section, the rights of all affected parties are governed by the terms of the court order applicable when the conservator is not ordered to military deployment, military mobilization, or temporary military duty.

SECTION _____. Section 156.006, Family Code, is amended by adding Subsection (c) to read as follows:

(c) Subsection (b)(2) does not apply to a conservator who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION _____. Section 156.101, Family Code, is amended to read as follows:

Sec. 156.101. GROUNDS FOR MODIFICATION OF ORDER ESTABLISHING CONSERVATORSHIP OR POSSESSION AND ACCESS. (a) The court may modify an order that provides for the appointment of a conservator of a child, that provides the terms and conditions of conservatorship, or that provides for the possession of or access to a child if modification would be in the best interest of the child and:

(1) the circumstances of the child, a conservator, or other party affected by the order have materially and substantially changed since the earlier of:

(A) the date of the rendition of the order; or

(B) the date of the signing of a mediated or collaborative law settlement agreement on which the order is based;

(2) the child is at least 12 years of age and has filed with the court, in writing, the name of the person who is the child's preference to have the exclusive right to designate the primary residence of the child; or

(3) the conservator who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child to another person for at least six months.

(b) Subsection (a)(3) does not apply to a conservator who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION _____. Section 156.102, Family Code, is amended by adding Subsection (d) to read as follows:

(d) Subsection (b)(3) does not apply to a person who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION _____. Section 156.105, Family Code, is amended to read as follows:

Sec. 156.105. MODIFICATION OF ORDER BASED ON MILITARY DUTY [DEPLOYMENT]. ~~[(a) In this section, "military deployment" means military duty ordered for a period of more than six months during which the person ordered to duty:~~

~~[(1) is not provided the option of being accompanied by the person's child; and~~

~~[(2) is serving in a location where access to the person's child is not reasonably possible.~~

[(b) The military duty of a conservator who is ordered to military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701, does not by itself constitute [of a person who is a possessory conservator or a joint managing conservator without the exclusive right to designate the primary residence of the child is] a material and substantial

change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that sets the terms and conditions for the possession of or access to a child except that the court may render a temporary order under Subchapter L, Chapter 153.

~~[(e) If the court determines that modification is in the best interest of the child, the court may modify the order or decree to provide in a manner consistent with Section 153.3161 for possession of the child during the period of the military deployment by a person designated by the deployed conservator.]~~

(2) On page 12, line 26, strike "and 153.552" and insert ", 153.3161, 153.552, and 156.410".

(3) On page 13, line 1, strike "and 156.002" and substitute "156.002, 156.006, 156.101, 156.102, and 156.105".

Amendment No. 2 was adopted.

HB 1012, as amended, was passed by (Record 426): 132 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Eissler; Smith, W.

STATEMENT OF VOTE

When Record No. 426 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Ortiz.

HB 2757 ON THIRD READING

(by **Truitt**)

HB 2757, A bill to be entitled An Act relating to elements of offenses under or violations of the Alcoholic Beverage Code.

HB 2757 was passed by (Record 427): 130 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Hughes; Naishtat; Smith, W.

STATEMENT OF VOTE

When Record No. 427 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

HB 1423 ON THIRD READING

(by **Guillen, Hochberg, Leibowitz, and Legler**)

HB 1423, A bill to be entitled An Act relating to granting charters to public junior colleges for open-enrollment charter schools.

HB 1423 was passed by (Record 428): 130 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Hamilton; Smith, W.

STATEMENT OF VOTE

I was shown voting no on Record No. 428. I intended to vote yes.

Riddle

HB 3068 ON THIRD READING

(by Bohac)

HB 3068, A bill to be entitled An Act relating to the manner in which certain state officials request and receive notice of the residence of certain sex offenders.

HB 3068 was passed by (Record 429): 129 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crossover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless;

Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Geren; Hodge; Naishtat; Smith, W.

STATEMENTS OF VOTE

When Record No. 429 was taken, I was in the house but away from my desk. I would have voted yes.

Hodge

When Record No. 429 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

HB 2236 ON THIRD READING

(by **Moody, Hartnett, Ortiz, and Leibowitz**)

HB 2236, A bill to be entitled An Act relating to the right of certain crime victims to be considered with respect to a defendant's motion for continuance.

HB 2236 was passed by (Record 430): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; 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; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter;

Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Smith, W.

HB 2985 ON THIRD READING
(by Phillips, Harless, and Leibowitz)

HB 2985, A bill to be entitled An Act relating to the registration of for-hire motor carriers of passengers by the Texas Department of Transportation.

HB 2985 was passed by (Record 431): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; 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; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Smith, W.

HB 2328 ON THIRD READING
(by Guillen, Moody, Riddle, Leibowitz, and Marquez)

HB 2328, A bill to be entitled An Act relating to the punishment for certain fraud offenses committed against elderly individuals.

HB 2328 was passed by (Record 432): 131 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; 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; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Brown, B.; Dutton; Smith, W.

HB 4353 ON THIRD READING (by Gonzales)

HB 4353, A bill to be entitled An Act relating to the licensing of certain nurses who will practice in border counties.

HB 4353 was passed by (Record 433): 95 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Branch; Brown, B.; Chisum; Christian; Cohen; Cook; Creighton; Crownover; Davis, Y.; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Flores; Flynn; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, T.; Kuempel; Leibowitz; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Woolley; Zerwas.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, F.; Button; Callegari; Crabb; Craddick; Darby; Davis, J.; Fletcher; Gattis; Geren; Hancock; Harless; Harper-Brown; Isett; King, S.; Kleinschmidt; Laubenberg; Legler; Lewis; Miller, D.; Riddle; Sheffield; Shelton; Smithee; Swinford; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Burnam; Chavez; Coleman; Dunnam; Dutton; Farrar; Hughes; Kolkhorst; Smith, W.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 433. I intended to vote no.

B. Brown

When Record No. 433 was taken, I was excused to attend a committee meeting. I would have voted no.

C. Howard

When Record No. 433 was taken, my vote failed to register. I would have voted no.

Kolkhorst

I was shown voting yes on Record No. 433. I intended to vote no.

Morrison

I was shown voting yes on Record No. 433. I intended to vote no.

Solomons

HB 4110 ON THIRD READING (by Martinez Fischer)

HB 4110, A bill to be entitled An Act relating to the purchase, donation, and sale of promotional items by the Texas Water Development Board.

HB 4110 was passed by (Record 434): 93 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Aycock; Bolton; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Keffer; Kent; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Naishtat; Orr;

Ortiz; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle.

Nays — Anderson; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Cook; Crabb; Craddick; Creighton; Crownover; Eissler; Elkins; Flynn; Gattis; Geren; Harless; Harper-Brown; Hughes; Isett; Jones; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Miller, S.; Parker; Riddle; Sheffield; Shelton; Smithee; Swinford; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Alonzo; Dutton; Morrison; Smith, W.

STATEMENTS OF VOTE

I was shown voting no on Record No. 434. I intended to vote yes.

Creighton

When Record No. 434 was taken, I was excused to attend a committee meeting. I would have voted no.

C. Howard

I was shown voting yes on Record No. 434. I intended to vote no.

Jackson

When Record No. 434 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

I was shown voting yes on Record No. 434. I intended to vote no.

Solomons

HB 4152 ON THIRD READING (by Rose and Martinez Fischer)

HB 4152, A bill to be entitled An Act relating to certification of an educator in Texas who is certified in another state or country.

Amendment No. 1

Representative Rose offered the following amendment to **HB 4152**:

Amend **HB 4152** (second reading engrossment) on page 1, line 23, by striking "[~~or country~~]" and substituting "or country".

Amendment No. 1 was adopted.

HB 4152, as amended, was passed by (Record 435): 131 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Farrar; Smith, W.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 435. I intended to vote no.

Anderson

I was shown voting yes on Record No. 435. I intended to vote no.

B. Brown

I was shown voting yes on Record No. 435. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 435. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 435. I intended to vote no.

Riddle

POSTPONED BUSINESS

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

HB 4102 ON THIRD READING **(by Eiland and Guillen)**

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

HB 4102 was read third time on April 28, postponed until April 29, and was again postponed until 10 a.m. today.

Amendment No. 1

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

Amend **HB 4102** on third reading as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 22, second reading engrossment), strike "Subsections (f) and (g)" and substitute "Subsections (f), (g), and (h)".

(2) In SECTION 2 of the bill, add the following new Subsection (h) to the end of amended Section 418.073, Government Code (page 2, between lines 15 and 16, second reading engrossment):

(h) Money in the disaster contingency fund may be used to provide to a local government entity that is suffering financial hardship as a result of a disaster declared under this chapter funds for the purpose of:

(1) providing local matching funds for Federal Emergency Management Agency qualifying projects; or

(2) preventing default on outstanding bonds or meeting other financial requirements.

Amendment No. 1 was adopted.

Amendment No. 2

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

Amend **HB 4102** on third reading in SECTION 2 of the bill by striking added Section 418.073(g), Government Code, as added by the Eiland second reading amendment (page 2, lines 9-15, second reading engrossment) and substituting the following:

(g) Money in the disaster contingency fund may be used 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.

Amendment No. 2 was adopted.

HB 4102, as amended, was passed by (Record 436): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer;

McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Hilderbran; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Smith, W.

CSHB 493 ON SECOND READING

(by Zerwas, Moody, Legler, Leibowitz, et al.)

CSHB 493, A bill to be entitled An Act relating to the eligibility for judge-ordered community supervision or for release on parole or to mandatory supervision of a defendant convicted of criminal solicitation of capital murder.

CSHB 493 was read second time on April 20, postponed until April 23, and was again postponed until 10 a.m. today.

Representative Zerwas moved to postpone consideration of **CSHB 493** until 10 a.m. Monday, May 4.

The motion prevailed.

CSHB 1678 ON SECOND READING

(by Hilderbran, Gallego, T. King, D. Miller, Rose, et al.)

CSHB 1678, A bill to be entitled An Act relating to the Hill Country local mental health authority crisis stabilization unit.

CSHB 1678 was read second time on April 24 and was postponed until 10 a.m. today.

Representative Gallego moved to postpone consideration of **CSHB 1678** until 10 a.m. tomorrow.

The motion prevailed.

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, postponed until April 27, and was again postponed until 10 a.m. today.

Representative Ritter moved to postpone consideration of **CSHB 3971** until 10 a.m. Saturday, July 4.

The motion prevailed.

HB 1833 ON SECOND READING
(by Hughes and Leibowitz)

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, postponed until April 27, postponed until April 29, and was again postponed until 10 a.m. today.

Representative Hughes moved to postpone consideration of **HB 1833** until 10 a.m. Saturday, May 2.

The motion prevailed.

HB 1360 ON SECOND READING
(by Anchia)

HB 1360, A bill to be entitled An Act relating to the effect under the public information law of the disclosure of certain information by a prosecutor to defense counsel.

HB 1360 was read second time on April 29 and was postponed until 10 a.m. today.

HB 1360 was passed to engrossment. (Flynn, Harper-Brown, and Isett recorded voting no.)

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

(Hilderbran now present)

HCR 16
(by Geren and S. Miller)

HCR 16, Designating *Paluxysaurus jonesi* as the official Lone Star State Dinosaur, replacing *Brachiosaur Sauropod*, *Pleurocoelus*.

HCR 16 was adopted by (Record 437): 132 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; 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; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, S.; King,

T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Parker; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Hilderbran.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Corte; Hartnett; Howard, C.; King, P.; Maldonado; Oliveira; Olivo; Paxton; Peña; Taylor; Villarreal.

Absent, Excused, Committee Meeting — Otto.

Absent — Dutton; Lewis.

FIVE-DAY POSTING RULE SUSPENDED

Representative Rose moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Human Services to consider **HB 1978**, **HB 3112**, **SB 187**, and previously posted bills.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, 10:30 a.m. or upon final adjournment today, E2.036, for a public hearing, to consider **HB 1978**, **HB 3112**, **SB 187**, and previously posted bills.

Natural Resources, upon final adjournment today, 1W.14, for a formal meeting, to consider pending business.

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

Insurance, upon final adjournment today, Desk 13, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon final adjournment today, Desk 28, for a formal meeting, to consider pending business.

PROVIDING FOR ADJOURNMENT

Representative Edwards moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn 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.)

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).

(Bonnen in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 5:29 p.m., adjourned 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

HCR 206 (By Homer), In memory of Christian Tyler Dunn-Donihoo of Mount Pleasant.

To Rules and Resolutions.

HCR 207 (By Homer), In memory of Jack Ray Stevenson of Bogata.

To Rules and Resolutions.

HCR 208 (By Homer), In memory of Herbert Hugh Campbell of Paris.

To Rules and Resolutions.

HR 1698 (By Hughes), Commending Judge Alvin Khoury for his long service to Gregg County on the occasion of his retirement.

To Rules and Resolutions.

HR 1699 (By Swinford), Recognizing the Texas A&M University Agricultural and Natural Resources Policy Internship Program and Public Policy Internship Program and the interns for the 81st legislative session.

To Rules and Resolutions.

HR 1700 (By Hughes), Congratulating Faye and Troy Redd of Alba on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1703 (By Truitt), Congratulating Dr. Jim McDermott of Tarrant County on his receipt of the 2009 Lifetime Achievement Award for Staff Leadership from the National Council for Community Behavioral Healthcare.

To Rules and Resolutions.

HR 1704 (By Truitt), In memory of Lisa Veitenheimer of Keller.

To Rules and Resolutions.

HR 1705 (By Moody), Honoring Jonathan "J. J." Lietzke of Austin for his service as an intern in the office of State Representative Joseph E. Moody.

To Rules and Resolutions.

HR 1706 (By Deshotel), Congratulating photographer and educator Keith Carter of Beaumont on being named the 2009 Texas Medal of Arts honoree for Visual Arts.

To Rules and Resolutions.

HR 1707 (By Gutierrez), In memory of Mary S. Wallace of San Antonio.

To Rules and Resolutions.

HR 1708 (By Truitt), Congratulating Dr. Angela Gardner of The University of Texas Medical Branch at Galveston on her election as president of the American College of Emergency Physicians.

To Rules and Resolutions.

HR 1709 (By Rodriguez), Honoring Ben De Leon of Austin on being named the 2009 Big Brothers Big Sisters National Big Brother of the Year.

To Rules and Resolutions.

HR 1710 (By Shelton), Honoring Brian Srba of Fort Worth on his graduation from the 54th Texas Game Warden Cadet Class.

To Rules and Resolutions.

HR 1711 (By Bolton), Congratulating Cub Scout Pack 61 of Austin on its 10th anniversary.

To Rules and Resolutions.

HR 1712 (By Alvarado), Recognizing June 1, 2009, as Dean and Rog Day at the State Capitol.

To Rules and Resolutions.

HR 1713 (By Cook), Recognizing May 13, 2009, as Texas Environmental Excellence Awards Day and commending award recipients.

To Rules and Resolutions.

HR 1714 (By Sheffield), Congratulating Candance L. Hawks on her appointment to the Texas Special Education Continuing Advisory Committee.

To Rules and Resolutions.

HR 1715 (By Sheffield), In memory of the Reverend Theiss L. Jones of Temple.

To Rules and Resolutions.

HR 1716 (By Sheffield), Congratulating Dr. Larry R. Montgomery of Belton on his appointment to the Texas Board of Chiropractic Examiners.

To Rules and Resolutions.

HR 1717 (By Marquez), In memory of El Paso County Sheriff Leo Samaniego.

To Rules and Resolutions.

HR 1718 (By Marquez), Congratulating Master Sergeant Daniel Cano on his retirement from the U.S. Air Force.

To Rules and Resolutions.

SB 58 to Corrections.

SB 116 to Criminal Jurisprudence.

SB 263 to Transportation.

SB 294 to Transportation.

SB 469 to Ways and Means.

SB 473 to Higher Education.

SB 704 to Public Health.

SB 726 to Natural Resources.

SB 902 to Environmental Regulation.

SB 937 to Criminal Jurisprudence.

SB 992 to Judiciary and Civil Jurisprudence.

SB 1022 to Defense and Veterans' Affairs.

SB 1061 to Criminal Jurisprudence.

SB 1063 to Pensions, Investments, and Financial Services.

SB 1064 to Human Services.

SB 1070 to Judiciary and Civil Jurisprudence.

SB 1077 to Public Education.

SB 1093 to Transportation.

SB 1094 to Public Safety.

SB 1095 to Licensing and Administrative Procedures.

SB 1097 to Insurance.

SB 1106 to Insurance.

SB 1109 to Insurance.

SB 1179 to Higher Education.

- SB 1181** to Business and Industry.
SB 1230 to Human Services.
SB 1240 to Defense and Veterans' Affairs.
SB 1387 to Environmental Regulation.
SB 1402 to Elections.
SB 1448 to Business and Industry.
SB 1459 to Public Education.
SB 1460 to Public Education.
SB 1554 to County Affairs.
SB 1647 to Pensions, Investments, and Financial Services.
SB 1669 to Transportation.
SB 1676 to Border and Intergovernmental Affairs.
SB 1726 to Public Education.
SB 1760 to Higher Education.
SB 1823 to Energy Resources.
SB 1849 to Higher Education.
SB 1878 to Human Services.
SB 1958 to Defense and Veterans' Affairs.
SB 1992 to Transportation.
SB 2065 to Judiciary and Civil Jurisprudence.
SB 2195 to Criminal Jurisprudence.
SB 2210 to Higher Education.
SB 2229 to Judiciary and Civil Jurisprudence.
SB 2284 to Natural Resources.
SB 2445 to Environmental Regulation.
SCR 11 to Culture, Recreation, and Tourism.
SCR 40 to Culture, Recreation, and Tourism.
SCR 42 to Public Health.
SCR 64 to Culture, Recreation, and Tourism.

MESSAGES FROM THE SENATE

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

Message No. 2MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, April 30, 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:
LOCAL AND UNCONTESTED CALENDAR**HB 602** Farabee SPONSOR: Estes
Relating to designation of Midwestern State University as a public liberal arts university.**HB 753** Gonzalez Toureilles SPONSOR: Hegar
Relating to the date for electing directors of the Goliad County Groundwater Conservation District.**HB 806** Gallego SPONSOR: Zaffirini
Relating to health benefit plan coverage for certain prosthetic devices, orthotic devices, and related services.
(Committee Substitute)**HB 2073** Bonnen SPONSOR: Hegar
Relating to plans by local governments in coastal areas for reducing public expenditures for erosion and storm damage losses to public and private property.**HB 2074** Bonnen SPONSOR: Hegar
Relating to the designation by the commissioner of the General Land Office of critical coastal erosion areas for purposes of the coastal erosion response plan.**HB 2433** Smith, Wayne SPONSOR: Williams
Relating to the powers of certain freight rail districts.
(Committee Substitute)**HB 2434** Smith, Wayne SPONSOR: Williams
Relating to the supervision by the Texas Department of Transportation of money appropriated by the federal government for the construction and maintenance of rail facilities.**HB 2666** Ritter SPONSOR: Williams
Relating to the authority of the Lower Neches Valley Authority to acquire, own, operate, maintain, and improve the Devers Canal System, its water rights, and associated property.**SB 46** Zaffirini

Relating to tuition exemptions at public institutions of higher education for certain students who volunteer for outreach programs.

SB 59 Zaffirini

Relating to training for employees and operators of certain child-care facilities.

SB 64 Zaffirini

Relating to insurance coverage for certain devices that facilitate insulin therapy and enhance glucose control in the treatment of diabetes.

SB 201 Shapleigh

Relating to the participation of the medical school at Texas Tech University Health Sciences Center at El Paso in the Joint Admission Medical Program.

SB 212 Shapleigh

Relating to the sale or transportation of certain desert plants; providing a penalty.

SB 213 Shapleigh

Relating to a manifest system to record the transportation of certain liquid wastes.

SB 215 Van de Putte

Relating to the sale of instructional materials to students of public institutions of higher education.

SB 385 Carona

Relating to the interception of wire, oral, or electronic communications.

SB 409 Carona

Relating to fees charged by a justice of the peace for certain documents in a criminal case.

SB 410 Carona

Relating to the statute of limitations for a misdemeanor.

SB 418 Carona

Relating to the compilation, maintenance, and release of information in a criminal street gang intelligence database by law enforcement agencies and criminal justice agencies.

SB 499 Lucio

Relating to birth records of adopted children.

SB 501 Carona

Relating to the civil consequences of certain convictions on a person who holds a commercial driver's license and of certain adjudications on the driver's license or permit of a child.

SB 568 Lucio

Relating to a notification requirement if a counselor is not assigned to a public school campus.

SB 588 Hegar

Relating to the creation of the Waller County Municipal Utility District No. 9; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 660 Hegar

Relating to the creation of the Caldwell County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 771 Williams

Relating to the determination of the value of property for ad valorem tax purposes.

SB 1024 Ogden

Relating to authority of a school district to mail a tax bill with an adopted rate that is higher than the district's rollback tax rate before the date of a rollback election.

SB 1038 Patrick, Dan

Relating to the name, powers, and duties of the Northampton Municipal Utility District; providing authority to impose a tax and issue bonds.

SB 1039 Patrick, Dan

Relating to the creation of the Harris County Municipal Utility District No. 478; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 1092 West

Relating to the screening of newborns for sickle-cell trait and other disorders by the Department of State Health Services.

SB 1145 Zaffirini

Relating to protocol for folding the state flag.

SB 1153 Hinojosa

Relating to the liability of a landowner for an act or omission of a firefighter or peace officer on the property of the landowner.

SB 1224 Huffman

Relating to a waiver of fees imposed for certain expunctions.

SB 1236 Seliger

Relating to admonishments given to a person charged with a misdemeanor.

SB 1243 Wentworth

Relating to the regulation of heir finders by the Texas Private Security Board; providing penalties.

SB 1326 Nelson

Relating to the functions of the statewide health coordinating council; providing civil penalties.

SB 1327 Nelson

Relating to the disposition of surplus data processing equipment of a university system or an institution or agency of higher education.

SB 1335 Hegar

Relating to notice of acceptance or rejection of an insurance claim.

SB 1337 Estes

Relating to the creation of the Van Alstyne Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 1344 Watson

Relating to an alcohol awareness component of the health curriculum used in public schools.

SB 1359 Seliger

Relating to forfeiture of remedy for nonpayment of ad valorem taxes.

SB 1360 Nichols

Relating to the deadlines for commencement and completion of the Lake Columbia reservoir project.

SB 1377 Harris

Relating to the administration of the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund.

SB 1462 Carona

Relating to the use of public facilities as emergency shelters during disasters.

SB 1479 Carona

Relating to benefits payable under certain health coverages.

SB 1484 Watson

Relating to delivery of certain services through consumer direction to elderly persons and persons with disabilities.

SB 1498 Van de Putte

Relating to veteran's employment preferences.

SB 1501 West

Relating to the eligibility of nonprofit organizations that partner with certain schools to receive grants for agricultural projects.

SB 1542 Uresti

Relating to the conduct of investigations, prepayment reviews, and payment holds in cases of suspected fraud, waste, or abuse in the provision of health and human services.

SB 1563 Shapleigh

Relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.

SB 1571 Hinojosa

Relating to the issuance of certain permits for overweight vehicles.

SB 1583 Harris

Relating to the trapping and transport of surplus white-tailed deer.

SB 1617 Wentworth

Relating to the titling and registration of certain motor vehicles.

SB 1625 Wentworth

Relating to the acceptance of durable powers of attorney by third parties.

SB 1626 Wentworth

Relating to the reporting of certain confidential statements made to a mental health professional.

SB 1636 Carona

Relating to motor vehicle registration fees.

SB 1638 Wentworth

Relating to the powers of a recreation district board in a county with frontage on the Guadalupe and Comal Rivers.

SB 1652 Duncan

Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Mitchell County.

SB 1685 Hinojosa

Relating to the creation of a district court records technology fund.

SB 1705 West

Relating to the authority and policies and procedures of the Dallas County Hospital District with regard to appointing, contracting for, or employing physicians, dentists, and other health care providers.

SB 1727 West

Relating to rules adopted and reporting required under the school district college credit program.

SB 1729 West

Relating to the terms of student members of certain Texas Higher Education Coordinating Board advisory committees.

SB 1735 West

Relating to the employment and commissioning of law enforcement personnel to provide security services to certain educational institutions.

SB 1757 Watson

Relating to a study by the Texas Commission on Environmental Quality of methods for disposing of unused pharmaceuticals so that they do not enter a wastewater system.

SB 1774 Whitmire

Relating to the disposal of certain exhibits used in criminal proceedings in certain counties.

SB 1783 Carona

Relating to the use of an offender identification card or similar form of identification as proof of identity for an applicant for a driver's license or commercial driver's license.

SB 1785 Carona

Relating to the regulation of driver's licenses and personal identification certificates by the Department of Public Safety of the State of Texas, including enforcement measures against fictitious or fraudulently obtained licenses or certificates; providing a criminal penalty.

SB 1795 Zaffirini

Relating to the filing by political committees of reports of political contributions and expenditures in connection with a runoff election.

SB 1800 Zaffirini

Relating to methods for increasing student success and degree completion at institutions of higher education.

SB 1801 Zaffirini

Relating to orientation programs for new students at public institutions of higher education.

SB 1806 Zaffirini

Relating to liens for certain veterinary care charges for large animals.

SB 1807 Zaffirini

Relating to the method of delivery of notices relating to sworn complaints filed with the Texas Ethics Commission.

SB 1808 Zaffirini

Relating to notification sent by the Texas Ethics Commission to certain persons regarding deadlines to file reports.

SB 1812 Duncan

Relating to notice to a life insurer of an adverse claim to policy proceeds by a person with a bona fide legal claim.

SB 1813 Duncan

Relating to the exception from required public disclosure of certain appraisal district records.

SB 1828 Averitt

Relating to the idling of motor vehicles.

SB 1876 Nelson

Relating to the administration and powers of a coordinated county transportation authority.

SB 1890 Gallegos

Relating to the temporary suspension of certain signage restrictions during a state of disaster.

SB 1903 Hinojosa

Relating to creating a recognition day in honor of Vietnam veterans.

SB 1918 West

Relating to disclosure of certain information by a property owners' association.

SB 1919 West

Relating to the requirements for recording a property owners' association management certificate.

SB 1946 West

Relating to business leave time accounts for firefighter employee organizations in certain municipalities.

SB 2073 Duncan

Relating to eligibility to hold the office of notary public.

- SB 2093** Duncan
Relating to the North Wheeler County Hospital District.
- SB 2121** West
Relating to the persons entitled to redeem property after the foreclosure of a property owners' association's assessment lien.
- SB 2134** Wentworth
Relating to the composition and voting procedures of the Comal County Juvenile Board.
- SB 2135** Lucio
Relating to a monument dedicated to members of the armed forces from this state who died in combat.
- SB 2145** West
Relating to publication of notice for certain transactions involving local governmental entities.
- SB 2217** Ellis
Relating to the designation of a judicial district in Harris County as the district court for domestic violence cases in that county.
- SB 2248** Zaffirini
Relating to public school students placed in substitute care.
- SB 2262** Zaffirini
Relating to the administration of mathematics, science, and technology teacher preparation academies at institutions of higher education.
- SB 2279** Ellis
Relating to the dedication of certain civil penalties for violations of the Deceptive Trade Practices-Consumer Protection Act to provide civil legal services to the indigent.
- SB 2296** Duncan
Relating to the submission of groundwater management plans to the executive administrator of the Texas Water Development Board.
- SB 2307** Williams
Relating to the preservation and maintenance of the Governor's Mansion.
- SB 2324** Duncan
Relating to the classification of certain types of marital property in regards to claims for payment of a criminal restitution judgment.
- SB 2341** Averitt
Relating to authorizing individuals to leave certain permitted premises and other areas with alcoholic beverages.
- SB 2380** Jackson, Mike
Relating to contracts for the disposal of dredged material from a portion of the Gulf Coast Intracoastal Waterway.
- SB 2385** Shapleigh

Relating to information regarding the relative or designated caregivers for a child in the managing conservatorship of the state.

SB 2396 Nelson

Relating to obsolete or redundant reporting requirements applicable to health and human services agencies.

SB 2410 Deuell

Relating to the creation of the Twin Lakes Municipal Utility District No. 1 of Kaufman County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2412 Deuell

Relating to the authority of Las Lomas Municipal Utility Districts Nos. 3 and 4 of Kaufman County to undertake road projects.

SB 2413 Deuell

Relating to the authority of the Kaufman County Water Control and Improvement District No. 1 to undertake road projects.

SB 2420 Deuell

Relating to the location at which a certification examination for interpreters for the deaf or hard of hearing may be conducted.

SB 2454 Harris

Relating to preferences of certain district courts in Tarrant County.

SB 2455 Patrick, Dan

Relating to the creation of the Harris County Municipal Utility District No. 495; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2456 Hinojosa

Relating to the creation of the Brush Country Groundwater Conservation District; providing authority to impose a tax and issue bonds.

SB 2460 Jackson, Mike

Relating to the creation of the Brazoria County Municipal Utility District No. 65; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2466 Harris

Relating to the creation of the Cypress Waters Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

SB 2478 Wentworth

Relating to the Parklands Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2483 Williams

Relating to the authority of the Harris-Montgomery Counties Municipal Utility District No. 386, formerly known as Harris County Municipal Utility District No. 386, to issue bonds supported by ad valorem taxes to finance recreational facilities.

SB 2495 Zaffirini

Relating to eligibility requirements to serve as a member of the board of directors of the Bee Groundwater Conservation District.

SB 2497 Estes

Relating to the creation of the North Texas Groundwater Conservation District; providing authority to issue bonds.

SB 2513 Averitt

Relating to the name and confirmation of, and to certain fees imposed by, the McLennan County Groundwater Conservation District.

SB 2519 Estes

Relating to the Clear Creek Watershed Authority.

SB 2523 Williams

Relating to the possession and consumption of wine on the premises of a mixed beverage or private club permittee; providing for separate statement of the mixed beverage tax.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 29

Agriculture and Livestock - **SB 768**

Business and Industry - **HB 2223, SB 83**

County Affairs - **HB 2743, HB 2753, HB 2947, HB 3398, HB 3485, HB 3487, HB 3601, HB 4257**

Criminal Jurisprudence - **HB 3615, HB 3881**

Culture, Recreation, and Tourism - **HB 810**

Defense and Veterans' Affairs - **HB 1710, HB 1725, HB 1763, HJR 7**

Elections - **HB 208, HB 1256, HB 1359, HB 2209**

Energy Resources - **HB 1883, HB 1993, HB 2210, HB 2783, HB 4309**

Higher Education - **HB 603, HB 2024, HB 2805, HB 2961, HB 3296, HB 3790, HB 3885, HB 4501, SB 956**

Human Services - **HB 166, HB 1627, HB 2632, HB 2971, HB 3859, HB 4023, HB 4806, SB 643**

Insurance - **HB 2256**

Judiciary and Civil Jurisprudence - **HB 818, HB 1151, HB 1319, HB 1569**

Land and Resource Management - **HB 2705, HJR 102**

Licensing and Administrative Procedures - **HB 2105, HB 3839, SB 778**

Natural Resources - **HB 2741**

Public Education - **HB 2759**

Public Health - **HB 1523, HB 2686, HB 4355**

Public Safety - **HB 3748**

State Affairs - **HB 1677, HB 1773, HB 2909**

Technology, Economic Development, and Workforce - **SB 28**

Urban Affairs - **HB 524, HB 1413, HB 3009, HB 3802**

Ways and Means - **HB 1030, HB 3098, HB 3206, HB 4041, HB 4613**

ENGROSSED

April 29 - HB 236, HB 383, HB 473, HB 527, HB 635, HB 677, HB 715, HB 749, HB 965, HB 1095, HB 1096, HB 1115, HB 1177, HB 1257, HB 1294, HB 1342, HB 1556, HB 1568, HB 1629, HB 1659, HB 1787, HB 1789, HB 1799, HB 1832, HB 1884, HB 1949, HB 1969, HB 1972, HB 2004, HB 2107, HB 2201, HB 2225, HB 2259, HB 2289, HB 2303, HB 2317, HB 2333, HB 2347, HB 2450, HB 2642, HB 2644, HB 2724, HB 2774, HB 2803, HB 2822, HB 2827, HB 2829, HB 2840, HB 2916, HB 2932, HB 2988, HB 3025, HB 3031, HB 3032, HB 3076, HB 3080, HB 3139, HB 3147, HB 3246, HB 3308, HB 3333, HB 3515, HB 3593, HB 3599, HB 3654, HB 3756, HB 3765, HB 3841, HB 3866, HB 4006, HB 4031, HB 4100, HB 4114, HB 4231, HB 4302, HB 4435, HB 4451, HB 4476, HB 4529, HB 4657

ENROLLED

April 29 - HB 1484, HCR 122

SIGNED BY THE GOVERNOR

April 29 - HB 1871

