

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-SIXTH DAY — THURSDAY, MAY 7, 2009

The house met at 11:30 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 619).

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; Corte; 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; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

### LEAVES OF ABSENCE GRANTED

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

### HCR 150 - PREVIOUSLY ADOPTED (by Craddick)

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

**HCR 150**, Congratulating Ashley Carruth Beal of Midland on being named the 2009-2010 Texas Bluebonnet Queen.

### INTRODUCTION OF GUEST

The chair recognized Representative Craddick who introduced Ashley Carruth Beal.

#### **HR 1785 - ADOPTED (by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1785**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1785**, Recognizing Andy Burnett for his distinguished military service.

**HR 1785** was adopted.

#### **HR 1876 - ADOPTED (by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1876**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1876**, Congratulating Andrew Cornish and Tyler Gregston of Hallsville High School for winning first place in their category at the 2009 UIL Cross-Examination Debate State Tournament.

**HR 1876** was adopted.

### 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 B. Brown 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, with the exception of **HB 1457**.

### 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 620): 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; Corte; 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 Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

**HB 570** (Anderson, Aycock, Button, Chisum, Christian, Darby, Flynn, Kleinschmidt, D. Miller, and Phillips - no) (136 - 10 - 1)

**HB 912** (Button, Chisum, Christian, Kleinschmidt, D. Miller, and Phillips - no) (140 - 6 - 1)

**HB 1041**

**HB 1090** (Miklos - present, not voting) (145 - 0 - 2)

**HB 1309**

**HB 2121**

**HB 2547**

**HB 2682**

**HB 2697** (Christian, Phillips, Sheffield, and Weber - no) (142 - 4 - 1)

**HB 2954** (Anderson, Bohac, and Madden - no) (143 - 3 - 1)

**HB 2994** (Sheffield - no) (145 - 1 - 1)

**HB 3119** (Sheffield - no) (145 - 1 - 1)

**HB 3287**

**HB 3356**

**HB 3526**

**HB 3829**

**HB 3850** (Flynn - no) (145 - 1 - 1)

**HB 3861**

**SB 1755**

**HB 4343**

**HB 4412**

**HB 4424**

**HB 4492**

**HB 4754**

**HB 1425**

**HB 1968**

**HB 2548**

**HB 2888** (Button, Chisum, Christian, Kleinschmidt, D. Miller, and Phillips - no) (140 - 6 - 1)

**HB 3181**

**HB 3674**

**HB 1457 ON THIRD READING**  
**(by Hochberg)**

**HB 1457**, A bill to be entitled An Act relating to procedures concerning verification of certain information submitted in a voter registration application.

**HB 1457** was read third time and was passed by (Record 621): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; 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 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Phillips.

Present, not voting — Mr. Speaker.

Absent, Excused — Crabb; Driver; Shelton.

Absent — King, S.

### STATEMENT OF VOTE

When Record No. 621 was taken, my vote failed to register. I would have voted yes.

S. King

### REGULAR ORDER OF BUSINESS SUSPENDED

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

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

#### SB 828 ON THIRD READING (Madden - House Sponsor)

**SB 828**, A bill to be entitled An Act relating to a determination of value for purposes of punishment of the offense of abuse of official capacity.

**SB 828** was passed by (Record 622): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; 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; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; 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 — Crabb; Driver; Shelton.

Absent — Burnam; Dutton; Smith, W.

**SB 405 ON THIRD READING**  
**(McCall - House Sponsor)**

**SB 405**, A bill to be entitled An Act relating to compensation for the use of the public transportation system of a regional transportation authority.

**SB 405** was passed by (Record 623): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; 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; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

Absent — Dutton.

**SB 687 ON THIRD READING**  
**(Driver - House Sponsor)**

**SB 687**, A bill to be entitled An Act relating to injury leave and related benefits for certain state peace officers injured in the course of performance of duty.

**SB 687** was passed by (Record 624): 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; Corte; 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 Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 2295 ON THIRD READING**

**(by McClendon, Isett, Flynn, Deshotel, Harper-Brown, et al.)**

**HB 2295**, A bill to be entitled An Act relating to the continuation and functions of the Texas Residential Construction Commission; providing penalties.

**HB 2295** was passed by (Record 625): 137 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.;

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

Nays — Bonnen; Eiland(C); Hilderbran; Kolkhorst; Miklos; Olivo; Sheffield.

Present, not voting — Mr. Speaker.

Absent, Excused — Crabb; Driver; Shelton.

Absent — King, S.; Peña.

### STATEMENTS OF VOTE

When Record No. 625 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 625 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

I was shown voting no on Record No. 625. I intended to vote yes.

Sheffield

### GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

#### HB 3977 ON THIRD READING (by Hunter, et al.)

**HB 3977**, A bill to be entitled An Act relating to the trapping and transport of surplus white-tailed deer.

#### Amendment No. 1

Representative Gonzalez Toureilles offered the following amendment to **HB 3977**:

Amend **HB 3977** (House Committee Printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Section 43.062, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.062. PENALTIES [~~PENALTY~~]. (a) Except as provided by Subsection (b), a [A] person who violates any provision of this subchapter or the terms of a permit issued under this subchapter commits an offense that is a Class B Parks and Wildlife Code misdemeanor.



(b) A person who violates Section 43.061(a) by intentionally capturing, transporting, or transplanting a white-tailed or mule deer without obtaining the required permit or by intentionally violating one or more terms of the permit commits an offense that is a Parks and Wildlife Code state jail felony.

(b) Section 43.062, Parks and Wildlife Code, as amended by this section, applies only to an offense committed on or after the effective date of this Act. For purposes of this subsection, an offense is committed before the effective date of this Act if any element of the offense occurs before that date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

**HB 3977**, as amended, was passed by (Record 626): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; 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 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

Absent — King, S.

### STATEMENT OF VOTE

When Record No. 626 was taken, my vote failed to register. I would have voted yes.

S. King

**HB 3005 ON THIRD READING**  
(by Coleman)

**HB 3005**, A bill to be entitled An Act relating to the mandatory testing of persons suspected of exposing employees of a juvenile probation department to certain diseases.

**HB 3005** was passed by (Record 627): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; 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.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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; Eiland(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Hughes; King, S.

**STATEMENT OF VOTE**

When Record No. 627 was taken, my vote failed to register. I would have voted yes.

S. King

**HB 1358 ON THIRD READING**  
(by Keffer, Rose, Morrison, Kolkhorst, Thompson, et al.)

**HB 1358**, A bill to be entitled An Act relating to the Cancer Prevention and Research Institute of Texas.

**HB 1358** was passed by (Record 628): 141 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam;

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

Nays — Miller, S.; Riddle.

Present, not voting — Mr. Speaker.

Absent, Excused — Crabb; Driver; Shelton.

Absent — Burnam; Edwards; King, S.

#### STATEMENT OF VOTE

When Record No. 628 was taken, my vote failed to register. I would have voted yes.

S. King

#### HB 4525 ON THIRD READING

(by Parker, Button, Legler, Guillen, et al.)

**HB 4525**, A bill to be entitled An Act relating to qualified manufacturing project zones.

**HB 4525** was passed by (Record 629): 139 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla;

Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Burnam; Hartnett; Kent.

Present, not voting — Mr. Speaker.

Absent, Excused — Crabb; Driver; Shelton.

Absent — Coleman; Dunnam; King, S.; Otto.

### STATEMENT OF VOTE

When Record No. 629 was taken, my vote failed to register. I would have voted yes.

S. King

### HB 1420 ON THIRD READING

(by Orr)

**HB 1420**, A bill to be entitled An Act relating to the regulation of the transportation of oil and gas drill cuttings; providing a criminal penalty.

#### Amendment No. 1

Representative Orr offered the following amendment to **HB 1420**:

Amend **HB 1420** on third reading on page 1, line 12, by striking "load is not completely sealed" and substituting "vehicle is not equipped and maintained in a manner that prevents the drill cuttings from escaping from the vehicle or being deposited on a public road or highway by the vehicle".

Amendment No. 1 was adopted.

**HB 1420**, as amended, was passed by (Record 630): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; 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 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios

Ybarra; Ritter; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

Absent — Burnam; King, S.; Rodriguez.

### STATEMENT OF VOTE

When Record No. 630 was taken, my vote failed to register. I would have voted yes.

S. King

### HB 1796 ON THIRD READING

(by Chisum, Hancock, Burnam, Hartnett, et al.)

**HB 1796**, A bill to be entitled An Act relating to the offshore geologic storage of carbon dioxide.

**HB 1796** was passed by (Record 631): 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; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

Absent — Callegari; Farias.

### STATEMENT OF VOTE

When Record No. 631 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

#### **HB 1890 ON THIRD READING** **(by Creighton and Eissler)**

**HB 1890**, A bill to be entitled An Act relating to notification of applications for permits for certain injection wells.

**HB 1890** was passed by (Record 632): 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; Corte; 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 Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; 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; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

Absent — Merritt; Rodriguez.

### STATEMENT OF VOTE

When Record No. 632 was taken, I was temporarily out of the house chamber. I would have voted yes.

Rodriguez

#### **HB 1966 ON THIRD READING** **(by J. Davis, Zerwas, Truitt, Naishtat, et al.)**

**HB 1966**, A bill to be entitled An Act relating to an e-prescribing implementation plan under the Medicaid and child health plan programs.

**HB 1966** was passed by (Record 633): 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; Corte; 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 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; 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; 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 — Crabb; Driver; Shelton.

Absent — King, S.; Merritt.

#### STATEMENT OF VOTE

When Record No. 633 was taken, my vote failed to register. I would have voted yes.

S. King

#### HB 2240 ON THIRD READING (by Lewis, Vaught, Moody, and Guillen)

**HB 2240**, A bill to be entitled An Act relating to creating the offense of continuous violence against the family.

**HB 2240** was passed by (Record 634): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado;

Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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; Eiland(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — King, S.

### STATEMENT OF VOTE

When Record No. 634 was taken, my vote failed to register. I would have voted yes.

S. King

### HB 2584 ON THIRD READING (by Hartnett, Moody, Madden, et al.)

**HB 2584**, A bill to be entitled An Act relating to the right of certain child crime victims to a speedy trial and to be considered with respect to a defendant's motion for continuance.

**HB 2584** was passed by (Record 635): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Aycoc; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Sheffield; 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 — Crabb; Driver; Shelton.

Absent — Allen; Dukes; King, S.; Pitts; Rose.



**STATEMENT OF VOTE**

When Record No. 635 was taken, my vote failed to register. I would have voted yes.

S. King

**HB 192 ON THIRD READING**

**(by Alonzo, Anchia, Flores, Rodriguez, and Hernandez)**

**HB 192**, A bill to be entitled An Act relating to the absence of a student from school for activities in connection with obtaining United States citizenship.

**HB 192** was passed by (Record 636): 142 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; 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; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Fletcher; Jones; Riddle.

Present, not voting — Mr. Speaker.

Absent, Excused — Crabb; Driver; Shelton.

Absent — King, S.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 636. I intended to vote yes.

Fletcher

When Record No. 636 was taken, my vote failed to register. I would have voted yes.

S. King

**HB 200 ON THIRD READING**  
**(by Heflin and Edwards)**

**HB 200**, A bill to be entitled An Act relating to continuing education requirements for public school principals.

**HB 200** was passed by (Record 637): 94 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Cook; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Eiland(C); Eissler; England; Farabee; Farias; Farrar; Flores; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, T.; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, W.; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Bohac; Bonnen; Brown, B.; Brown, F.; Button; Chisum; Christian; Corte; Craddick; Creighton; Crownover; Davis, J.; Elkins; Fletcher; Flynn; Frost; Gattis; Geren; Hancock; Harless; Harper-Brown; Hilderbran; Howard, C.; Isett; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Madden; Miller, D.; Miller, S.; Morrison; Parker; Paxton; Phillips; Riddle; Sheffield; Smith, T.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Crabb; Driver; Shelton.

Absent — Callegari; Coleman; Dunnam; King, S.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 637. I intended to vote no.

Hunter

When Record No. 637 was taken, my vote failed to register. I would have voted yes.

S. King

(Speaker in the chair)

**HB 233 ON THIRD READING**  
**(by Rodriguez, Kolkhorst, Gonzales, and Naishtat)**

**HB 233**, A bill to be entitled An Act relating to the creation of an advisory committee to establish and recommend qualifications for certain health care translators and interpreters.

**HB 233** was passed by (Record 638): 95 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Aycock; Bohac; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Corte; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Keffer; Kent; King, S.; King, T.; Kolkhorst; Laubenberg; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Berman; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Hardcastle; Harless; Hartnett; Hughes; Isett; Jackson; Jones; King, P.; Kleinschmidt; Kuempel; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Parker; Paxton; Phillips; Riddle; Sheffield; Smith, T.; Smith, W.; Solomons; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Allen; Crownover; Dunnam.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 638. I intended to vote no.

Corte

I was shown voting no on Record No. 638. I intended to vote yes.

Darby

I was shown voting yes on Record No. 638. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 638. I intended to vote no.

Hunter

#### HB 459 ON THIRD READING

(by Leibowitz, Quintanilla, Marquez, and Pickett)

**HB 459**, A bill to be entitled An Act relating to county abatement of public nuisances; providing a penalty.

#### Amendment No. 1

Representative Quintanilla offered the following amendment to **HB 459**:

Amend **HB 459** on third reading in added Section 236.001, Local Government Code, between "county" and "with a population", by inserting "that has a city".

Amendment No. 1 was adopted.

**HB 459**, as amended, was passed by (Record 639): 94 Yeas, 47 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **HB 459** was further amended and was passed by Record No. 657.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycok; Bohac; Bolton; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Corte; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Keffer; Kent; King, T.; Laubenberg; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smithee; Strama; Swinford; Thibaut; Thompson; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Eissler; Fletcher; Hamilton; Hancock; Hardcastle; Hartnett; Howard, C.; Hughes; Isett; Jackson; Jones; King, P.; Kleinschmidt; Kolkhorst; Legler; Lewis; Miller, D.; Miller, S.; Morrison; Parker; Paxton; Riddle; Sheffield; Smith, T.; Smith, W.; Solomons; Taylor; Truitt; Turner, S.; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Flynn; Harper-Brown; King, S.; Kuempel; Merritt.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 639. I intended to vote no.

Elkins

I was shown voting yes on Record No. 639. I intended to vote no.

Hunter

When Record No. 639 was taken, my vote failed to register. I would have voted no.

S. King

I was shown voting no on Record No. 639. I intended to vote yes.

Riddle

**HB 626 ON THIRD READING**  
(by Allen)

**HB 626**, A bill to be entitled An Act relating to educational involvement agreements setting forth the respective responsibilities of students, parents, teachers, and principals in public schools.

**HB 626** was passed by (Record 640): 140 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Harper-Brown; Isett; King, S.; Merritt; Pierson.

**STATEMENT OF VOTE**

When Record No. 640 was taken, my vote failed to register. I would have voted yes.

S. King

**HB 770 ON THIRD READING**  
(by D. Howard, Eiland, Ritter, Elkins, Taylor, et al.)

**HB 770**, A bill to be entitled An Act relating to the ad valorem taxation of a residence homestead that is rendered uninhabitable or unusable by a casualty or by wind or water damage.

Representative D. Howard moved to postpone consideration of **HB 770** until 12:25 p.m. today.

The motion prevailed.

**HB 999 ON THIRD READING**  
**(by Dutton and Edwards)**

**HB 999**, A bill to be entitled An Act relating to the closure of a school campus by the board of trustees of a school district.

**HB 999** was passed by (Record 641): 77 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Berman; Bolton; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Davis, J.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Kuempel; Leibowitz; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, S.; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anchia; Anderson; Aycoc; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Madden; Maldonado; Miklos; Miller, D.; Miller, S.; Morrison; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Sheffield; Smith, T.; Smithee; Solomons; Swinford; Taylor; Truitt; Turner, C.; Vaught; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Deshotel; Isett; King, S.; Merritt; Smith, W.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 641. I intended to vote no.

Hunter

When Record No. 641 was taken, my vote failed to register. I would have voted no.

S. King

**HB 221 ON THIRD READING**  
**(by Menendez)**

**HB 221**, A bill to be entitled An Act relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest.

**HB 221** was passed by (Record 642): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; 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; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; 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; Rose; Sheffield; 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 — Crabb; Driver; Shelton.

Absent — Davis, Y.; Deshotel; Heflin; King, S.; Merritt; Rodriguez.

### STATEMENT OF VOTE

When Record No. 642 was taken, my vote failed to register. I would have voted yes.

S. King

### HB 319 ON THIRD READING (by Raymond and Leibowitz)

**HB 319**, A bill to be entitled An Act relating to an exemption from jury service for certain persons with legal custody of a child.

**HB 319** was passed by (Record 643): 140 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez;

Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Eissler; King, S.; Mallory Caraway; McCall; Merritt.

### STATEMENT OF VOTE

When Record No. 643 was taken, my vote failed to register. I would have voted yes.

S. King

### HB 136 ON THIRD READING

(by Villarreal, Marquez, Patrick, Walle, Ortiz, et al.)

**HB 136**, A bill to be entitled An Act relating to providing notification to parents of eligible children of the availability of prekindergarten programs.

**HB 136** was passed by (Record 644): 78 Yeas, 63 Nays, 1 Present, not voting.

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

Nays — Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Darby; Davis, J.; Eissler; Elkins; Fletcher; Flynn; Geren; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Dutton; Farrar; King, S.; Merritt; Peña.



**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 644. I intended to vote no.

Gattis

I was shown voting yes on Record No. 644. I intended to vote no.

Hunter

When Record No. 644 was taken, my vote failed to register. I would have voted no.

S. King

**HB 3276 ON THIRD READING**

(by D. Howard)

**HB 3276**, A bill to be entitled An Act relating to the determination of student priority in awarding TEXAS grants.

**HB 3276** was passed by (Record 645): 107 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Corte; Craddick; Crownover; Davis, J.; Davis, Y.; Deshotel; Dunnam; Eiland; England; Farabee; Farias; Farrar; Fletcher; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Keffer; Kent; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Martinez Fischer; McCall; McReynolds; Menendez; Miklos; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, W.; Solomons; Strama; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber.

Nays — Aycock; Berman; Bonnen; Callegari; Creighton; Darby; Dukes; Edwards; Eissler; Flores; Flynn; Frost; Gallego; Giddings; Hamilton; Hopson; Isett; Jones; King, T.; Laubenberg; Marquez; Martinez; McClendon; Miller, D.; Miller, S.; Riddle; Smith, T.; Smithee; Swinford; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Coleman; Cook; Dutton; Elkins; King, S.; Merritt; Moody; Pickett.

**STATEMENTS OF VOTE**

When Record No. 645 was taken, my vote failed to register. I would have voted no.

S. King

I was shown voting no on Record No. 645. I intended to vote yes.

Marquez

When Record No. 645 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

I was shown voting yes on Record No. 645. I intended to vote no.

Paxton

I was shown voting no on Record No. 645. I intended to vote yes.

Woolley

**HB 1533 ON THIRD READING**  
**(by Burnam, Truitt, and Veasey)**

**HB 1533**, A bill to be entitled An Act relating to notice of applications for permits to drill certain gas wells.

**Amendment No. 1**

Representative Truitt offered the following amendment to **HB 1533**:

Amend **HB 1533** (House Committee printing) by striking, on page 1, lines 17-18, "notice of the application by first class mail and, on request, electronically" and substituting "electronic notice of the application and, on request, by first class mail".

Amendment No. 1 was adopted.

**HB 1533**, as amended, was passed by (Record 646): 85 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Branch; Burnam; Castro; Chavez; Christian; Cohen; Coleman; Cook; Corte; Crownover; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Hancock; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, S.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Miklos; Moody; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Peña; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Solomons; Strama; Thibaut; Thompson; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chisum; Craddick; Creighton; Darby; Davis, J.; Edwards; Eissler; Elkins; Fletcher; Flynn; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Howard, C.; Hughes; Isett; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden;

McReynolds; Merritt; Miller, D.; Miller, S.; Morrison; Otto; Paxton; Phillips; Pitts; Riddle; Rios Ybarra; Rose; Sheffield; Smith, W.; Smithee; Swinford; Taylor; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Oliveira; Pickett; Turner, S.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 646. I intended to vote no.

Corte

I was shown voting yes on Record No. 646. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 646. I intended to vote no.

Hunter

When Record No. 646 was taken, I was excused because of important business in the district. Had I been present, I would have voted yes.

Shelton

### HB 2649 ON THIRD READING (by W. Smith and Callegari)

**HB 2649**, A bill to be entitled An Act relating to the regulation and practice of engineering.

**HB 2649** was passed by (Record 647): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook; Corte; 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 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Driver; Shelton.

Absent — Burnam; Coleman; King, S.; McClendon; Thompson; Turner, S.; Zerwas.

### STATEMENTS OF VOTE

When Record No. 647 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 647 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

(Bohac in the chair)

### POSTPONED BUSINESS

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

#### HB 770 ON THIRD READING

(by D. Howard, Eiland, Ritter, Elkins, Taylor, et al.)

**HB 770**, A bill to be entitled An Act relating to the ad valorem taxation of a residence homestead that is rendered uninhabitable or unusable by a casualty or by wind or water damage.

**HB 770** was read third time earlier today and was postponed until this time.

#### Amendment No. 1

Representative Eiland offered the following amendment to **HB 770**:

Amend **HB 770** (House Committee Printing) on page 7, line 3, AFTER "year" insert "regardless of whether that appraised value exceeds the actual appraised value of the property for that year as limited by Subsection (a)"

Amendment No. 1 was adopted.

**HB 770**, as amended, was passed by (Record 648): 141 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac(C); Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; 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, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory

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

Nays — Anderson.

Present, not voting — Mr. Speaker.

Absent, Excused — Crabb; Driver; Shelton.

Absent — Callegari; Howard, C.; King, S.; Zerwas.

### STATEMENT OF VOTE

When Record No. 648 was taken, my vote failed to register. I would have voted yes.

S. King

### GENERAL STATE CALENDAR (consideration continued)

#### HB 1935 ON THIRD READING

(by Villarreal, Guillen, Rodriguez, Chavez, Flores, et al.)

**HB 1935**, A bill to be entitled An Act relating to the establishment of the Texas Adult Career Education Grant Program to support community-based initiatives that assist unemployed and underemployed adults in receiving postsecondary education necessary to obtain employment in local, high-demand occupations.

**HB 1935** was passed by (Record 649): 92 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Brown, F.; Burnam; Button; Castro; Chavez; Cohen; Coleman; Crossover; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jones; Keffer; Kent; King, P.; King, T.; Kuempel; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Darby; Davis, J.; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Howard, C.; Hughes; Isett; Jackson;

Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Madden; Miller, D.; Miller, S.; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Smithee; Swinford; Truitt; Weber; Woolley; Zerwas.

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

Absent, Excused — Crabb; Driver; Shelton.

Absent — Deshotel; King, S.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 649. I intended to vote yes.

Darby

When Record No. 649 was taken, my vote failed to register. I would have voted no.

S. King

I was shown voting yes on Record No. 649. I intended to vote no.

T. Smith

I was shown voting no on Record No. 649. I intended to vote yes.

Swinford

#### POSTPONED BUSINESS

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

#### **SB 562 ON SECOND READING (Bonnen - House Sponsor)**

**SB 562**, A bill to be entitled An Act relating to the inclusion on the exterior of an ad valorem tax bill of a statement directing the United States Postal Service to return the bill if it is not deliverable as addressed.

**SB 562** was considered in lieu of **HB 653**.

**SB 562** was read second time and was passed to third reading.

#### **HB 653 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Bonnen moved to lay **HB 653** on the table subject to call.

The motion prevailed.

#### **CSHB 4474 ON SECOND READING (by Callegari)**

**CSHB 4474**, A bill to be entitled An Act relating to the applicability of a fire code in an unincorporated area of a county.

**CSHB 4474** was read second time on April 30 and was postponed until 8 a.m. today.

Representative Callegari moved to postpone consideration of **CSHB 4474** until Tuesday, June 2.

The motion prevailed.

**HB 1864 ON SECOND READING**  
**(by Hochberg)**

**HB 1864**, A bill to be entitled An Act relating to tuition exemptions at public institutions of higher education for students enrolled in certain interinstitutional academic programs.

**HB 1864** was read second time on April 30 and was postponed until 9 a.m. today.

Representative Hochberg moved to postpone consideration of **HB 1864** until 4 p.m. tomorrow.

The motion prevailed.

**HB 3226 ON THIRD READING**  
**(by Madden)**

**HB 3226**, A bill to be entitled An Act relating to the payment of temporary housing costs for certain inmates who are eligible for release on parole or to mandatory supervision.

**HB 3226** was read third time on May 5 and was postponed until 10 a.m. today.

**Amendment No. 1**

Representative Hodge offered the following amendment to **HB 3226**:

Amend **HB 3226** (house committee printing) as follows:

(1) On page 1, line 9, strike "an inmate who is" and substitute "inmates who are".

(2) On page 1, lines 10 through 13, strike "who has not been released from the department, including from a halfway house, solely because a permanent post-release residence has not been located or established for the inmate" and substitute "to releasees".

(3) On page 1, lines 14 through 16, strike "to an inmate described by Subsection (a) a voucher or debit card to be used by the inmate to pay" and substitute "payment".

(4) On page 1, line 16, between "housing" and "that", insert "for an inmate described by Subsection (a) or for a releasee".

(5) On page 1, line 17, strike "the" and substitute "a".

(6) On page 1, line 17, between "panel" and the underlined period, insert "and is located in the county of legal residence of the inmate or releasee".

(7) On page 1, line 18, strike "a voucher or debit card" and substitute "payment".

(8) On page 1, line 20, strike "90 days" and substitute "the period for which the payment is issued".

(9) On page 1, lines 21 and 22, strike "pay the cost of a voucher or debit card issued" and substitute "issue payment".

(10) On page 2, line 3, between "section" and the underlined period, insert "including rules that ensure that the food, hygiene, and clothing needs of an inmate or releasee on whose behalf payment is issued under this section are adequately met during the period for which the payment is issued".

(11) On page 2, between lines 3 and 4, insert:

(f) Not later than September 30, 2010, for the first report and September 30, 2011, for the second report, the department shall submit to the Criminal Justice Legislative Oversight Committee a report that covers the period of August 1 of the year preceding the year in which the report is submitted through September 1 of the year in which the report is submitted and that includes:

(1) the total number of inmates and releasees on whose behalf payment is issued under this section;

(2) the total dollar amount of payments issued under this section; and

(3) the county of release and the county of legal residence of each inmate or releasee on whose behalf payment is issued under this section.

(g) This subsection and Subsection (f) expire January 1, 2012.

(12) On page 2, line 10, strike "a voucher or debit card" and substitute "payment for the cost of temporary post-release housing".

Amendment No. 1 was adopted.

**HB 3226**, as amended, was passed by (Record 650): 125 Yeas, 16 Nays, 1 Present, not voting.

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

Nays — Anderson; Bohac(C); Bonnen; Button; Gattis; Geren; Howard, C.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Miller, D.; Parker; Paxton; Phillips; Sheffield.

Present, not voting — Mr. Speaker.

Absent, Excused — Crabb; Driver; Shelton.

Absent — Dukes; Hamilton; Harper-Brown; King, S.; Rose.



**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 650. I intended to vote no.

Craddick

When Record No. 650 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

When Record No. 650 was taken, my vote failed to register. I would have voted yes.

S. King

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Bonnen requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 12:45 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

**SB 1838 ON SECOND READING  
(Zerwas - House Sponsor)**

**SB 1838**, A bill to be entitled An Act relating to involuntary termination of parental rights based on attempted murder or solicitation of murder of the child's other parent.

**SB 1838** was considered in lieu of **HB 494**.

**SB 1838** was read second time and was passed to third reading.

**HB 494 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Zerwas moved to lay **HB 494** on the table subject to call.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Bonnen requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 1 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Land and Resource Management, 1 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 25).

**HB 2394 ON SECOND READING**  
**(by England)**

**HB 2394**, A bill to be entitled An Act relating to the requirements for recording a property owners' association management certificate.

**HB 2394** was read second time on May 2 and was postponed until 10 a.m. today.

Representative England moved to postpone consideration of **HB 2394** until 10 a.m. Monday, May 11.

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, postponed until April 30, postponed until May 1, postponed until May 5, and was again postponed until 10 a.m. today.

Representative Hilderbran moved to postpone consideration of **CSHB 1678** until 10 a.m. Friday, May 8.

The motion prevailed.

**CSHB 3477 ON SECOND READING**  
**(by Bolton, et al.)**

**CSHB 3477**, A bill to be entitled An Act relating to authorizing an emergency services district to impose an ad valorem tax for the acquisition of land, equipment, or apparatus or the construction of capital improvements.

**CSHB 3477** was read second time on May 5, postponed until May 6, and was again postponed until 10 a.m. today.

Representative Bolton moved to postpone consideration of **CSHB 3477** until 1 p.m. today.

The motion prevailed.

**HJR 112 ON SECOND READING**  
**(by Bolton, Quintanilla, Pickett, Kleinschmidt, and Kent)**

**HJR 112**, A joint resolution proposing a constitutional amendment to authorize the imposition of an additional ad valorem tax for emergency services districts, subject to voter approval, at a rate not to exceed five cents for the acquisition of land, equipment, or apparatus or the construction of capital improvements.

**HJR 112** was read second time on May 6 and was postponed until 10 a.m. today.

**HJR 112** was passed to engrossment by (Record 651): 90 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Bonnen; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook; Davis, J.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jackson; Kent; King, S.; King, T.; Kleinschmidt; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Smith, W.; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Aycock; Berman; Branch; Brown, B.; Button; Chisum; Christian; Corte; Craddick; Creighton; Crownover; Darby; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Hardcastle; Harper-Brown; Howard, C.; Hughes; Hunter; Isett; Jones; Keffer; King, P.; Kolkhorst; Kuempel; Laubenberg; Legler; Madden; Miller, S.; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Smith, T.; Smithee; Solomons; Swinford; Taylor; Weber; Woolley; Zerwas.

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

Absent, Excused — Crabb; Driver; Shelton.

Absent — Anderson; Callegari; Dukes; Hilderbran; Orr; Otto; Rose.

#### STATEMENTS OF VOTE

When Record No. 651 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 651 was taken, my vote failed to register. I would have voted yes.

Hilderbran

I was shown voting no on Record No. 651. I intended to vote yes.

Kuempel

When Record No. 651 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

#### CSHB 3477 ON SECOND READING (by Bolton, et al.)

**CSHB 3477**, A bill to be entitled An Act relating to authorizing an emergency services district to impose an ad valorem tax for the acquisition of land, equipment, or apparatus or the construction of capital improvements.

**CSHB 3477** was read second time on May 5, postponed until May 6, postponed until 10 a.m. today, and was again postponed until this time.

**Amendment No. 1**

Representative Bolton offered the following amendment to **CSHB 3477**:

Amend **CSHB 3477** (House committee printing) on page 4, line 4, between the period and "The proposition", by inserting the following:

Notwithstanding Subsection (c), the board must hold the election on the uniform election date in November.

Amendment No. 1 was adopted.

**CSHB 3477**, as amended, was passed to engrossment by (Record 652): 95 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Isett; Jackson; Kent; King, T.; Kleinschmidt; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, W.; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Button; Corte; Craddick; Creighton; Crownover; Darby; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Hardcastle; Howard, C.; Hughes; Jones; Keffer; King, P.; Kolkhorst; Kuempel; Legler; Miller, S.; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Smith, T.; Smithee; Solomons; Swinford; Taylor; Weber; Woolley; Zerwas.

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

Absent, Excused — Crabb; Driver; Shelton.

Absent — Callegari; Eissler; Harper-Brown; King, S.; Laubenberg; Morrison; Orr; Otto.

**STATEMENTS OF VOTE**

When Record No. 652 was taken, my vote failed to register. I would have voted no.

S. King

When Record No. 652 was taken, my vote failed to register. I would have voted no.

Laubenberg

**CSHB 2291 ON SECOND READING****(by Gattis, Oliveira, Paxton, Peña, Harper-Brown, et al.)**

**CSHB 2291**, A bill to be entitled An Act relating to the procedure to be used by a taxing unit other than a school district in adopting an ad valorem tax rate.

**CSHB 2291** was read second time on May 6 and was postponed until 10 a.m. today.

**Amendment No. 1**

Representative Gattis offered the following amendment to **CSHB 2291**:

Amend **CSHB 2291** (House Committee Printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 26.05(b), Tax Code, is amended to read as follows:

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that the property tax rate [taxes] be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate." If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of any Internet website operated by the unit:

(A) the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

SECTION 2. (a) The change in law made by this Act applies to the ad valorem tax rate of a taxing unit beginning with the 2009 tax year, except as provided by Subsection (b) of this section.

(b) If the governing body of a taxing unit adopted an ad valorem tax rate for the taxing unit for the 2009 tax year before the effective date of this Act, the change in law made by this Act applies to the ad valorem tax rate of that taxing unit beginning with the 2010 tax year, and the law in effect when the tax rate was adopted applies to the 2009 tax year with respect to that taxing unit.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Amendment No. 1 was adopted.

**CSHB 2291**, as amended, was passed to engrossment by (Record 653): 141 Yeas, 0 Nays, 3 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; Corte; 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 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Crabb; Driver; Shelton.

Absent — King, S.; Morrison; Orr.

**STATEMENTS OF VOTE**

When Record No. 653 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting yes on Record No. 653. I intended to vote no.

Miklos

When Record No. 653 was taken, I was in the house but away from my desk. I would have voted yes.

Orr

I was shown voting present, not voting on Record No. 653. I intended to vote yes.

Truitt

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative T. Smith requested permission for the Committee on Elections to meet while the house is in session, at 1:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Elections, 1:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 3390 ON SECOND READING  
(by Harper-Brown, Y. Davis, et al.)**

**CSHB 3390**, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Fire Protection.

Representative Harper-Brown moved to postpone consideration of **CSHB 3390** until 8 a.m. Monday, May 11.

The motion prevailed.

(Callegari in the chair)

**CSHB 300 ON SECOND READING**  
**(by Isett, Pickett, and Harper-Brown)**

**CSHB 300**, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Transportation, including the governance of the department and the transfer of certain functions of the department to the Texas Department of Motor Vehicles and the office of the governor; providing penalties.

Representative Isett moved to postpone consideration of **CSHB 300** until 2 p.m. today.

The motion prevailed.

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

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

**CSHB 978 ON SECOND READING**  
**(by Burnam, Lucio, et al.)**

**CSHB 978**, A bill to be entitled An Act relating to the employment rights of certain individuals with disabilities.

**CSHB 978** was passed to engrossment. (Anderson, Berman, Button, Christian, Cook, Craddick, Crownover, Flynn, Parker, Phillips, and Taylor recorded voting no.)

**CSHB 2242 ON SECOND READING**  
**(by Leibowitz, D. Howard, S. Miller, Edwards, et al.)**

**CSHB 2242**, A bill to be entitled An Act relating to the abolition of the Texas cultural endowment fund.

**CSHB 2242** was passed to engrossment.

**LEAVE OF ABSENCE GRANTED**

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

Pitts on motion of Farabee.

**CSHB 556 ON SECOND READING**  
**(by Kuempel)**

**CSHB 556**, A bill to be entitled An Act relating to payment of attorney's fees in certain actions to recover possession of real property.

**Amendment No. 1**

Representative Kuempel offered the following amendment to **CSHB 556**:

Amend **CSHB 556** (house committee printing) on page 1, line 12, between "prevailing party" and the period, by inserting "if the court finds that the person unlawfully in actual possession made a claim of adverse possession that was groundless and made in bad faith".



Amendment No. 1 was adopted.

**CSHB 556**, as amended, was passed to engrossment.

**CSHB 1810 ON SECOND READING**  
**(by Pickett)**

**CSHB 1810**, A bill to be entitled An Act relating to the purposes and designation of a transportation reinvestment zone.

**Amendment No. 1**

Representative Pickett offered the following amendment to **CSHB 1810**:

Amend **CSHB 1810** (House committee printing) as follows:

(1) In Section 2 of the bill, in amended section 222.106(i), Transportation Code (page 3, line 7), after the word "designated" and before the period insert "as well as aesthetic improvements within the zone"

(2) In Section 4 of the bill, in proposed subsection 222.107(h-1), Transportation Code (page 7, line 24), after "zone" and before "and" insert "including aesthetic improvements,"

(3) In Section 5 of the bill, in proposed subsection 222.108(a), Transportation Code (page 10, line 1), after the word "county" and before the period insert "provided that the commission or department may take any action that in its reasonable judgment is necessary to comply with any federal requirement to enable this state to receive federal-aid highway funds"

Amendment No. 1 was adopted.

**CSHB 1810**, as amended, was passed to engrossment. (Anderson, Berman, Button, Christian, Craddick, Crownover, Parker, and Taylor recorded voting no.)

(Speaker in the chair)

**CSHB 3433 ON SECOND READING**  
**(by Menendez and Pickett)**

**CSHB 3433**, A bill to be entitled An Act relating to the extended registration of a fleet of motor vehicles.

**Amendment No. 1**

Representative Menendez offered the following amendment to **CSHB 3433**:

Amend proposed **CSHB 3433** as follows:

(1) On page 2, strike line 10 and substitute "\$8 for each set of license plates, if the owner or the owner's authorized agent requests the inclusion of a name or logo under Subsection (d).".

(2) On page 2, line 11, strike "A" and substitute "On request of the owner or the owner's authorized agent, a".

(3) On page 2, line 25, strike "September" and substitute "January".

Amendment No. 1 was adopted.

**CSHB 3433**, as amended, was passed to engrossment.

(Driver now present)

**CSHB 1399 ON SECOND READING**  
(by Guillen)

**CSHB 1399**, A bill to be entitled An Act relating to the conduct of certain inquests by municipal court judges.

**Amendment No. 1**

Representative Christian offered the following amendment to **CSHB 1399**:

Amend **CSHB 1399** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2.202(a), Family Code, is amended to read as follows:

- (a) The following persons are authorized to conduct a marriage ceremony:
- (1) a licensed or ordained Christian minister or priest;
  - (2) a Jewish rabbi;
  - (3) a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony; and
  - (4) a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, or judge or magistrate of a federal court of this state.

SECTION \_\_\_\_\_. Section 2.202(a), Family Code, as amended by this Act, applies only to a marriage ceremony that is conducted on or after the effective date of this Act. A marriage ceremony conducted before the effective date of this Act is governed by the law in effect on the date the ceremony was conducted, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

**CSHB 1399**, as amended, was passed to engrossment.

**CSHB 3650 ON SECOND READING**  
(by Merritt)

**CSHB 3650**, A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of a border region higher-speed rail authority for the Texas-Louisiana and the Texas-Mexico border regions; granting the power to issue bonds; imposing a tax; granting the power of eminent domain.

**Amendment No. 1**

Representative Merritt offered the following amendment to **CSHB 3650**:

Amend **CSHB 3650** (House committee printing) to read as follows:

In SECTION 1, on page 8, line 3, strike the words "alcohol or beverage service,"

And in SECTION 1, on page 8, line 4, after the period, insert the following:

"The acquisition, taxation, sale, and service of alcoholic beverages in or on any of the authority's system, high-speed rail facilities, rolling stock, and intermodal facilities shall comply in all respects with the provisions of the Alcoholic Beverage Code, the rules of the Alcoholic Beverage Commission, and Chapter 183, Tax Code."

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Merritt offered the following amendment to **CSHB 3650**:

Amend **CSHB 3650** (house committee printing) in SECTION 1 of the bill by striking added Section 175.152, Transportation Code (page 4, lines 9 through 11), and substituting the following:

Sec. 175.152. GENERAL POWERS OF AUTHORITY. An authority has all the powers necessary or convenient to carry out the purposes of this chapter, including authority to:

(1) plan and develop a high-speed rail facility under the authority in this chapter;

(2) solicit federal funding to be allocated to the authority for the purposes of this chapter;

(3) coordinate with federal planners and representatives from adjacent states for the interconnectivity of high-speed rail systems in this state with systems developed in federally designated high-speed rail corridors in other states;

(4) represent and negotiate on behalf of this state for the interconnectivity of high-speed rail with existing and planned transportation systems, including airports, seaports, transit systems, commuter rail systems, and highways; and

(5) coordinate with federal transportation planners and officials at the United States Department of Defense or its successor agency regarding issues related to the provision of connectivity to military installations in this state.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative W. Smith offered the following amendment to **CSHB 3650**:

Amend **CSHB 3650** as follows:

(1) On page 10, line 20, revise Sec. 175.170 to read as follows:

**Sec. 175.170. RAIL TRANSPORTATION SERVICES AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.** (a) Except as provided in subsection (b), an authority may contract with a county or other political subdivision of this state for the authority to provide higher-speed rail transportation services to an area outside the border region on the terms and conditions to which the parties agree.

(b) An authority may not undertake any project or provide any services, or contract to undertake any project or provide any services, in an area that includes a county with a population of 3.3 million or more and any county adjacent to that

county if the area is served by a district created under Chapter 171, Transportation Code, unless the district and the authority enter into a written agreement specifying the terms and conditions under which the project or services will be undertaken or provided.

Amendment No. 3 was adopted.

(Hancock in the chair)

### **HB 3650 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE C. HOWARD: Mr. Merritt, the way I read this, it gives the authority to this authority to issue bonds, to issue a tax, and to have eminent domain. Is that correct?

REPRESENTATIVE MERRITT: Yes, sir, it does.

C. HOWARD: So who is this authority? Who elects this authority? Who appoints this authority? Where do they come from?

MERRITT: If you've read the bill—the bill is very descriptive in that it's permissive—the Texas Department of Transportation has to approve the establishment of this authority.

C. HOWARD: Well, who appoints them? Who appoints the members? How many members are there?

MERRITT: There's five members, and they're the county judges of the five largest counties in east Texas and the seven largest counties—

C. HOWARD: The five largest districts in east Texas?

MERRITT: The five largest counties located in the border region of Texas-Louisiana. It's described in the statute.

C. HOWARD: So we've got five judges?

MERRITT: Five of the county judges of the largest counties in the Texas-Louisiana border region.

C. HOWARD: Who would that be?

MERRITT: It would be probably Bowie, Harris, Gregg, Smith, and Lamar.

C. HOWARD: And they're going to have eminent domain power across the whole state to build a railroad?

MERRITT: No, sir, they do not have eminent domain across the whole state.

C. HOWARD: Well it says it grants a power of eminent domain. Where is the power of eminent domain going to be, and where is it not?

MERRITT: It's located in the Texas-Louisiana border region and in the Texas-Mexico border region.

C. HOWARD: We've got Texas-Louisiana over here, and we've got Mexico over here. There's a lot of Texas in between.

MERRITT: Well, all of that is left out.

C. HOWARD: So there's no trains that are going to be running between Louisiana and Mexico, am I understanding this right?

MERRITT: Well, there is a track that runs from El Paso to Houston, but it's not through your district, and there is a track that runs from Little Rock, through Texarkana, down through Marshall, through Longview, Highway 80 into Dallas-Fort Worth. It connects with the other Amtrack tracks, that are called high speed carters, that are designated by the Federal Rail Administration to allow communities to improve that rail, and this only allows these regions to improve their own transportation system by rail.

C. HOWARD: So the power of eminent domain only applies to what counties?

MERRITT: To the border regions that are described in the current law.

C. HOWARD: Do you mind telling me what that is?

MERRITT: There's 18 counties in the border region of northeast Texas and there's 43 counties in the Texas-Mexico border region. The power of eminent domain in this bill is narrowed down—it follows the track of the current railroad track that Amtrack follows.

C. HOWARD: Well, Amtrack goes through Fort Bend county.

MERRITT: On what rail line?

C. HOWARD: It used to be the southern, and now I think it's the Burlington northern.

MERRITT: Okay, so what's the problem?

C. HOWARD: You just told me it didn't effect my county.

MERRITT: It doesn't. Your county is not located in either one of those border regions.

C. HOWARD: You mentioned Harris county a while ago, right?

MERRITT: I didn't. There was an amendment that Harris county could connect up to—

C. HOWARD: No, when you said the five largest counties you named Harris as one of those counties.

MERRITT: No, Harrison, Marshall, Texas.

C. HOWARD: Okay. How about Orange County?

MERRITT: No, sir. They're not in the boarder region.

C. HOWARD: It seems to me like there's an awful lot of authority here to do a lot of things—to tax and have power of eminent domain. Do we even know what this rail is supposed to be used for? Is this for passenger trains, or is this for freight, or what?

MERRITT: Well, what you're dealing with is railroad tracks, and there are freight trains and there are passenger trains that travel over these tracks, and what we're talking about is improving the speed of those trains. By improving the

tracks, we improve the speed. The tracks are already qualified up to 100 miles-an-hour, it's just that the trains only travel 30 miles-an-hour on average because they can't pass each other.

C. HOWARD: So the purpose of this bill, and the purpose of this authority, is only to improve the ability of the track to go at a faster speed. Is that what I heard you say?

MERRITT: That's correct.

### REMARKS ORDERED PRINTED

Representative C. Howard moved to print remarks between Representative Merritt and Representative C. Howard.

The motion prevailed.

**CSHB 3650**, as amended, was passed to engrossment by (Record 654): 87 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Berman; Bolton; Bonnen; Burnam; Castro; Chavez; Christian; Cohen; Coleman; Cook; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Kent; Kuempel; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Phillips; Pickett; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycoc; Bohac; Branch; Brown, B.; Brown, F.; Button; Callegari; Craddick; Creighton; Crownover; Darby; Fletcher; Gattis; Geren; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Hunter; Isett; Jackson; Jones; King, P.; King, S.; Kleinschmidt; Kolkhorst; Laubenberg; Madden; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Riddle; Sheffield; Smithee; Solomons; Swinford; Taylor; Weber; Woolley; Zerwas.

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

Absent, Excused — Crabb; Shelton.

Absent, Excused, Committee Meeting — Pitts.

Absent — Chisum; Corte; Davis, J.; Driver; Edwards; Hilderbran; Keffer; King, T.; Legler; Pierson.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 654. I intended to vote no.

Cook

I was shown voting no on Record No. 654. I intended to vote yes.

Jones

When Record No. 654 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

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

Representative Homer requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 1:50 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Culture, Recreation, and Tourism, 1:50 p.m. today, 3W.15, for a formal meeting, to consider pending business.

### **CSHB 130 ON SECOND READING**

**(by Patrick, Eissler, Anchia, Pitts, Thompson, et al.)**

**CSHB 130**, A bill to be entitled An Act relating to an enhanced quality full-day prekindergarten program provided by public school districts in conjunction with community providers.

Representative Patrick moved to postpone consideration of **CSHB 130** until 2:05 p.m. today.

The motion prevailed.

### **CSHB 3079 ON SECOND READING**

**(by Hughes)**

**CSHB 3079**, A bill to be entitled An Act relating to the sale or purchase of certain parts of game animals or birds.

**CSHB 3079** was passed to engrossment.

### **CSHB 3095 ON SECOND READING**

**(by Harless)**

**CSHB 3095**, A bill to be entitled An Act relating to the use of a parking space or area designated specifically for persons with disabilities.

**CSHB 3095** was passed to engrossment.

### **HB 853 ON SECOND READING**

**(by Laubenberg, Rodriguez, Gutierrez, Leibowitz, Chavez, et al.)**

**HB 853**, A bill to be entitled An Act relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

**HB 853** was passed to engrossment.

**CSHB 155 ON SECOND READING**  
(by Gutierrez)

**CSHB 155**, A bill to be entitled An Act relating to access to rivers and riverbeds for individuals with physical disabilities.

**Amendment No. 1**

Representative Gutierrez offered the following amendment to **CSHB 155**:

Amend **CSHB 155** (House Committee Printing) as follows:

(1) On page 3, line 21, strike "the river or stream" and substitute "or egress from the protected freshwater area".

(2) On page 3, lines 22 through 24, strike "of the point of entry to the river or stream in a direction parallel to the river or stream" and substitute "upstream or downstream from the point of ingress".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Gutierrez offered the following amendment to **CSHB 155**:

Amend **CSHB 155** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act may be cited as the Matthew Dukes Act.

Amendment No. 2 was adopted.

**CSHB 155**, as amended, was passed to engrossment. (Flynn and Laubenberg recorded voting no.)

**POSTPONED BUSINESS**

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

**CSHB 1231 ON SECOND READING**  
(by Farabee, Swinford, Smithee, Strama, Crownover, et al.)

**CSHB 1231**, A bill to be entitled An Act relating to providing that the Railroad Commission of Texas is governed by a single railroad commissioner.

**CSHB 1231** was read second time on Tuesday, May 5 and was postponed until this time.

Representative Farabee moved to postpone consideration of **CSHB 1231** until Thursday, January 1, 2015.

The motion prevailed.

**GENERAL STATE CALENDAR**  
(consideration continued)

**CSHB 2504 ON SECOND READING**  
(by Kolkhorst, Christian, Aycoc, et al.)

**CSHB 2504**, A bill to be entitled An Act relating to requiring a public institution of higher education to make available to the public on the institution's Internet website certain undergraduate course information.

**Amendment No. 1**

Representative Herrero offered the following amendment to **CSHB 2504**:



Amend **CSHB 2504** (house committee report) on page 2, between lines 7 and 8, by inserting the following:

(a-1) A curriculum vitae made available on the institution's Internet website under Subsection (a) may not include any personal information, including the instructor's home address or home telephone number.

Amendment No. 1 was adopted.

**CSHB 2504**, as amended, was passed to engrossment.

#### **LEAVE OF ABSENCE GRANTED**

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

Hochberg on motion of Homer.

#### **CSHB 2308 ON SECOND READING**

**(by Y. Davis, Flores, and Hodge)**

**CSHB 2308**, A bill to be entitled An Act relating to the establishment of the Texas secure loan pilot program by the Texas Department of Housing and Community Affairs.

**CSHB 2308** was passed to engrossment. (Anderson, Button, Christian, Cook, Flynn, Hunter, Laubenberg, and Phillips recorded voting no.)

#### **CSHB 1617 ON SECOND READING**

**(by Swinford)**

**CSHB 1617**, A bill to be entitled An Act relating to limited agricultural cooperatives; providing penalties.

**CSHB 1617** was passed to engrossment.

#### **CSHB 1973 ON SECOND READING**

**(by Hamilton)**

**CSHB 1973**, A bill to be entitled An Act relating to the licensing and regulation of pool-related electrical maintenance.

**CSHB 1973** was passed to engrossment. (Kent recorded voting no.)

#### **LEAVE OF ABSENCE GRANTED**

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

Zerwas on motion of S. Turner.

#### **CSHB 456 ON SECOND READING**

**(by Villarreal, et al.)**

**CSHB 456**, A bill to be entitled An Act relating to the authority of a dental hygienist to provide services in certain facilities.

**CSHB 456** was passed to engrossment. (Kent, Martinez, and Vaught recorded voting no.)

(Hochberg now present)

(Speaker in the chair)

**POSTPONED BUSINESS**

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

**CSHB 130 ON SECOND READING**

**(by Patrick, Eissler, Anchia, Pitts, Thompson, et al.)**

**CSHB 130**, A bill to be entitled An Act relating to an enhanced quality full-day prekindergarten program provided by public school districts in conjunction with community providers.

**CSHB 130** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Patrick offered the following amendment to **CSHB 130**:

Amend Floor Amendment No. \_\_\_\_ by Eissler to **CSHB 130** on page 1, line 4, between "commissioner" and the underlined period by inserting "under Section 29.174".

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Eissler offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (house committee printing) on page 4, between lines 12 and 13, by inserting the following:

(g) To participate in the program, a school district must meet requirements adopted by the commissioner.

**Amendment No. 3**

Representative Patrick offered the following amendment to Amendment No. 2:

Amend Floor Amendment No. 2 by Eissler to **CSHB 130** on page 1, line 4, between "commissioner" and the underlined period by inserting "under Section 29.174".

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

**Amendment No. 4**

Representative Eissler offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (house committee printing) as follows:

(1) On page 8, line 10, between "components" and "that", insert ", approved by the commissioner.".

(2) On page 8, line 12, between "agency" and the period, insert "and student-level progress towards school readiness".

**Amendment No. 5**

Representative Patrick offered the following amendment to Amendment No. 4:

Amend Floor Amendment No. 4 by Eissler to **CSHB 130** on page 1, line 4, between "commissioner" and the underlined period by inserting "under Section 29.174".

Amendment No. 5 was withdrawn.

Amendment No. 4 was adopted.

**Amendment No. 6**

Representative Eissler offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (house committee printing) by striking page 3, line 25, through page 4, line 4, and substituting the following:

(d-1) If a certified teacher who meets the requirements of Subsection (d) is unavailable, a community provider contracting with a school district under this subchapter may employ a teacher for the program who has a minimum of three years experience in early childhood education and who is certified as a Child Development Associate by the Council for Professional Recognition. Not later than the third anniversary of the date the community provider contracts with the district, the community provider must employ a teacher who meets the requirements of Subsection (d).

**AMENDMENT NO. 6 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE PATRICK: As you know, Chairman Eissler, educator quality is of concern not only to me but to the members of this legislative body, and I want to be sure that I understand exactly what your amendment does. What we're saying is that if a community provider is unable to get a teacher who is certified, unable to find one, that they may employ a teacher for the program with a minimum of three years experience in early childhood education and who is certified as a child development associate. But, no later than three years, they have to employ a teacher who meets the requirements. My concern is the use of the word "may," and it seems to me that it could say that they "may" or that they "may not." And if you could explain to me, please, how that works, I would appreciate it.

REPRESENTATIVE EISSLER: Well, "may" means that it's allowable for them to have—they're qualified with the three years and the CDA. It doesn't mean that they can hire anything less than that.

PATRICK: Okay, so for example, although under current licensing arrangements, they may now hire someone who only has a GED. You're saying that if they only have a GED, that would not be allowed under your "may" language?

EISSLER: That's correct. This is submitted to clarify what is in the bill. The intent in the bill was to do that correctly, and the language wasn't clear so the Legislative Council sent this amendment down.

PATRICK: So, for the practical purpose then, the community provider who was unable to hire a certified teacher must, in exchange for that, for up to three years, hire someone who has at least—

EISSLER: At least.

PATRICK:—at least three years experience, and CDA associate's.

EISSLER: Right.

### REMARKS ORDERED PRINTED

Representative Patrick moved to print remarks between Representative Eissler and Representative Patrick.

The motion prevailed.

#### Amendment No. 7

Representative Villarreal offered the following amendment to Amendment No. 6:

Amend Floor Amendment No. 6 by Eissler to **CSHB 130** as follows:

- (1) On page 1, line 8, strike "and" and substitute ";".
- (2) On page 1, line 9, between "Recognition" and the period, insert "and who is taking one or more college education courses that emphasize early childhood education".

Amendment No. 7 was adopted.

(Zerwas now present)

(Parker in the chair)

Amendment No. 6, as amended, was adopted.

#### Amendment No. 8

Representative Hancock offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (house committee printing) on page 9, by striking lines 8 through 20 and renumbering the following sections in added Subchapter E-1, Education Code, and any cross-references to those sections accordingly.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Y. Davis requested permission for the Committee on Urban Affairs to meet while the house is in session, at 3:30 p.m. today, in 3W.9, for a public hearing.

Permission to meet was granted.

### FIVE-DAY POSTING RULE SUSPENDED

Representative Y. Davis moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Urban Affairs to consider **SB 1011** and **SB 2169**.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Urban Affairs, 3:30 p.m. today, 3W.9, for a public hearing, to consider **SB 1011**, **SB 2169**, and the previously posted agenda.

(Speaker in the chair)

**CSHB 130 - (consideration continued)**

Amendment No. 8 was withdrawn.

**Amendment No. 9**

Representative Hodge offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (House committee printing) on page 6, line 5, between "literacy," and "and social", by inserting "physical development,".

Amendment No. 9 was adopted.

**Amendment No. 10**

Representative Alvarado offered the following amendment to **CSHB 130**:

Amend **CSHB 130** by inserting into the bill the following appropriately numbered SECTION to read as follows:

SECTION \_\_\_\_\_. Section 28.002(l), Education Code, is amended to read as follows:

(l) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:

(1) any student who is unable to participate in the required physical activity because of illness or disability; and

(2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.

Amendment No. 10 was adopted.

### LEAVE OF ABSENCE GRANTED

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

Hochberg on motion of Farabee.

### CSHB 130 - (consideration continued)

#### Amendment No. 11

On behalf of Representative Villarreal, Representative Patrick offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.1534 to read as follows:

Sec. 29.1534. NOTIFICATION OF PREKINDERGARTEN PROGRAMS.

(a) In this section, "prekindergarten program" includes prekindergarten programs provided by a private entity through a partnership with the school district.

(b) The agency shall develop joint strategies with other state agencies regarding methods to increase community awareness of prekindergarten programs through programs that provide information relating to public assistance programs.

(c) The agency may develop outreach materials for use by school districts to increase community awareness of prekindergarten programs.

(d) Each school district shall report annually to the agency the strategies implemented by the school district to increase community awareness of prekindergarten programs offered by the district. The district shall report the information on a form prescribed by the commissioner. A report required by this subsection may be combined, at the discretion of the commissioner, with another report that the district submits to the agency.

(e) Not later than the 90th day after the date the agency receives a report from a school district as required by Subsection (d), the agency shall post the report on the agency's Internet website.

(f) Not later than April 1, 2010, the agency shall conduct a study to identify effective methods to communicate to the parent of an eligible child the availability of prekindergarten programs. The study must include research on providing information regarding prekindergarten programs through public, private, and nonprofit institutions that provide assistance and support to families with children eligible for prekindergarten programs. Not later than May 1, 2010,

the agency shall make recommendations to school districts based on the study regarding the most effective methods to increase communication regarding the availability of prekindergarten programs. This subsection expires June 1, 2010.

(g) Not later than December 1, 2010, the agency shall prepare and deliver to the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a report detailing strategies developed under Subsection (b) to increase community awareness of prekindergarten programs. This subsection expires January 1, 2011.

Amendment No. 11 was adopted.

#### **Amendment No. 12**

Representative Hancock offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (house committee printing) on page 9, by striking lines 8 through 20 and renumbering the following sections in added Subchapter E-1, Education Code, and any cross-references to those sections accordingly.

Amendment No. 12 was withdrawn.

#### **Amendment No. 13**

Representative Olivo offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (house committee printing), by striking page 3, line 25, through page 4, line 4.

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

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 3:45 p.m. today, in 3W.15, for a formal meeting.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Health, 3:45 p.m. today, 3W.15, for a formal meeting.

#### **CSHB 130 - (consideration continued)**

Amendment No. 13 was adopted.

#### **Amendment No. 14**

Representative Hancock offered the following amendment to **CSHB 130**:

Amend **CSHB 130** (house committee printing) on page 9, by striking lines 13-20 and substitute "subchapter".

Representative Patrick moved to table Amendment No. 14.

The motion to table prevailed by (Record 655): 79 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac; Bolton; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; England; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Harless; Hartnett; Heflin; Hernandez; Herrero; Hodge; Hopson; Howard, D.; Hunter; King, T.; Leibowitz; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Miklos; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Pierson; Quintanilla; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Vo; Walle; Woolley.

Nays — Berman; Bonnen; Brown, B.; Brown, F.; Button; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harper-Brown; Hilderbran; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Merritt; Miller, D.; Morrison; Orr; Otto; Parker; Paxton; Phillips; Riddle; Sheffield; Smith, W.; Smithee; Solomons; Swinford; Taylor; Veasey; Weber.

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

Absent, Excused — Crabb; Shelton.

Absent, Excused, Committee Meeting — Hochberg; Pitts.

Absent — Branch; Eiland; Farabee; Homer; Kent; King, S.; Mallory Caraway; Menendez; Raymond; Zerwas.

### STATEMENTS OF VOTE

When Record No. 655 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

When Record No. 655 was taken, I was in the house but away from my desk. I would have voted yes.

Homer

I was shown voting yes on Record No. 655. I intended to vote no.

Hunter

When Record No. 655 was taken, my vote failed to register. I would have voted yes.

S. King

### CSHB 130 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CHRISTIAN: Ms. Patrick, thank you for working with us and taking a difficult issue. I applaud your compassion for the children. I think that's on the hearts of all of us here—the most important thing of this entire debate. My concern is, there's been a lot going on and I'm trying to get clear on what we're voting on and understand it. So my question is, under this



particularly, we're currently spending how much money in the State of Texas toward kindergarten? Isn't it somewhere around \$800 million in prekindergarten programs per year, currently?

REPRESENTATIVE PATRICK: If you say so. I don't have that statistic right in front of me, but that sounds about right.

CHRISTIAN: And I've looked at the Legislative Budget Board's predictions on this and it concerns me, because what we're talking about here is a total funding cost of potentially about \$8,084 per pre-k student, and the total fiscal impact over the next five years is like \$1.2 billion, which is a lot of money to help kids—or anything else we might want to look at in the future. Do you think that this program's going to go to more or less children across Texas?

PATRICK: Representative Christian, I appreciate you bringing up those statistics, but actually those statistics really don't apply to this particular bill as it's now written. It's a grant program, and such a grant program is subject to appropriations and whatever amount that the budget conferees would determine for this biennium, as well as the next biennium, and the three more to come. You're referring to over a 10-year period there in your notes, perhaps.

CHRISTIAN: Will those conferees have the ability to name the amount of dollars that go into this program, instead of we, as a legislative body? Or will the conferees have the throttle to the budget?

PATRICK: No sir, the final vote rests with us.

CHRISTIAN: Okay, and this particular bill allows—instead of a limited number of schools currently receiving the pre-k programs—this expands it to, every school is now eligible in the state, is that correct?

PATRICK: Actually, Representative Christian, that would be nice if that could happen, but what's actually going to happen under this bill is that the grant will be a set amount of dollars and districts may voluntarily apply for a set amount of money and that will be distributed in a priority fashion that we've discussed earlier this afternoon, beginning with the districts that are rolling off the TEA grants and going through a second and third priority until the money has been used up. It's very unlikely, frankly, that we'll even get through the first priority.

CHRISTIAN: But I'm understanding that there is a certain number that's receiving the \$800 million we're now spending, and we're talking about increasing the breadth of what schools are eligible for the programs, so I've rarely seen any program we've offered here that any schools across the country would be decreased when they are now eligible for programs that they wouldn't be eligible for had this bill not passed. So I can't see how we decrease the cost from \$800 million by expanding the schools eligible for the program.

PATRICK: What we're doing, Representative Christian, is we are providing pre-k education to those students who are currently eligible and are not being served, or will not be served, after they roll off the TEA grant in the future. So the number of eligible children is out there. The question is whether or not we

believe it is our responsibility to serve our young Texans with the greatest needs. And I would simply ask you, when it comes to cost, what is the cost of not funding this program?

CHRISTIAN: Well the cost is a lot when it comes out of our taxpayers' pocket for any purpose, and our job is to debate it, is it not? What is the primary need? While every need may be great, it's our job to debate which is best for the constituents we represent. I have a concern—do you not—in just spending the money without being concerned if it is the right thing and most efficient thing, and if we have a program, does it not increase the dollars going out when you expand the number of recipients that are going to be eligible to receive it?

PATRICK: We're not expanding eligibility.

CHRISTIAN: And it goes to every school, instead of a limited number, does it not?

PATRICK: We're attempting to serve the students who are currently eligible, but I would say to you that this is an investment. In fact, in terms of being efficient, I'm really glad you pointed that out, because what we are doing with this investment is we are avoiding the costs of having high numbers of drop-outs, of having students who end up being incarcerated to the tune of \$18,000 minimum annually—far more than the cost of educating these young people so that they can be on the path to success academically and in their lives.

CHRISTIAN: But we're going from \$800 billion to increase it to an estimated—\$800 million, I'm sorry—\$800 million, we're going from the current cost expanding it to another almost \$300 million, and that is not what I see as a decrease or more efficient expansion. We're increasing the cost significantly, and there is no limit to the idea that we are now having this entitlement, because what'll happen is, yes, we can refuse it, but we won't come back to this place. Do you see the likelihood of us coming back in four years, six years, when the program is more and more people are eligible in getting on the program, and it's getting more and more dollars, and us saying, "Hey, we're going to shut down your kindergarten program in our local towns." Is this not a new entitlement program, which we will never ever get out of in decades ahead?

PATRICK: Mr. Christian, I appreciate your pointing out that we have a lot of eligible pre-k children that are not currently being served, and we would expect that number to grow because the population of this state is growing, and particularly the young children in this state, but my goal right now in this bill—this is a grant program, this is not an entitlement. In fact, that was specifically something that was addressed by the substitute teachers, that it's not.

CHRISTIAN: But as tax payers, do we not pay the grant dollars? In the source of the funds, still, we the taxpayers, you can call it grant, or fund, or whatever, but are we not simply just paying our dollars for a program and this increases it at \$300 million to start with? And like you just said, with the growth over the years.

PATRICK: Mr. Christian, may I correct you with that figure, please? That number keeps being tossed around, I just need to remind you that would be the figure if every single student were being served. Because it is a grant program, I doubt very seriously that we're going to be allocating anywhere near that amount of money. That would be the figure—as you note, in the fiscal note, this bill makes no appropriation. It is subject to appropriations.

CHRISTIAN: And the committee that will oversee this decision—but every school currently—does it even qualify for this, correct?

PATRICK: It's the students who qualify.

CHRISTIAN: Okay, but every school does not qualify currently in the State of Texas for this program, correct?

PATRICK: Mr. Christian, this is a voluntary grant.

CHRISTIAN: They can voluntarily get the money—I understand that from the schools when they participate in the program. But now the number of schools currently are limited, we're expanding this, are we not, so every school is now eligible to participate?

PATRICK: No, sir.

CHRISTIAN: Which schools are not eligible to participate under your plan?

PATRICK: What we're saying is, under current law, the school districts must offer one half-day pre-k, if they have 15—

CHRISTIAN: What limit have you said every school has to? What schools would not be required to offer that?

PATRICK: Under current law, if you'll let me finish, I'll tell you what that involves. Under current law, if a school district has at least 15 students who are economically or educationally disadvantaged, who are English language learners, who are homeless, who are foster children, who are children of military families, that school district must offer one half-day pre-k. My bill is a grant, which school districts may apply for, and the commissioner may award in a priority fashion, according to the amount that has been awarded by this body in a vote of the appropriations bill.

CHRISTIAN: Where is the grant coming from? That's where I seem to be confused, because you keep saying this is a grant, as if it's not our tax dollars providing the money. Is it not still our money if it's by a grant, or program, or whatever you call it? It's taxpayers' dollars, is it not?

PATRICK: It is indeed and the best thing about this grant is it's the best dropout recovery program you could ever hope for. It's the best program you could ever hope for to keep people out of prison.

CHRISTIAN: You mention it's a recovery, it's a good investment on different programs. How would this return dollars? I see nothing but an expansion in decades ahead of the dollars that this program will take to continue to work.

PATRICK: This program is a grant program for this biennium.

CHRISTIAN: Taxpayer dollars, projectedly, will always increase, which means more and more dollars every session will have to go to this grant program. Am I not correct?

PATRICK: Mr. Christian, our population is growing in this state.

CHRISTIAN: So, it goes up.

PATRICK: The number of public school children grows by about 80,000 to 100,000 students a year and the pre-k population is a particularly fast-growing population. I might also add one thing I haven't had the opportunity to say this afternoon; over half of our public school population are students who are economically disadvantaged, and to not serve those children is the worst thing that we could do for the future of this state.

CHRISTIAN: Would it not be wiser then to continue to fund, and to use the extra dollars above the \$600 million we're now using to help them to get jobs so they're not economically disadvantaged—to put those dollars in another arena since it's all our state tax dollars? Would it not be better to address the problem, to allow their parents to get more employment, better jobs to where they can remove themselves from the economically disadvantaged category, rather than expanding the entitlement that keeps them there?

PATRICK: This is not an entitlement program. This is a grant program that the—

CHRISTIAN: You said economically disadvantaged grant program.

PATRICK: What I'd like to say is that the best insurance that we can have against having individuals who, as adults in our society, cannot obtain employment, who will be a drain on the welfare of this state, would be to have an educated workforce. It is incumbent upon this body and on each and every one of us to deliver on our campaign promises. We all ran on making this a better state for children.

CHRISTIAN: I thought we weren't talking about—

PATRICK: Excuse me, I'd like to finish what I'm saying. We all ran on making this a better place for children. We all ran on supporting our military families. I would suggest that we hold those campaign promises, and vote for this bill, and make this state a better place for our young children, and our Texans who need it the most, and for our military families. I thank you for your comments.

CHRISTIAN: I appreciate you, and am I not correct that the Brookings Institute found that the best thing to help disadvantaged people, to remove themselves from that, is number one, a job? I don't think \$300 million more a year into pre-k is equipping them for jobs. Would that not be better spent at junior colleges, or at high school training, equipping them for jobs? I agree—if you and the Brookings Institute agree, that jobs are the best answer for these children in poverty. So instead of using the \$300 million there, to add to the \$600 million we're currently using, wouldn't it be better to aim these tax dollars at an area which is job creation; which over time, as they work, would decrease the dollars the taxpayers are funding, would it not?

PATRICK: Mr. Christian, I appreciate you saying that we need to dedicate more state funds to all of those initiatives that you mentioned, but I happen to think that this particular program to help our young Texans who have the greatest educational needs is the best investment of the limited tax dollars that we have.

CHRISTIAN: But you mentioned the best way to achieve that is by educating them to the point that they can get a job, get out of poverty, stop that cycle that traps them into this horrible lifestyle of dependency on the government. Wouldn't, instead of using \$300 million—which is basically a one-third increase in pre-k dollars—using that huge amount in other portions of education which gives people the ability to get out of the trap of entitlements and into getting the American dream; which is what every child, every person should be dedicating ourself first and foremost toward here, instead of entrapping them in more government programs that, you mentioned, will do nothing but grow in the decades ahead.

PATRICK: I appreciate you bringing to the attention of this body that we need to put more money into education.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

**CSHB 130**, as amended, was passed to engrossment by (Record 656): 109 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Bolton; Bonnen; Burnam; Button; Callegari; Castro; Chavez; Cohen; Coleman; Cook; Craddick; Creighton; Darby; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Leibowitz; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Anderson; Berman; Brown, B.; Brown, F.; Chisum; Christian; Corte; Crownover; Davis, J.; Driver; Elkins; Fletcher; Flynn; Hancock; Harper-Brown; Hartnett; Howard, C.; Hughes; Isett; King, P.; Laubenberg; Legler; Lewis; Morrison; Parker; Paxton; Phillips; Riddle; Smith, W.; Smithee; Taylor; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Shelton.

Absent, Excused, Committee Meeting — Hochberg; Pitts.

Absent — Branch; Davis, Y.; Mallory Caraway; Zerwas.

### STATEMENT OF VOTE

When Record No. 656 was taken, I was absent because of a committee meeting. Had I been present, I would have voted yes.

Y. Davis

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Anchia requested permission for the Committee on Pensions, Investments, and Financial Services to meet while the house is in session, at 4:30 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, Investments, and Financial Services, 4:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 4:15 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 4:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### HB 459 - VOTE RECONSIDERED

Representative Leibowitz moved to reconsider the vote by which **HB 459**, as amended, was passed.

The motion to reconsider prevailed.

### HB 459 ON THIRD READING

(by Leibowitz, Quintanilla, Marquez, and Pickett)

The speaker laid before the house, on its third reading and final passage,

**HB 459**, A bill to be entitled An Act relating to county abatement of public nuisances; providing a penalty.

**HB 459** was read third time earlier today and was passed, as amended, by Record No. 639.

### Amendment No. 2

Representative Leibowitz offered the following amendment to **HB 459**:

Amend **HB 459** (second reading engrossment) on page 8, line 24 through page 9, line 18, by striking SECTION 10 of the bill and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

**HB 459**, as amended, was passed by (Record 657): 85 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook; Corte; Crownover; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Flores; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hodge; Homer; Howard, D.; Jones; Keffer; Kent; King, T.; Kleinschmidt; Leibowitz; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Strama; Thibaut; Thompson; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Craddick; Creighton; Darby; Driver; Eissler; Fletcher; Flynn; Gattis; Hamilton; Hartnett; Hilderbran; Howard, C.; Isett; Jackson; King, P.; Kolkhorst; Kuempel; Legler; Lewis; Madden; Merritt; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Phillips; Riddle; Sheffield; Smithee; Solomons; Swinford; Taylor; Turner, S.; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crabb; Shelton.

Absent, Excused, Committee Meeting — Hochberg; Pitts.

Absent — Branch; Davis, J.; Frost; Hancock; Hopson; Hughes; Hunter; King, S.; Laubenberg; Mallory Caraway; Paxton; Pierson; Zerwas.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 657. I intended to vote no.

Cook

When Record No. 657 was taken, I was in the house but away from my desk. I would have voted yes.

Frost

When Record No. 657 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hopson

When Record No. 657 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

When Record No. 657 was taken, my vote failed to register. I would have voted no.

S. King

When Record No. 657 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

I was shown voting no on Record No. 657. I intended to vote yes.

Riddle

**SB 1495 ON THIRD READING**  
**(Oliveira - House Sponsor)**

**SB 1495**, A bill to be entitled An Act relating to the taxation of motor fuels; providing penalties.

**SB 1495** was read third time on May 5, postponed until May 6, and was again postponed until 2 p.m. today.

**Amendment No. 1**

Representative Oliveira offered the following amendment to **SB 1495**:

Amend **SB 1495** on third reading as follows:

(1) Strike SECTION 7 of the bill, substitute the following appropriately numbered SECTION, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.001, Tax Code, is amended by amending Subdivisions (7), (9), (11), (19), (20), (29), (31), (42), (43), and (55) and adding Subdivision (10-a) to read as follows:

(7) "Biodiesel fuel" means any motor fuel or mixture of motor fuels, other than gasoline blended fuel, that is:

(A) derived wholly or partly from agricultural products, vegetable oils, recycled greases, or animal fats, or the wastes of those products or fats; and

(B) advertised, offered for sale, used, or capable of [suitable for] use [or used] as [a motor] fuel for a diesel-powered [in an internal combustion] engine.

(9) "Blending" means the mixing together of liquids that produces a product that is offered for sale, sold, used, or [one or more petroleum products with another product, regardless of the original character of the product blended, if the product obtained by the blending is] capable of use as fuel for a gasoline-powered engine or diesel-powered engine [in the generation of power for the propulsion of a motor vehicle]. The term does not include mixing that occurs in the process of refining by the original refiner of crude petroleum, ~~or~~ the commingling of products during transportation in a pipeline.

(10-a) "Bulk storage" means a container of more than 10 gallons.

(11) "Bulk transfer" means a transfer of motor fuel from one location to another by pipeline [~~tender~~] or marine movement [delivery] within a bulk transfer/terminal system, including:

(A) a marine vessel movement of motor fuel from a refinery or terminal to a terminal;

(B) a pipeline movement of motor fuel from a refinery or terminal to a terminal;



(C) a book transfer or in-tank transfer of motor fuel within a terminal between licensed suppliers before completion of removal across the rack; and

(D) a two-party exchange between licensed suppliers or between licensed suppliers and permissive suppliers.

(19) "Diesel fuel" means kerosene or another liquid, or a combination of liquids blended together, offered for sale, sold, [that is suitable for or] used, or capable of use as fuel for the propulsion of diesel-powered motor vehicles. The term includes products commonly referred to as kerosene, light cycle oil, #1 diesel fuel, #2 diesel fuel, dyed or undyed diesel fuel, aviation jet fuel, biodiesel, distillate fuel, cutter stock, or heating oil, but does not include gasoline, aviation gasoline, or liquefied gas.

(20) "Distributor" means a person who ~~[acquires motor fuel from a licensed supplier, permissive supplier, or another licensed distributor and who]~~ makes sales of motor fuel at wholesale. A distributor's ~~[and whose]~~ activities may also include sales of motor fuel at retail.

(29) "Gasoline" means any liquid or combination of liquids blended together, offered for sale, sold, ~~[or]~~ used, or capable of use as ~~[the]~~ fuel for a gasoline-powered engine. The term includes gasohol, aviation gasoline, and blending agents, but does not include racing gasoline, diesel fuel, aviation jet fuel, or liquefied gas.

(31) "Gasoline blended fuel" means a mixture composed of gasoline and other liquids, including gasoline blend stocks, gasohol, ethanol, methanol, fuel grade alcohol, and resulting blends, other than a de minimus amount of a product such as carburetor detergent or oxidation inhibitor, that is offered for sale, sold, [can be] used, or is capable of use as fuel for a gasoline-powered engine [gasoline in a motor vehicle].

(42) "Motor fuel" means gasoline, diesel fuel, liquefied gas, gasoline blended fuel, and other products that are offered for sale, sold, [can be] used, or are capable of use as fuel for a gasoline-powered engine or a diesel-powered engine [to propel a motor vehicle].

(43) "Motor fuel transporter" means a person who transports gasoline, diesel fuel, ~~[or]~~ gasoline blended fuel, aviation fuel, or any other motor fuel, except liquefied gas, outside the bulk transfer/terminal system by means of a transport vehicle, a railroad tank car, or a marine vessel. The term does not include a person who:

(A) is licensed under this chapter as a supplier, permissive supplier, or distributor; and

(B) exclusively transports gasoline, diesel fuel, gasoline blended fuel, aviation fuel, or any other motor fuel to which the person retains ownership while the fuel is being transported by the person.

(55) "Shipping document" means a delivery document issued ~~[by a terminal or bulk plant operator]~~ in conjunction with the sale, transfer, or transport [removal] of motor fuel ~~[from the terminal or bulk plant]~~. A shipping document

issued by a terminal operator shall be machine printed. All other shipping documents [~~A shipping document issued by a bulk plant~~] shall be typed or handwritten on a preprinted form or machine printed.

(2) On page 6, line 27, between "the" and "bulk", insert "terminal or".

(3) Strike SECTION 11 of the bill, substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 162, Tax Code, is amended by adding Section 162.1025 to read as follows:

Sec. 162.1025. SEPARATE STATEMENT OF TAX COLLECTED FROM PURCHASER. (a) In each subsequent sale of gasoline on which the tax has been paid, the tax imposed by this subchapter shall be collected from the purchaser so that the tax is paid ultimately by the person who uses the gasoline. Gasoline is considered to be used when it is delivered into a fuel supply tank.

(b) The tax imposed by this subchapter must be stated separately from the sales price of gasoline and identified as gasoline tax on the invoice or receipt issued to a purchaser. Backup gasoline tax may be identified as gasoline tax. The tax must be separately stated and identified in the same manner on a shipping document, if the shipping document includes the sales price of the gasoline.

(c) Except as provided by Subsection (d), the sales price of gasoline stated on an invoice, receipt, or shipping document is presumed to be exclusive of the taxes imposed by this subchapter. The seller or purchaser may overcome the presumption by using the seller's records to show that the tax imposed by this subchapter was included in the sales price.

(d) Subsection (b) does not apply to a sale of gasoline by a licensed dealer to a person who delivers the gasoline at the dealer's place of business into a fuel supply tank or into a container having a capacity of no more than 10 gallons.

SECTION \_\_\_\_\_. Sections 162.103(a) and (d), Tax Code, are amended to read as follows:

(a) A backup tax is imposed at the rate prescribed by Section 162.102 on:

(1) a person who obtains a refund of tax on gasoline by claiming the gasoline was used for an off-highway purpose, but actually uses the gasoline to operate a motor vehicle on a public highway;

(2) a person who operates a motor vehicle on a public highway using gasoline on which tax has not been paid; ~~and~~

(3) a person who sells to the ultimate consumer gasoline on which tax has not been paid and who knew or had reason to know that the gasoline would be used for a taxable purpose; and

(4) a person, other than a person exempted under Section 162.104, who acquires gasoline on which tax has not been paid from any source in this state.

(d) A person who sells gasoline in this state, other than by a bulk transfer, on which tax has not been paid for any purpose other than a purpose exempt under Section 162.104 shall at the time of sale collect the tax from the purchaser or recipient of gasoline in addition to the selling price and is liable to this state for the taxes imposed [~~collected at the time and~~] in the manner provided by this chapter.

(4) Strike SECTION 13 of the bill, substitute the following, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.115, Tax Code, is amended by adding Subsection (n) to read as follows:

(n) In addition to the records specifically required by this chapter, a license holder, a dealer, or a person required to hold a license shall keep any other record required by the comptroller.

SECTION \_\_\_\_\_. Section 162.117, Tax Code, is amended to read as follows:

Sec. 162.117. DUTIES OF SELLER OF GASOLINE [~~SUPPLIER OR PERMISSIVE SUPPLIER~~]. (a) A seller [~~supplier or permissive supplier~~] who receives or collects tax holds the amount received or collected in trust for the benefit of this state and has a fiduciary duty to remit to the comptroller the amount of tax received or collected.

(b) A seller [~~supplier or permissive supplier~~] shall furnish the purchaser with an invoice, bill of lading, or other documentation as evidence of the number of gallons received by the purchaser.

(c) A seller [~~supplier or permissive supplier~~] who receives a payment of tax may not apply the payment of tax to a debt that the person making the payment owes for gasoline purchased from the supplier or permissive supplier.

(d) A person required to receive or collect a tax under this chapter is liable for and shall pay the tax in the manner provided by this chapter.

SECTION \_\_\_\_\_. Section 162.122, Tax Code, is amended to read as follows:

Sec. 162.122. INFORMATION REQUIRED ON EXPORTER'S RETURN AND PAYMENT OF TAX ON EXPORTS. The monthly return and supplements of an exporter shall contain for the period covered by the return:

(1) the number of net gallons of gasoline acquired from a supplier and exported during the month, including supplier name, terminal control number, and product code;

(2) the number of net gallons of gasoline acquired from a bulk plant and exported during the month, including bulk plant name and product code;

(3) the number of net gallons of gasoline acquired from a source other than a supplier or bulk plant and exported during the month, including the name of the source from which the gasoline was acquired and the name and address of the person receiving the gasoline;

(4) the destination state of the gasoline exported during the month; and

(5) [(4)] any other information required by the comptroller.

SECTION \_\_\_\_\_. Section 162.125, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) A license holder may take a credit on a return for the tax included in the retail purchase price of gasoline for the period in which the purchase occurred when made by one of the following purchasers, if the purchase was made by acceptance of a credit card not issued by the license holder, the credit card issuer did not collect the tax from the purchaser, and the license holder reimbursed the credit card issuer for the amount of tax included in the retail purchase price:

- (1) the United States government for its exclusive use;
- (2) a public school district in this state for the district's exclusive use;
- (3) a commercial transportation company that provides public school transportation services to a public school district under Section 34.008, Education Code, for its exclusive use to provide those services;
- (4) a nonprofit electric cooperative corporation organized under Chapter 161, Utilities Code; and
- (5) a nonprofit telephone cooperative corporation organized under Chapter 162, Utilities Code.

(5) Strike SECTION 16 of the bill, substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 162, Tax Code, is amended by adding Section 162.2025 to read as follows:

Sec. 162.2025. SEPARATE STATEMENT OF TAX COLLECTED FROM PURCHASER. (a) In each subsequent sale of diesel fuel on which the tax has been paid, the tax imposed by this subchapter shall be collected from the purchaser so that the tax is paid ultimately by the person who uses the diesel fuel. Diesel fuel is considered to be used when it is delivered into a fuel supply tank.

(b) The tax imposed by this subchapter must be stated separately from the sales price of diesel fuel and identified as diesel fuel tax on the invoice or receipt issued to a purchaser. Backup state diesel fuel tax may be identified as diesel fuel tax. The tax must be separately stated and identified in the same manner on a shipping document, if the shipping document includes the sales price of the diesel fuel.

(c) Except as provided by Subsection (d), the sales price of diesel fuel stated on an invoice, receipt, or shipping document is presumed to be exclusive of the tax imposed by this subchapter. The seller or purchaser may overcome the presumption by using the seller's records to show that the tax imposed by this subchapter was included in the sales price.

(d) Subsection (b) does not apply to a sale of diesel fuel by a licensed dealer to a person who delivers the diesel fuel at the dealer's place of business into a fuel supply tank or into a container having a capacity of no more than 10 gallons.

SECTION \_\_\_\_\_. Sections 162.203(a) and (d), Tax Code, are amended to read as follows:

(a) A backup tax is imposed at the rate prescribed by Section 162.202 on:

(1) a person who obtains a refund of tax on diesel fuel by claiming the diesel fuel was used for an off-highway purpose, but actually uses the diesel fuel to operate a motor vehicle on a public highway;

(2) a person who operates a motor vehicle on a public highway using diesel fuel on which tax has not been paid; ~~and~~

(3) a person who sells to the ultimate consumer diesel fuel on which a tax has not been paid and who knew or had reason to know that the diesel fuel would be used for a taxable purpose; and

(4) a person, other than a person exempted under Section 162.204, who acquires diesel fuel on which tax has not been paid from any source in this state.

(d) A person who sells diesel fuel in this state, other than by a bulk transfer, on which tax has not been paid for any purpose other than a purpose exempt under Section 162.204 shall at the time of sale collect the tax from the purchaser or recipient of diesel fuel in addition to the selling price and is liable to this state for the taxes imposed [~~collected at the time and~~] in the manner provided by this chapter.

(6) Strike SECTION 20, substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. Section 162.216, Tax Code, is amended by adding Subsection (o) to read as follows:

(o) In addition to the records specifically required by this section, a license holder, a dealer, or a person required to hold a license shall keep any other record required by the comptroller.

SECTION \_\_\_\_\_. Section 162.218, Tax Code, is amended to read as follows:

Sec. 162.218. DUTIES OF SELLER OF DIESEL FUEL [~~SUPPLIER OR PERMISSIVE SUPPLIER~~]. (a) A seller [~~supplier or permissive supplier~~] who receives or collects tax holds the amount received or collected in trust for the benefit of this state and has a fiduciary duty to remit to the comptroller the amount of tax received or collected.

(b) A seller [~~supplier or permissive supplier~~] shall furnish the purchaser with an invoice, bill of lading, or other documentation as evidence of the number of gallons received by the purchaser.

(c) A seller [~~supplier or permissive supplier~~] who receives a payment of tax may not apply the payment of tax to a debt that the person making the payment owes for diesel fuel purchased from the supplier or permissive supplier.

(d) A person required to receive or collect a tax under this chapter is liable for and shall pay the tax in the manner provided by this chapter.

SECTION \_\_\_\_\_. Section 162.223, Tax Code, is amended to read as follows:

Sec. 162.223. INFORMATION REQUIRED ON EXPORTER'S RETURN AND PAYMENT OF TAX ON IMPORTS. The monthly return and supplements of an exporter shall contain for the period covered by the return:

(1) the number of net gallons of diesel fuel acquired from a supplier and exported during the month, including supplier name, terminal control number, and product code;

(2) the number of net gallons of diesel fuel acquired from a bulk plant and exported during the month, including bulk plant name and product code;

(3) the number of net gallons of diesel fuel acquired from a source other than a supplier or bulk plant and exported during the month, including the name of the source from which the diesel fuel was acquired and the name and address of the person receiving the diesel fuel;

(4) the destination state of the diesel fuel exported during the month;  
and

(5) [↔] any other information the comptroller requires.

SECTION \_\_\_\_\_. Section 162.227, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) A license holder may take a credit on a return for the tax included in the retail purchase price of diesel fuel for the period in which the purchase occurred when made by one of the following purchasers, if the purchase was made by acceptance of a credit card not issued by the license holder, the credit card issuer did not collect the tax from the purchaser, and the license holder reimbursed the credit card issuer for the amount of tax included in the retail purchase price:

- (1) the United States government for its exclusive use;
- (2) a public school district in this state for the district's exclusive use;
- (3) a commercial transportation company that provides public school transportation services to a public school district under Section 34.008, Education Code, for its exclusive use to provide those services;
- (4) a nonprofit electric cooperative corporation organized under Chapter 161, Utilities Code; or
- (5) a nonprofit telephone cooperative corporation organized under Chapter 162, Utilities Code.

(7) On page 17, between lines 18 and 19, insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.308(a), Tax Code, is amended to read as follows:

(a) A licensed dealer or a person required to hold a dealer's license who makes a sale or delivery of liquefied gas into a fuel supply tank of a motor vehicle on which the tax is required to be collected is liable to this state for the tax imposed and shall report and pay the tax in the manner required by this subchapter.

SECTION \_\_\_\_\_. Sections 162.309(a) and (c), Tax Code, are amended to read as follows:

(a) A dealer or a person required to hold a dealer's license shall keep for four years, open to inspection at all times by the comptroller and the attorney general, a complete record of all liquefied gas sold or delivered for taxable purposes.

(c) Each taxable sale or delivery by a dealer or a person required to hold a dealer's license of liquefied gas into the fuel supply tanks of a motor vehicle, including deliveries by interstate truckers from bulk storage, shall be covered by an invoice. The invoice must be printed and contain:

- (1) the preprinted or stamped name and address of the licensed dealer or interstate trucker;
- (2) the date of the sale or delivery;
- (3) the number of gallons sold or delivered;
- (4) the mileage recorded on the odometer;
- (5) the state and state highway license number;
- (6) the signature of the driver of the motor vehicle; and
- (7) the amount of tax paid or accounted for stated separately from the selling price.

(8) On page 23, on line 18, after "invoice", insert "or shipping document".

(9) On page 24, line 1, between "collected" and "by", insert "or required to be collected".

(10) On page 24, line 12, strike "is a dealer who" and substitute "~~[is a dealer who]~~".

(11) On page 24, line 14, strike "is a dealer who" and substitute "~~[is a dealer who]~~".

(12) On page 25, between lines 6 and 7, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.405(f), Tax Code, is amended to read as follows:

(f) Violations of three or more separate offenses under of the following sections [~~Sections 162.403(22) through (29)~~] committed pursuant to one scheme or continuous course of conduct may be considered as one offense and punished as a felony of the second degree:

(1) Section 162.403(7);

(2) Sections 162.403(13) through (16); or

(3) Sections 162.403(23) through (29).

(13) On page 26, between lines 8 and 9, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation:

(A) murder and manslaughter;

(B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;

(C) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained;

(D) continuous sexual abuse of young child or children under Section 21.02, Penal Code;

(E) indecency with a child under Section 21.11, Penal Code; or

(F) an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;

(2) ten years from the date of the commission of the offense:

(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B) theft by a public servant of government property over which he exercises control in his official capacity;

(C) forgery or the uttering, using or passing of forged instruments;

(D) injury to a child, elderly individual, or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;

- (E) sexual assault, except as provided by Subdivision (1) or (5); or  
 (F) arson;
- (3) seven years from the date of the commission of the offense:  
 (A) misapplication of fiduciary property or property of a financial institution;  
 (B) securing execution of document by deception; or  
 (C) a felony violation under Chapter 162 [Sections 162.403(22)-(39)], Tax Code;
- (4) five years from the date of the commission of the offense:  
 (A) theft or robbery;  
 (B) except as provided by Subdivision (5), kidnapping or burglary;  
 (C) injury to a child, elderly individual, or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;  
 (D) abandoning or endangering a child; or  
 (E) insurance fraud;
- (5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:  
 (A) sexual performance by a child under Section 43.25, Penal Code;  
 (B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or  
 (C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision; or
- (6) three years from the date of the commission of the offense: all other felonies.
- (14) At the top of page 27, between SECTIONS 28 and 29 of the bill, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.017, Tax Code, is repealed.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representatives Keffer and Farabee offered the following amendment to **SB 1495**:

Amend **SB 1495** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 162.227, Tax Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license may file a refund claim with the comptroller, if the license holder or person paid tax on diesel fuel



and the diesel fuel is used in this state by auxiliary power units or power take-off equipment on any motor vehicle. If the quantity of that diesel fuel can be accurately measured while the motor vehicle is stationary by any metering or other measuring device or method designed to measure the fuel separately from fuel used to propel the motor vehicle, the comptroller may approve and adopt the use of the device as a basis for determining the quantity of diesel fuel consumed in those operations for a tax credit or tax refund. If there is no separate metering device or other approved measuring method, the license holder may take the credit and the person who does not hold a license may claim the refund on a percentage of the diesel fuel consumed by each motor vehicle equipped with an auxiliary power unit or power take-off equipment. The comptroller shall determine the percentage of the credit or refund. The climate-control air conditioning or heating system of a motor vehicle that has a primary purpose of providing for the convenience or comfort of the operator or passengers is not a power take-off system, and a credit or refund may not be allowed for the tax paid on any portion of the diesel fuel that is used for that purpose. A credit or refund may not be allowed for the diesel fuel tax paid on that portion of the diesel fuel that is used for idling.

Amendment No. 2 was adopted.

**SB 1495**, as amended, was passed by (Record 658): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; 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; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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 — Crabb; Shelton.

Absent, Excused, Committee Meeting — Hochberg; Pitts.

Absent — Branch; Davis, J.; Gutierrez; Hancock; King, S.; Mallory Caraway; McClendon; Miller, S.; Oliveira.

**STATEMENT OF VOTE**

When Record No. 658 was taken, my vote failed to register. I would have voted yes.

S. King

**GENERAL STATE CALENDAR  
(consideration continued)****HB 537 ON SECOND READING  
(by Berman and Naishtat)**

**HB 537**, A bill to be entitled An Act relating to the transportation of children in passenger vans; creating an offense.

Representative Geren moved to postpone consideration of **HB 537** until 10 a.m. tomorrow.

The motion prevailed.

**HB 4270 ON SECOND READING  
(by C. Howard and Paxton)**

**HB 4270**, A bill to be entitled An Act relating to the computation of cost of goods sold for purposes of the franchise tax by certain affiliated taxable entities.

**HB 4270** was passed to engrossment.

**MESSAGE FROM THE SENATE**

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

**HB 2360 ON SECOND READING  
(by Farias, S. Turner, Elkins, and Thompson)**

**HB 2360**, A bill to be entitled An Act relating to the provision by employers of information regarding employee eligibility for the federal earned income tax credit.

**Amendment No. 1**

Representative Farias offered the following amendment to **HB 2360**:

Amend **HB 2360** (house committee printing) as follows:

(1) On page 1, line 17, strike "information regarding eligibility" and substitute "information regarding general eligibility requirements".

(2) On page 2, strike lines 4-10 and substitute the following:

(b) An employer may not satisfy the requirements of Section 104.002 solely by posting information in the place of employment. The employer must provide the required information in person or by mailing the documents described by Subsection (a) to the employee at the employee's last known address by first-class mail.

(3) On page 2, strike line 11 and substitute the following:

Sec. 104.004. COMMISSION DUTIES; RULES. (a) The commission periodically shall notify employers regarding the requirement adopted under Section 104.002. The commission shall provide the notice as part of any other periodic notice sent to employers and shall also post the notice on the commission's Internet website.

(b) If the

(4) On page 2, strike lines 24 and 25 and substitute the following:

(d) The comptroller shall produce and make available to employers, by a written notice and a posting on the comptroller's Internet website, a form that includes information:

Amendment No. 1 was adopted.

**HB 2360**, as amended, was passed to engrossment. (Anderson, Christian, and Phillips recorded voting no.)

### **HB 2104 - MOTION TO CONCUR IN SENATE AMENDMENTS**

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

**HB 2104**, A bill to be entitled An Act relating to the statute of limitations for an action under the Beer Industry Fair Dealing Law.

Representative Geren moved to concur in the senate amendments to **HB 2104**.

### **HB 2104 - POINT OF ORDER**

Representative Farrar raised a point of order against further consideration of **HB 2104** under Rule 11, Section 3 of the House Rules on the grounds that the amendment would change the original purpose of the bill.

The point of order was withdrawn.

The motion to concur in the senate amendments to **HB 2104** was withdrawn.

### **HB 1382 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative Y. Davis called up with senate amendments for consideration at this time,

**HB 1382**, A bill to be entitled An Act relating to assessment of certain charges by a commercial landlord that is a governmental entity.

Representative Y. Davis moved to concur in the senate amendments to **HB 1382**.

The motion to concur in the senate amendments to **HB 1382** prevailed by (Record 659): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; 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; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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 — Crabb; Shelton.

Absent, Excused, Committee Meeting — Hochberg; Pitts.

Absent — Branch; Crownover; Hamilton; King, S.; Mallory Caraway.

#### STATEMENT OF VOTE

When Record No. 659 was taken, my vote failed to register. I would have voted yes.

S. King

#### Senate Committee Substitute

**CSHB 1382**, A bill to be entitled An Act relating to assessment of certain charges by a commercial landlord that is a governmental entity.

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

SECTION 1. Section 93.012, Property Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not affect the contractual right of a landlord that is a governmental entity created under Subchapter D, Chapter 22, Transportation Code, whose constituent municipalities are populous home rule municipalities to assess charges under a lease to fully compensate the governmental entity for the governmental entity's operating costs.

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

#### POSTPONED BUSINESS

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

**CSHB 300 ON SECOND READING**  
**(by Isett, Pickett, and Harper-Brown)**

**CSHB 300**, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Transportation, including the governance of the department and the transfer of certain functions of the department to the Texas Department of Motor Vehicles and the office of the governor; providing penalties.

**CSHB 300** was read second time earlier today and was postponed until this time.

(Gattis in the chair)

**Amendment No. 1**

Representative McClendon offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 323

Amend **CSHB 300** (House Committee printing), 81st Legislative Session, by amending and adding appropriately numbered Section(s) of the Bill to read as follows:

Chapter 201, Title 6, Subtitle A, Transportation Code, is amended by adding and amending appropriately lettered and numbered Subchapter and Section references, relating to the abolition of the Texas Transportation Commission and the creation of the commissioner of transportation as an elected statutory state officer, to read as follows:

On page 1, after line 8 and before line 9, Section 201.003, Transportation Code, is amended to read as follows:

Sec. 201.003. TITLE AND ORGANIZATIONAL CHANGES. (a) A reference in law to the State Highway Department, Texas Highway Department, or State Department of Highways and Public Transportation means the Texas Department of Transportation.

(b) A reference in law to the State Highway Commission, ~~or~~ State Highway and Public Transportation Commission, or Texas Transportation Commission means the commissioner of transportation ~~[Texas Transportation Commission]~~.

(c) A reference in law to the State Highway Engineer, ~~or~~ State Engineer-Director for Highways and Public Transportation, or [means] the director of the Texas Department of Transportation means the commissioner of transportation.

(d) ~~[A reference in law to the commissioner of transportation means the chair of the commission.]~~

~~[(e)] A [reference in] law that authorizes the Texas Transportation Commission to authorize the director of the Texas Department of Transportation to take an action shall be construed to authorize the commissioner of transportation to take that action [to a member of the commission means a commissioner].~~

On page 2, after line 9, Subchapter B, Chapter 201, Transportation Code, is amended and subparagraphs (c) - (j) are renumbered to read as follows:

SUBCHAPTER B. COMMISSIONER OF [TEXAS] TRANSPORTATION  
[COMMISSION]

Sec. 201.051. COMMISSIONER [COMMISSION]. (a) The commissioner is elected for a term of four years [Texas Transportation Commission consists of five members appointed by the governor with the advice and consent of the senate].

(b) To be eligible for election as commissioner, or appointment to fill a vacancy in the office of commissioner, a [The members shall be appointed to reflect the diverse geographic regions and population groups of this state. One member must reside in a rural area.]

~~(c) Each member of the commission must represent the general public.~~

~~(d) Except as provided by Subsection (e), a person is not eligible for appointment as a member of the commission if the] person or the person's spouse may not:~~

(1) be [is] employed by or participate [participates] in the management of a business entity or other organization that is regulated by or receives funds from the department;

(2) directly or indirectly own or control [owns or controls] more than 10 percent interest in a business entity or other organization that is regulated by or receives funds from the department;

(3) use or receive [uses or receives] a substantial amount of tangible goods, services, or funds from the department, other than compensation or reimbursement authorized by law for [commission membership, attendance, or] expenses; or

(4) be [is] registered, certified, or licensed by the department.

~~(c) [(f)] An officer, employee, or paid consultant of a Texas trade association in the field of road construction or maintenance, aviation, or outdoor advertising or a Texas trade association of automobile dealers is not eligible for election or appointment as commissioner [may not be a member of the commission].~~

~~(d) [(g)] The spouse of an officer, manager, or paid consultant of a Texas trade association in the field of road construction or maintenance, aviation, or outdoor advertising or a Texas association of automobile dealers is not eligible for election or appointment as commissioner [may not be a member of the commission].~~

~~(e) [(h)] A person required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department is not eligible for election or appointment as commissioner [may not serve as a member of the commission].~~

~~(f) [(i)] Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin of the appointees and shall reflect the diversity of the population of the state as a whole.~~

~~(4)~~ In this section, "Texas trade association" means a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(g) The commissioner is a successor to the Texas Transportation Commission for all purposes, including for the purposes of Sections 49-k, 49-l, 49-m, 49-n, and 49-o, Article III, Texas Constitution.

On page 2 after line 19, and before page 4, line 3, Sections 201.052, 201.053, 201.054, 201.0545, 201.056, 201.057, 201.058, and 201.059 of the Transportation Code are amended and renumbered appropriately as follows:

Sec. 201.052. CERTAIN DUTIES. ~~[TERMS. Members of the commission serve staggered six year terms, with the terms of either one or two members expiring February 1 of each odd numbered year.~~

~~[Sec. 201.053. CHAIR OF THE COMMISSION. (a) The governor periodically shall designate one commissioner as the chair of the commission, who shall serve as presiding officer of the commission.~~

~~(b)~~ The commissioner ~~[chair]~~ shall:

(1) preside over ~~[commission]~~ meetings, make rulings on motions and points of order, and determine the order of business;

(2) represent the department in dealing with the governor;

(3) report to the governor on the state of affairs of the department at least quarterly;

(4) ~~[report to the commission the governor's suggestions for department operations;~~

~~(5)~~ report to the governor on efforts, including legislative requirements, to maximize the efficiency of department operations through the use of private enterprise;

(5) ~~(6)~~ periodically review the department's organizational structure and submit recommendations for structural changes to the governor~~[,] the commission,~~ and the Legislative Budget Board;

(6) ~~(7)~~ designate one or more employees of the department as a civil rights division of the department and receive regular reports from the division on the department's efforts to comply with civil rights legislation and administrative rules;

(7) ~~(8) create subcommittees, appoint commissioners to subcommittees, and receive the reports of subcommittees to the commission as a whole;~~

~~(9)~~ appoint a deputy commissioner to act in the commissioner's ~~[chair's]~~ absence; and

(8) ~~(10)~~ serve as the departmental liaison with the governor and the Office of State-Federal Relations to maximize federal funding for transportation.

~~[Sec. 201.054. COMMISSION MEETINGS. The commission shall hold regular meetings at least once a month and special meetings at the call of the chair. Commissioners shall attend the meetings of the commission. The chair shall oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each commissioner at least seven days before the meeting.]~~

Sec. 201.053 [201.054]. RECOMMENDATIONS TO LEGISLATURE.

(a) The commissioner [~~commission~~] shall consider ways in which the department's operations may be improved and may periodically report to the legislature concerning potential statutory changes that would improve the operation of the department.

(b) The commissioner [~~On behalf of the commission, the chair~~] shall report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of relevant legislative committees on legislative recommendations adopted by the commissioner [~~commission~~] and relating to the operation of the department.

Sec. 201.054 [201.056]. COMPENSATION. The commissioner [~~A member of the commission~~] is entitled to compensation as provided by the General Appropriations Act. If compensation for the commissioner [~~members~~] is not provided by that Act, the commissioner [~~each member~~] is entitled to reimbursement for actual and necessary expenses incurred in performing functions as commissioner [~~a member of the commission~~].

Sec. 201.055 [201.057]. GROUNDS FOR REMOVAL. [(a)] It is a ground for removal [~~from the commission~~] if the [a] commissioner:

(1) does not have at the time of election or appointment or maintain during service as commissioner [~~on the commission~~] the qualifications required by Section 201.051;

(2) violates a prohibition provided by Section 201.051; or

(3) cannot discharge the commissioner's duties for a substantial part of the term for which the commissioner is elected or appointed because of illness or disability[; ~~or~~

~~[(4) is absent from more than half of the regularly scheduled commission meetings that the commissioner is eligible to attend during a calendar year, unless the absence is excused by majority vote of the commission].~~

~~[(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commissioner exists.~~

~~[(c) If the director knows that a potential ground for removal exists, the director shall notify the chair of the commission of the ground, and the chair shall notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal relates to the chair, the director shall notify another commissioner, who shall notify the governor and the attorney general that a potential ground for removal exists.]~~

Sec. 201.056 [201.058]. INFORMATION ON QUALIFICATIONS AND CONDUCT. The department shall provide to the commissioner [~~members of the commission~~], as often as necessary, information concerning the commissioner's



~~[members']~~ qualifications for office and the commissioner's ~~[under Subchapter B and their]~~ responsibilities under applicable laws relating to standards of conduct for state officers.

~~[Sec. 201.059. TRAINING ON DEPARTMENT AND CERTAIN LAWS RELATING TO DEPARTMENT. (a) To be eligible to take office as a member of the commission, a person appointed to the commission must complete at least one course of a training program that complies with this section.~~

~~[(b) The training program must provide information to the person regarding:~~

- ~~[(1) this subchapter;~~
- ~~[(2) the programs operated by the department;~~
- ~~[(3) the role and functions of the department;~~
- ~~[(4) the rules of the department with an emphasis on the rules that relate to disciplinary and investigatory authority;~~
- ~~[(5) the current budget for the department;~~
- ~~[(6) the results of the most recent formal audit of the department;~~
- ~~[(7) the requirements of the:~~
  - ~~[(A) open meetings law, Chapter 551, Government Code;~~
  - ~~[(B) open records law, Chapter 552, Government Code; and~~
  - ~~[(C) administrative procedure law, Chapter 2001, Government Code;~~

~~[(8) the requirements of the conflict of interest laws and other laws relating to public officials; and~~

~~[(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.~~

~~[(c) A person appointed to the commission is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the General Appropriations Act and as if the person were a member of the commission.]~~

At page 6, after line 12, Sections 201.201 and 201.202, Transportation Code, are amended to read as follows:

Sec. 201.201. GOVERNANCE OF DEPARTMENT. The commissioner ~~[commission]~~ governs the Texas Department of Transportation.

Sec. 201.202. DIVISIONS; DIVISION PERSONNEL. (a) The commissioner ~~[commission]~~ shall organize the department into divisions to accomplish the department's functions and the duties assigned to it, including divisions for:

- (1) aviation;
- (2) highways and roads;
- (3) public transportation; and
- (4) rail transportation ~~[motor vehicle titles and registration].~~

(b) The person designated by the commissioner ~~[director]~~ to supervise the division responsible for highways and roads must be a registered professional engineer experienced and skilled in highway construction and maintenance.

~~[(e) In appointing a person to supervise a function previously performed by the former State Department of Highways and Public Transportation, Texas Department of Aviation, or Texas Turnpike Authority, preference shall be given to a person employed in a similar position in that former agency.]~~

At page 9, after line 10, Subchapter E, Chapter 201, Transportation Code, Sections 201.301, 201.302, and 201.303 are amended and renumbered appropriately to read as follows:

SUBCHAPTER E. STATE ROAD MAP; UNIVERSITY LABORATORIES  
[DIRECTOR]

Sec. 201.301. ~~[EXECUTIVE DIRECTOR. (a) The commission shall elect an executive director for the department. The director must be a registered professional engineer in this state and experienced and skilled in transportation planning, development, construction, and maintenance.~~

~~[(b) The director serves at the will of the commission.~~

~~[(d) The director shall:~~

~~(1) serve the commission in an advisory capacity, without vote; and~~

~~(2) submit to the commission, quarterly, annually, and biennially, detailed reports of the progress of public road construction, detailed reports of public and mass transportation development, and detailed statements of expenditures.~~

~~[(e) The director is entitled to actual expenses for and related to travel away from Austin in performance of the director's duties under the direction of the commission.~~

~~[Sec. 201.302.]~~ STATE ROAD MAP. The commissioner ~~[director]~~ shall make, regularly revise, and keep in a form convenient for examination in the office of the department a complete road map of the state that shows road construction in the counties.

Sec. 201.302 ~~[201.303]~~. USE OF UNIVERSITY LABORATORIES FOR ANALYZING MATERIALS. The commissioner ~~[director]~~ may use laboratories maintained at Texas A&M University and The University of Texas to test and analyze road and bridge material. Persons in charge of the laboratories shall cooperate with and assist the commissioner ~~[director]~~ with those tests and analyses.

On page 76 after line 14, Section 223.105, Transportation Code, is repealed.

On page 77 after line 7, Section 504.401(d), Transportation Code, is amended and subparagraph (11) is added, and subparagraphs (12) and (13) renumbered appropriately to read as follows:

(d) In this section, "state official" means:

- (1) a member of the legislature;
- (2) the governor;
- (3) the lieutenant governor;
- (4) a justice of the supreme court;
- (5) a judge of the court of criminal appeals;
- (6) the attorney general;
- (7) the commissioner of the General Land Office;
- (8) the comptroller;

- (9) a member of the Railroad Commission of Texas;
- (10) the commissioner of agriculture;
- (11) the commissioner of transportation;
- (12) the secretary of state; or
- (13) [~~12~~] a member of the State Board of Education.

On page 82, after line 21, Section 52.092(c), a new Section is added and the Election Code is amended by adding subparagraph (7) and renumbering subparagraphs (8)-(12) appropriately, to read as follows:

(c) Statewide offices of the state government shall be listed in the following order:

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;
- (4) comptroller of public accounts;
- (5) commissioner of the General Land Office;
- (6) commissioner of agriculture;
- (7) commissioner of transportation;
- (8) railroad commissioner;
- (9) [~~8~~] chief justice, supreme court;
- (10) [~~9~~] justice, supreme court;
- (11) [~~10~~] presiding judge, court of criminal appeals;
- (12) [~~11~~] judge, court of criminal appeals.

An appropriately numbered Section is added to the Bill, and other subsequent Sections of the Bill renumbered appropriately, to read as follows:

SECTION \_\_\_\_\_. (a) The first commissioner of transportation elected under the changes in law made by this Act shall be elected at the general election held in November 2010 to serve for a term that begins January 1, 2011.

(b) Until the first commissioner of transportation elected under this Act takes office, the members of the Texas Transportation Commission and the executive director of the Texas Department of Transportation serving on the effective date of this Act shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the composition of the Texas Transportation Commission, and that prior law is continued in effect for that purpose. If, on January 1, 2011, there is a vacancy in the new office of commissioner of transportation created under this Act because the first commissioner of transportation-elect has died or refuses or is permanently unable to serve, the members of the Texas Transportation Commission and the executive director of the Texas Department of Transportation serving on the effective date of this Act shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the composition of the Texas Transportation Commission until the governor fills the vacancy by appointment in the manner provided by law. The prior law that governed the composition of the Texas Transportation Commission and the executive director of the Texas Department of Transportation is continued in effect for that purpose. At the time that the first

commissioner of transportation that is elected, or in extraordinary circumstances appointed, under this Act takes office, the Texas Transportation Commission is abolished.

(c) The commissioner of transportation succeeds to all powers, duties, rights, and obligations of the Texas Transportation Commission, and the abolition of the Texas Transportation Commission does not affect the validity of any right, duty, decision, rule, or action of any kind taken by or under the authority of the commission.

(Pitts now present)

### **Amendment No. 2**

Representatives Sheffield and Kolkhorst offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by McClendon to **CSHB 300** (amendment packet page 323) as follows:

(1) On page 2, line 8 of the amendment strike "elected" and substitute "appointed".

(2) On page 2, line 11 of the amendment strike "election" and substitute "appointment".

Amendment No. 2 was withdrawn.

Representative Isett moved to table Amendment No. 1.

The motion to table was lost by (Record 660): 54 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Button; Chisum; Christian; Cook; Craddick; Darby; Davis, Y.; Driver; Elkins; England; Farabee; Flynn; Frost; Geren; Hancock; Hardcastle; Hartnett; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kuempel; Laubenberg; Lewis; Lucio; Mallory Caraway; Merritt; Miller, D.; Morrison; Orr; Otto; Parker; Paxton; Phillips; Pickett; Quintanilla; Ritter; Rose; Smith, W.; Solomons; Strama; Swinford; Truitt; Vaught.

Nays — Alonzo; Alvarado; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Corte; Creighton; Crownover; Davis, J.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flores; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Harless; Harper-Brown; Heflin; Herrero; Hilderbran; Hodge; Kent; King, T.; Kolkhorst; Legler; Leibowitz; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Peña; Pierson; Pitts; Raymond; Riddle; Rios Ybarra; Rodriguez; Sheffield; Smithee; Taylor; Thibaut; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

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

Absent, Excused — Crabb; Shelton.

Absent, Excused, Committee Meeting — Hochberg.

Absent — Allen; Branch; Edwards; Guillen; Hamilton; Hernandez; Kleinschmidt; Smith, T.; Thompson; Zerwas.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 660. I intended to vote yes.

B. Brown

I was shown voting no on Record No. 660. I intended to vote yes.

Callegari

When Record No. 660 was taken, my vote failed to register. I would have voted yes.

Guillen

I was shown voting no on Record No. 660. I intended to vote yes.

Heflin

I was shown voting yes on Record No. 660. I intended to vote no.

C. Howard

I was shown voting yes on Record No. 660. I intended to vote no.

Vaught

I was shown voting no on Record No. 660. I intended to vote yes.

Woolley

When Record No. 660 was taken, I was temporarily out of the house chamber. I would have voted no.

Zerwas

#### COMMITTEE GRANTED PERMISSION TO MEET

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 5:45 p.m. today, in 3W.9, for a formal meeting, to consider the Committee on Calendars rule.

Permission to meet was granted.

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5:45 p.m. today, 3W.9, for a formal meeting.

#### CSHB 300 - (consideration continued)

#### Amendment No. 3

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

Amend Amendment No. 1 by McClendon to **CSHB 300** (on page 323 of the Amendment Packet) as follows:

(1) Strike page 2, line 2, through page 12, line 8 of the amendment.

(2) Add the following appropriately numbered items to the amendment and renumber subsequent items of the amendment accordingly:

( ) Strike SECTIONS 1.01 and 1.02 of Article 1 of the bill (page 1, line 9, through page 2, line 24) and substitute the following:

SECTION 1.01. Sections 201.051(a), (b), and (d), Transportation Code, are amended to read as follows:

(a) The Texas Transportation Commission consists of 15 ~~[five]~~ members, with 14 members elected from geographic districts and one member elected at large ~~[appointed by the governor with the advice and consent of the senate]~~.

(b) The legislature shall, at its first regular session after the publication of each United States decennial census, reapportion the geographic districts described in Subsection (a). The districts shall be substantially equal in population, according to the most recent United States decennial census. The legislature shall consider county lines, senatorial and representative districts, and commissioners precincts in the reapportionment process ~~[members shall be appointed to reflect the diverse geographic regions and population groups of this state. One member must reside in a rural area]~~.

(d) A ~~[Except as provided by Subsection (c), a]~~ person may not serve ~~[is not eligible for appointment]~~ as a member of the commission if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization that is regulated by or receives funds from the department;

(2) directly or indirectly owns or controls more than 10 percent interest in a business entity or other organization that is regulated by or receives funds from the department;

(3) uses or receives a substantial amount of tangible goods, services, or funds from the department, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(4) is registered, certified, or licensed by the department.

SECTION 1.02. Section 201.053(a), Transportation Code, is amended to read as follows:

(a) The member of the commission elected at large is ~~[governor periodically shall designate one commissioner as]~~ the chair of the commission, who shall serve as presiding officer of the commission.

( ) Add the following appropriately numbered SECTIONS to Article 1 of the bill and renumber subsequent SECTIONS of that article as appropriate:

SECTION 1.  . Section 201.052, Transportation Code, is amended to read as follows:

Sec. 201.052. TERMS. Members of the commission elected from geographic districts serve two-year ~~[staggered six-year]~~ terms, and the member elected at large serves a four-year term. The ~~[, with the]~~ terms of the ~~[either one or two]~~ members expire January ~~[expiring February]~~ 1 of an ~~[each]~~ odd-numbered year.

SECTION 1.\_\_\_\_. Section 52.092(c), Election Code, is amended to read as follows:

(c) Statewide offices of the state government shall be listed in the following order:

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;
- (4) comptroller of public accounts;
- (5) commissioner of the General Land Office;
- (6) commissioner of agriculture;
- (7) transportation commission, chair;
- (8) transportation commissioner;
- (9) railroad commissioner;
- (10) [~~8~~] chief justice, supreme court;
- (11) [~~9~~] justice, supreme court;
- (12) [~~10~~] presiding judge, court of criminal appeals;
- (13) [~~11~~] judge, court of criminal appeals.

SECTION 1.\_\_\_\_. Sections 201.051(c) and (i), Transportation Code, are repealed.

SECTION 1.\_\_\_\_. (a) The legislature shall first apportion the geographic districts described in Section 201.051(a), Transportation Code, as amended by this article, at the 82nd Legislature, Regular Session, 2011.

(b) The first members of the Texas Transportation Commission elected under the changes in law made by this article shall be elected at the general election held in November 2012 to serve for a term that begins January 1, 2013.

(c) Until the members of the Texas Transportation Commission elected under this article take office, the governor will continue to appoint members to the Texas Transportation Commission and those members shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the composition of the Texas Transportation Commission, and that prior law is continued in effect for that purpose.

Amendment No. 3 was adopted. (Christian and Flynn recorded voting no.)

#### **Amendment No. 4**

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

Amend Amendment No. 1 by McClendon to **CSHB 300** (page 323 of the amendment packet) on page 325, between line 1 and 2, by inserting the following:

(h) A vacancy in the office of commissioner is filled by election by the legislature. The legislature fills a vacancy by the vote of each house sitting separately. A person is elected as commissioner by the legislature if the person receives a majority of the votes cast in each house for the person's election.

Amendment No. 4 was adopted. (Christian, Flynn, and Phillips recorded voting no.)

Amendment No. 1, as amended, was adopted. (Flynn and Jackson recorded voting no.)

### **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 6:15 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Ways and Means, 6:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### **HB 4833 - RECOMMITTED**

Representative Hughes moved to recommit **HB 4833** to the Committee on Judiciary and Civil Jurisprudence.

The motion prevailed.

### **CSHB 300 - (consideration continued)**

#### **Amendment No. 5**

Representative Eiland offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 113

Amend **CSHB 300** as follows:

On page 5, line 17 after "Internet." Insert the following:

In addition, the commission shall use available technology to enhance compliance with Chapter 601, Transportation Code, Texas Motor Vehicle Safety Responsibility Act.

Amendment No. 5 was adopted. (Christian recorded voting no.)

#### **Amendment No. 6**

Representative Alvarado offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 135

Amend **CSHB 300**, on page 8, line 14, between "legislation" and the period, by inserting "including selecting, hiring, or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq.)."

#### **Amendment No. 7**

Representative Pickett offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 by Alvarado to **CSHB 300** on page 1, line 5 of the amendment, between "seq.)" and the period by inserting "for the purpose of lobbying".



Amendment No. 7 was adopted.

Amendment No. 6, as amended, was adopted.

(Shelton now present)

**Amendment No. 8**

Representative Swinford offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 166

Amend **CSHB 300** (house committee printing), on page 9, lines 25 and 26, by striking "commission and director" and substituting "director or the director's designee".

Amendment No. 8 was adopted.

**Amendment No. 9**

Representative W. Smith offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 69

Amend **CSHB 300** (house committee printing) as follows:

(1) On page 10, line 17, after "entity" and before the underlined period, insert "using federal or state funds, or a project to be constructed on a part of the federal highway system or state highway system".

(2) On page 10, strike lines 23 through 27 and substitute the following:  
environmental documentation to the department;

(3) the environmental documents must meet the approval of the United States Department of Transportation, Federal Highway Administration, if the project requires the approval of that agency; and

(4) the environmental documents must meet the approval of the department, if the project affects a part of the state highway system.

Amendment No. 9 was adopted.

**Amendment No. 10**

Representative Pickett offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 131

Amend **CSHB 300** (house committee printing) as follows:

(1) On page 12, line 16, strike "six" and substitute "eight".

(2) On page 12, between lines 20 and 21, insert the following:

(3) the chair of the Senate Committee on Finance;

(4) the chair of the House Committee on Appropriations;

(3) On page 12, line 21, strike "(3)" and substitute "(5)".

(4) On page 12, line 23, strike "(4)" and substitute "(6)".

Amendment No. 10 was adopted.

**Amendment No. 11**

Representative W. Smith offered the following amendment to **CSHB 300**:

Floor Packet Page No. 196

Amend **CSHB 300** (house committee report) as follows:

(1) In Article 1 of the bill, strike page 12, line 16, through page 13, line 5, and substitute the following:

(b) The committee is composed of seven members as follows:

(1) the chair of the Senate Committee on Transportation and Homeland Security;

(2) the chair of the House Committee on Transportation;

(3) two members of the senate appointed by the lieutenant governor;

(4) two members of the house of representatives appointed by the speaker of the house of representatives; and

(5) a member appointed by the lieutenant governor or the speaker of the house of representatives on an alternating basis.

(c) Except as provided by Subsection (d), an appointed member of the committee serves at the pleasure of the appointing official.

(d) The term of a member appointed under Subsection (b)(5) expires February 1 of each odd-numbered year.

Sec. 205.003. PRESIDING OFFICER. The member appointed under Section 205.002(b)(5) is the presiding officer of the committee.

(2) In Article 1 of the bill, strike page 17, line 25, through page 18, line 4, and substitute the following:

(c) The speaker of the house of representatives, not later than January 15, 2010, shall make the initial appointment of a member under Section 205.002(b)(5), Transportation Code, as added by this section. The member appointed by the speaker under this section serves a one-year term that begins on February 1, 2010, and ends on February 1, 2011.

Amendment No. 11 was withdrawn.

### **Amendment No. 12**

Representative Isett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 139

Amend **CSHB 300** (house committee printing) in ARTICLE 1 of the bill on page 19, between lines 3 and 4, by inserting the following SECTION, appropriately numbered:

SECTION 1.\_\_\_\_. (a) The terms of the members of the Texas Transportation Commission serving on the effective date of this Act expire September 1, 2009, and members shall be appointed in accordance with Section 201.051, Transportation Code, as amended by this Act, for terms to begin September 1, 2009.

(b) As soon as practicable after appointment, members appointed under Subsection (a) of this section shall draw lots to determine whose terms will expire February 1, 2011, whose terms will expire February 1, 2013, and whose terms will expire February 1, 2015.

Amendment No. 12 was adopted.

**Amendment No. 13**

Representative Martinez offered the following amendment to **CSHB 300**:

Floor Packet Page No. 253

Amend **CSHB 300** (House committee printing) in ARTICLE 1 of the bill, by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. \_\_\_\_\_. The Texas Department of Transportation shall determine the cost of up-grading the existing railroad tracks between Brownsville and Starr County for use as freight and passenger rail lines.

Amendment No. 13 was adopted. (Flynn recorded voting no.)

**Amendment No. 14**

Representative Isett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 140

Amend **CSHB 300** (committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. \_\_\_\_\_. The heading to Subchapter E, Chapter 186, Utilities Code, is amended to read as follows:

SUBCHAPTER E. CONSTRUCTION AND MAINTENANCE OF FACILITIES  
ALONG, OVER, UNDER, OR ACROSS RAILROAD AND CERTAIN  
PUBLIC RIGHTS-OF-WAY [~~RIGHT-OF-WAY~~]

SECTION 1. \_\_\_\_\_. Subchapter E, Chapter 186, Utilities Code, is amended by adding Section 186.062 to read as follows:

Sec. 186.062. AUTHORITY TO LAY AND MAINTAIN PIPELINES. (a)  
In this section, "gas utility" has the meaning assigned by Section 181.021,  
Utilities Code.

(b) Notwithstanding any other provision of this subchapter, a common carrier, energy transporter, or gas utility has the right to lay and maintain lines over, under, and across a public road, an interurban railroad, a street railroad, a canal or stream, or a municipal street or alley only if the common carrier, energy transporter, or gas utility:

(1) is subject to the jurisdiction, control, and regulation of the Railroad Commission of Texas and, as applicable, subject to safety standard requirements pertaining to gas pipeline facilities and transmission lines; and

(2) complies with all applicable state rules consistent with this section and all applicable federal regulations on the accommodation of utility facilities on a highway or right-of-way, including applicable rules and regulations relating to the horizontal and vertical location of a pipeline.

(c) The right granted by Subsection (b) relating to the use of a municipal street or alley is subject to the payment of charges in accordance with Section 121.025 of this code and Section 182.025, Tax Code. Notwithstanding Section

203.092, Transportation Code, an energy transporter shall relocate its pipeline facilities at the energy transporter's expense unless it has a property interest in the land occupied by the pipeline to be relocated.

(d) A common carrier, energy transporter, or gas utility that lays or maintains lines under this section shall promptly restore any transportation facility, canal, or stream to its former condition of usefulness after the installation or maintenance of the line is complete.

#### **Amendment No. 15**

Representative Isett offered the following amendment to Amendment No. 14:

Amend Floor Amendment No. 14 by Isett to **CSHB 300** (page 140, prefiled amendment packet) as follows:

(1) On page 1, line 14, strike "181.021" and substitute "101.003".

(2) On page 1, lines 15 and 16, strike "Notwithstanding any other provision of this subchapter, a", and substitute "A".

(3) On page 1, line 17, between "lines" and "over", insert "along".

Amendment No. 15 was adopted.

(Speaker in the chair)

Amendment No. 14, as amended, was adopted.

#### **Amendment No. 16**

Representative Y. Davis offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 315

Amend **CSHB 300** (House committee printing) in ARTICLE 1 of the bill by adding the following SECTION to that ARTICLE and renumbering subsequent SECTIONS accordingly:

Sec. \_\_\_\_\_. CONTRACT FOR PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, SURVEYOR, LANDSCAPE ARCHITECT, OR GEOSCIENTIST. Notwithstanding any other law, in procuring professional services the department shall contract for services as provided under the Professional and Consulting Services Act, Chapter 2254, Government Code as it existing on January 1, 2009.

Amendment No. 16 was withdrawn.

#### **Amendment No. 17**

Representative Isett offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 65

Amend **CSHB 300** (House committee printing) in ARTICLE 1 of the bill by adding the following SECTION to that ARTICLE and renumbering subsequent SECTIONS accordingly:

SECTION 1. \_\_\_\_\_. Section 201.403, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) During the period of a hiring freeze that the legislature requires the department to implement, the department is not required to comply with Subsection (a) if a vacancy in a position to which that subsection applies can be and is filled by the transfer or reassignment of a department employee.

Amendment No. 17 was adopted.

### **Amendment No. 18**

Representative Phillips offered the following amendment to **CSHB 300**:

Floor Packet Page No. 359

Amend **CSHB 300** (House committee printing) in ARTICLE 1 of the bill by adding the following SECTION to that ARTICLE and renumbering subsequent SECTIONS accordingly:

SECTION 1. \_\_\_\_\_. Section 201.403, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The department is not required to comply with the requirements of Subsection (a) when the department transfers or reassigns an employee:

- (1) as part of a reorganization if the director certifies that the transfer or reassignment is necessary for the proper implementation of the reorganization; or
- (2) to fill a vacancy during a hiring freeze mandated by the legislature.

Amendment No. 18 was adopted.

### **Amendment No. 19**

Representative Coleman offered the following amendment to **CSHB 300**:

Floor Packet Page No. 70

Amend **CSHB 300** (house committee printing) be adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. \_\_\_\_\_. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6041 to read as follows:

Sec. 201.6041. ALTERNATIVES TO TOLLING; REPORT. (a) Before the department may enter into a contract for the construction of a tolled highway project, the department must submit to the legislature a report summarizing the findings of the draft environmental impact statement or other similar statement under Section 201.604, as applicable, associated with the project that relate to the comparison of the advantages and disadvantages of pursuing the project as a tolled highway project instead of a nontolled highway project or any other alternatives.

(b) The report must demonstrate that:

(1) in preparing the draft environmental impact statement or similar document, as applicable, the department fully complied with the requirements of:

(A) the National Environmental Policy Act (42 U.S.C. Section 4321 et seq.) or Section 201.604 of this code, as applicable; and

(B) applicable state and federal guidelines regarding the analysis of data and information;

(2) the department has afforded meaningful involvement to, and given consideration to input from, local elected officials and the public; and

(3) the selected tolled highway project is the most cost-effective and least environmentally harmful alternative.

(c) The department shall provide the report required by this section to:

(1) the lieutenant governor;

(2) the speaker of the house of representatives; and

(3) the presiding officer of the standing committees of the senate and the house of representatives with jurisdiction over transportation issues.

(d) A report under this section must be provided to the legislature not later than December 1 of each even-numbered year. The department may not enter into a contract for the construction of a tolled highway project that is included in a report under this section before July 1 of the year that follows the year the report is provided.

### **Amendment No. 20**

Representative Pickett offered the following amendment to Amendment No. 19:

Amend the Coleman amendment to **CSHB 300** as follows:

(1) On page 1, line 6, strike "(a)".

(2) Strike Subsections (b), (c), and (d) (page 1, line 15 through page 2, line 12).

Amendment No. 20 was adopted.

Amendment No. 19, as amended, was adopted. (Cook, Flynn, and Jackson recorded voting no.)

### **Amendment No. 21**

Representative Coleman offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 72

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. \_\_\_. Section 201.109(b), Transportation Code, is amended to read as follows:

(b) In carrying out this section, the commission shall provide for:

(1) ~~maximizing the generation of revenue from existing assets of the department, including real estate;~~

~~[(2) increasing the role of the private sector and public-private projects in the leasing of real estate and other assets in the development of highway projects;~~

~~[(3) setting and attempting to meet annual revenue enhancement goals;~~

(2) ~~[(4)]~~ reporting on the progress in meeting revenue enhancement goals in the department's annual report;

(3) ~~[(5)]~~ contracting for an independent audit of the department's management and business operations in 2007 and each 12th year after 2007; and

(4) ~~[(6)]~~ developing a cost-benefit analysis between the use of local materials previously incorporated into roadways versus use of materials blended or transported from other sources~~]; and~~

~~[(7) increasing private investment in the transportation infrastructure, including the acquisition of causeways, bridges, tunnels, turnpikes, or other transportation facilities, in the border region, including the counties of Atascosa, Bandera, Bexar, Brewster, Brooks, Cameron, Crockett, Culberson, Dimmit, Duval, Edwards, El Paso, Frio, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Kennedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Pecos, Presidio, Real, Reeves, San Patricio, Starr, Sutton, Terrell, Uvalde, Val Verde, Webb, Willacy, Zapata, and Zavala].~~

### MESSAGE FROM THE SENATE

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

### CSHB 300 - (consideration continued)

Amendment No. 21 was withdrawn.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Gonzales requested permission for the Committee on Border and Intergovernmental Affairs to meet while the house is in session, at 7 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Border and Intergovernmental Affairs, 7 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### CSHB 300 - (consideration continued)

#### Amendment No. 22

Representative Y. Davis offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 108

Amend **CSHB 300** (House committee printing) as follows:

- (1) On page 8, at the end of line 1, add "and".
- (2) Strike page 8, lines 3 through 9 and substitute "with primary jurisdiction over transportation matters."
- (3) In ARTICLE 1 of the bill, strike SECTION 1.17 (page 12, line 7 through page 18, line 16) and renumber subsequent SECTIONS of that article accordingly.
- (4) Strike page 38, lines 12 through 15.
- (5) Strike page 67, lines 11 through 20.
- (6) In ARTICLE 2 of the bill, strike SECTION 2A.02 (page 68, line 26 through page 69, line 3).

(7) In ARTICLE 8 of the bill, strike SECTION 8.4.02 (page 175, lines 3 through 7).

Representative Pickett moved to table Amendment No. 22.

The motion to table prevailed.

**HR 1763 - ADOPTED**  
**(by Frost)**

Representative Frost moved to suspend all necessary rules to take up and consider at this time **HR 1763**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1763**, Congratulating Barbara Jean Fabrizio Fazio of Texarkana on the occasion of her 70th birthday.

**HR 1763** was read and was adopted.

**CSHB 300 - (consideration continued)**

**Amendment No. 23**

Representative Y. Davis offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 109

Amend **CSHB 300** (House committee printing) in ARTICLE 1 of the bill by adding the following SECTION to that ARTICLE and renumbering subsequent SECTIONS accordingly:

SECTION 1.\_\_\_\_. Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.2025 to read as follows:

Sec. 201.2025. BUSINESS DEVELOPMENT AND PROGRAM OFFICE. The department's business development and program office shall administer the department's disadvantaged business enterprise program and small business enterprise program.

Amendment No. 23 was adopted. (Flynn recorded voting no.)

**Amendment No. 24**

Representative Harper-Brown offered the following amendment to **CSHB 300**:

Floor Packet Page No. 308

Amend **CSHB 300** (house committee report), in Article 1 of the bill, by adding the following appropriately numbered section and renumbering subsequent sections of that article accordingly:

SECTION 1.\_\_\_\_. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.622 to read as follows:

Sec. 201.622. EVALUATION FOR TOLLING NOT REQUIRED. The commission may not require that each highway or other mobility project that is proposed, in development, or under construction be evaluated for tolling.



Amendment No. 24 was adopted.

(Hardcastle in the chair)

**Amendment No. 25**

Representative Alonzo offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 124

Amend **CSHB 300** (House committee printing) in ARTICLE 1 of the bill by adding the following SECTION to that ARTICLE and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter I, Chapter 201, Transportation Code, is amended by adding Section 201.711 to read as follows:

Sec. 201.711. EXPENDITURES FOR CEMENT. (a) This section applies only to the procurement of cement for use in a department district under Section 201.105 that:

(1) contains a county that:

(A) has a population greater than one million; and

(B) is located in an area that, on January 1, 2009, was classified as a moderate nonattainment area for the eight-hour ozone standard by the United States Environmental Protection Agency under 42 U.S.C. Section 7511; or

(2) is adjacent to a district described by Subdivision (1).

(b) In procuring cement, either directly or through a subcontract, the department shall select a vendor that demonstrates that the cement was produced from a portland cement kiln that:

(1) utilizes a dry raw material feed precalciner pyroprocessing technology; and

(2) meets or exceeds regulatory requirements for emissions of nitrogen oxide.

SECTION \_\_\_\_\_. Section 201.711, Transportation Code, as added by this Act, applies only to a request for bids, proposals, or other offers by or on behalf of the Texas Department of Transportation that relates to a contract that involves the purchase of cement that is published on or after September 1, 2009.

(Hochberg now present)

Representative Pitts moved to table Amendment No. 25.

The motion to table prevailed by (Record 661): 97 Yeas, 30 Nays, 3 Present, not voting.

Yeas — Allen; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cohen; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eissler; Elkins; Farabee; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Guillen; Hamilton; Hancock; Harless; Harper-Brown; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Hughes; Hunter; Isett; Jones; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; Maldonado; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Moody;

Morrison; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Smith, W.; Smithee; Swinford; Taylor; Turner, S.; Veasey; Villarreal; Weber; Woolley; Zerwas.

Nays — Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Davis, Y.; Eiland; England; Farias; Gutierrez; Hartnett; Hernandez; Howard, D.; Jackson; Kent; Lucio; Martinez; Miklos; Olivo; Pierson; Rios Ybarra; Shelton; Smith, T.; Solomons; Strama; Thompson; Truitt; Turner, C.; Walle.

Present, not voting — Mr. Speaker; Hardcastle(C); King, S.

Absent, Excused — Crabb.

Absent — Alvarado; Bolton; Dutton; Farrar; Geren; Giddings; Gonzales; Gonzalez Toureilles; King, T.; Leibowitz; Mallory Caraway; Marquez; Naishtat; Oliveira; Ortiz; Quintanilla; Thibaut; Vaught; Vo.

### STATEMENTS OF VOTE

When Record No. 661 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

I was shown voting no on Record No. 661. I intended to vote yes.

Chavez

When Record No. 661 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

I was shown voting present, not voting on Record No. 661. I intended to vote yes.

S. King

When Record No. 661 was taken, I was in the house but away from my desk. I would have voted yes.

Leibowitz

When Record No. 661 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

I was shown voting no on Record No. 661. I intended to vote yes.

Rios Ybarra

I was shown voting yes on Record No. 661. I intended to vote no.

Rodriguez

I was shown voting yes on Record No. 661. I intended to vote no.

Veasey

**Amendment No. 26**

Representatives T. King and Alonzo offered the following amendment to **CSHB 300**:

Floor Packet Page No. 129

Amend **CSHB 300** (House committee printing) in ARTICLE 1 of the bill by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS of that article accordingly:

SECTION \_\_\_\_\_. Section 201.903, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) To the extent allowed by federal law, each department sign on Interstate Highway 35 that identifies an intersection of that highway and U.S. Highway 57 and includes the words "Eagle Pass" must also contain the words "Crystal City."

Amendment No. 26 was adopted.

**Amendment No. 27**

Representative Alonzo offered the following amendment to **CSHB 300**:

Floor Packet Page No. 157

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. \_\_\_\_\_. Sections 201.909(c) and (d), Transportation Code, are amended to read as follows:

(c) A sign designed and posted under this section shall include:

(1) the phrase:

(A) "Please Don't Drink and Drive"; or

(B) "Drive Safely";

(2) the phrase "In Memory Of" and the name of the victim in accordance with the commission rule in whose memory the sign is placed; and

(3) the date of the accident that resulted in the victim's death.

(d) A person may request that a sign be posted under this section by:

(1) making an application to the department on a form prescribed by the department; ~~and~~

(2) submitting a fee to the department in an amount determined by the department to help defray the costs of posting the memorial sign; and

(3) selecting a phrase described by Subsection (c)(1) for the sign.

Amendment No. 27 was adopted.

**Amendment No. 28**

Representative Pickett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 173

Amend **CSHB 300** (house committee printing) in ARTICLE 1 of the bill by adding the following SECTION to that article, appropriately numbered, and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. \_\_\_\_\_. Section 202.021, Transportation Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) The commission shall make the strongest effort to dispose of property that has ceased to serve the functions of the department.

(a-1) The commission shall annually [may] recommend to the governor the sale or transfer of any interest in real property, including a highway right-of-way, that:

(1) was acquired for a highway purpose; and

(2) as determined by the commission, is no longer needed for a state highway purpose.

(a-2) In determining whether an interest in real property has ceased to serve the functions of the department, the commission shall take into consideration the reasonable projected use of the property during the following 10 years.

Amendment No. 28 was adopted.

### LEAVE OF ABSENCE GRANTED

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

Castro on motion of Ortiz.

### CSHB 300 - (consideration continued)

#### Amendment No. 29

Representative Alonzo offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 2

Amend **CSHB 300** (house committee report) by adding the following appropriately numbered SECTION to Article 1 of the bill and renumbering subsequent SECTIONS of that article as appropriate:

SECTION \_\_\_\_\_. Subchapter B, Chapter 202, Transportation Code, is amended by adding Section 202.0215 to read as follows:

Sec. 202.0215. OFFER OF CERTAIN REAL PROPERTY TO NONPROFIT CORPORATION. (a) In this section, "nonprofit corporation" means a corporation governed as a nonprofit corporation under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) or under Chapter 22, Business Organizations Code.

(b) The department as part of the acquisition of real property for right-of-way purposes may take title to unusable remainder real property not to be used for right-of-way purposes.

(c) Notwithstanding Section 202.021, the department shall offer the real property described by Subsection (b) to a nonprofit corporation designated by the municipality in which the real property is located or, if the real property is not located in a municipality, by the county in which the real property is located, without cost or expense to the designated nonprofit corporation.

(d) Property acquired under this section by a nonprofit corporation or by another entity from a nonprofit corporation that acquired the property under this section must be used for the public purpose of development and diversification of the state economy.

**Amendment No. 30**

Representative Pickett offered the following amendment to Amendment No. 29:

Amend the Alonzo amendment to **CSHB 300** as follows:

On page 1, strike lines 15 and 16 and substitute "(c) Notwithstanding Section 202.021 and to the extent permitted by law, the department shall consider offering the real property described by Subsection (b) to a nonprofit".

Amendment No. 30 was adopted. (Flynn recorded voting no.)

Amendment No. 29, as amended, was adopted. (Phillips recorded voting no.)

**Amendment No. 31**

Representative Callegari offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 199

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered SECTION to Article 1 of the bill and renumbering subsequent SECTIONS of that article as appropriate:

SECTION \_\_\_\_\_. Section 203.031, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In the exercise of its authority to manage access to or from a controlled access highway under Subsection (a)(2) or (4), the commission by rule shall:

(1) require that a decision by a department district office denying a request for access to a specific location on a controlled access highway be in writing and include the reasons for the denial;

(2) provide procedures for appealing a denial under Subdivision (1), including procedures that:

(A) allow the applicant to appeal the denial to the department's design division before the 31st day after the date written notice of the denial is given to the applicant;

(B) provide that if an appeal under Paragraph (A) is not decided before the 91st day after the date the appeal was filed, the access applied for must be granted; and

(C) allow the applicant to appeal the decision of the design division to the director, and if the decision is affirmed, to a board of variance appointed by the director and composed of at least three persons who may not be below the level of department division director, office director, or district engineer, and who were not involved in the original decision to deny access;

(3) provide that properly platted access points to or from a controlled access highway that are located on undeveloped property are subject to the access management standards in effect at the time the points were platted regardless of when the initial request for access was submitted to the department, but only if:

(A) development of the property begins and the request for access at the platted locations is submitted to the department before the fifth anniversary of the date the plat was recorded; and

(B) the design of the highway facility in the vicinity of the platted access points did not materially change after the date the plat was recorded so as to significantly impact traffic patterns to the extent that the platted access points present a threat to public safety;

(4) require that:

(A) owners of land adjacent to a proposed highway construction project be provided written notice of the project at least 60 days before the date construction begins if the project will permanently alter permitted access to or from a controlled access highway at the owners' existing locations; and

(B) the access described by Paragraph (A) be reinstated to the most practicable extent possible after due consideration of the impact on highway safety, mobility, and efficient operation of any changed traffic patterns resulting from the construction;

(5) adopt criteria for determining when a variance to access management standards may be granted, including criteria that, in addition to highway safety, mobility, and efficient operation concerns, takes into consideration any of the following consequences resulting from denial of the owner's request for access to a specific location on a controlled access highway that may impact a property owner:

(A) denial of reasonable access to the property; and

(B) undue hardship on a business located on the property; and

(6) clarify that the remodeling or demolition and rebuilding of a business does not cause new access management standards to apply unless the department makes an affirmative finding in writing that the remodeled or rebuilt business will significantly impact traffic patterns to the extent that the current access location presents a threat to public safety.

Amendment No. 31 was adopted.

### **Amendment No. 32**

Representative Harper-Brown offered the following amendment to **CSHB 300**:

Floor Packet Page No. 302

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered SECTION to Article 1 of the bill and renumbering the remaining SECTIONS of that article accordingly:

SECTION 1. \_\_\_\_\_. Subchapter A, Chapter 222, Transportation Code, is amended by adding Section 222.004 to read as follows:

Sec. 222.004. AUTHORIZATION TO PROVIDE ASSISTANCE TO EXPEDITE ENVIRONMENTAL REVIEW. (a) The department, a county, a regional tollway authority operating under Chapter 366, or a regional mobility authority operating under Chapter 370 may enter into an agreement to provide funds to a state or federal agency to expedite the agency's performance of its duties related to the environmental review process for transportation projects:

- (1) of the department;
- (2) listed in a metropolitan planning organization's long-range transportation plan under 23 U.S.C. Section 134; or
- (3) of a county, a regional tollway authority operating under Chapter 366, or a regional mobility authority operating under Chapter 370.

(b) Except as provided by Subsection (c), an agreement entered into under this section:

- (1) may specify transportation projects the applicable entity considers to be priorities for review; and
- (2) must require the agency receiving money to complete the environmental review in less time than is customary for the completion of environmental review by that agency.

(c) The department may enter into a separate agreement for a transportation project that the department determines has regional importance.

(d) An agreement entered into under this section does not diminish or modify the rights of the public regarding review and comment on transportation projects.

(e) An entity entering into an agreement under this section shall make the agreement available on the entity's Internet website.

Amendment No. 32 was adopted.

### **Amendment No. 33**

Representative Harper-Brown offered the following amendment to **CSHB 300**:

Floor Packet Page No. 118

Amend **CSHB 300** in Article I of the bill by inserting the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS in the Article accordingly:

SECTION \_\_\_\_\_. (a) Chapter 222, Transportation Code, is amended by adding Subchapter F to read as follows:

#### SUBCHAPTER F. ROAD USER FEE PILOT PROGRAM

Sec. 222.151. DEFINITIONS. In this subchapter:

- (1) "Diesel fuel" has the meaning assigned by Section 162.001, Tax Code.
- (2) "Gasoline" has the meaning assigned by Section 162.001, Tax Code.
- (3) "Program" means a road user fee pilot program established under this subchapter.

Sec. 222.152. PROGRAM ESTABLISHED. (a) Except as provided by Subsection (b), the department by rule shall establish a pilot program in at least one county that is part of a regional mobility authority established or operating under Chapter 370 to study the feasibility of assessing a road user fee that is based on the number of miles traveled in this state by a motor vehicle.

(b) The department may not establish the program in a county without the approval of the commissioners court of that county.

Sec. 222.153. AMOUNT OF ROAD USER FEE. (a) The department by rule shall set the amount of the road user fee on a per mile basis.

(b) In prescribing the amount of the fee, the department shall determine the average amount of taxes imposed under Chapter 162, Tax Code, per mile on gasoline or diesel fuel used to propel an average motor vehicle over the public roadways of this state.

(c) The department shall set the fee in an amount equal to the amount determined under Subsection (b).

(d) The department shall allow a person who participates in the program a credit against the fee imposed for use of a motor vehicle equal to the amount of any taxes paid under Chapter 162, Tax Code, for gasoline or diesel fuel used in the vehicle during the period on which the amount of the fee paid is based.

Sec. 222.154. DEPOSIT OF NET REVENUE. The department shall deposit the net revenue from the fee imposed under this subchapter to the credit of the state highway fund.

Sec. 222.155. ELIGIBILITY. In establishing the pilot program, the department shall consult with the regional mobility authority of which the county is a part to develop criteria for voluntary program participation. The criteria must include requirements that a person must:

- (1) reside in a county that is participating in the program;
- (2) possess a valid driver's license issued to that person by this state;
- (3) own a motor vehicle that is registered in this state; and
- (4) agree to rules adopted by the department.

Sec. 222.156. CONTRACTS. The department may contract with the regional mobility authority of which the county is a part or the Texas Transportation Institute, or both, to implement or administer all or any part of the program.

Sec. 222.157. PROMOTION OF PROGRAM. Notwithstanding Chapter 2113, Government Code, the department or an entity with which the department contracts under Section 222.156 may promote the program by appropriate means, including advertising or marketing as the department or the entity determines appropriate.

Sec. 222.158. REPORT. Not later than January 31, 2012, the department shall submit to the legislature a report that includes recommendations regarding:

- (1) the feasibility of assessing a road user fee that is based on the number of miles traveled in this state by a motor vehicle; and
- (2) legislation to implement a road user fee in this state.

Sec. 222.159. EXPIRATION. This subchapter expires September 1, 2013.



(b) Not later than December 31, 2010, the Texas Department of Transportation shall establish a pilot program as required by Section 222.152, Transportation Code, as added by this section.

Amendment No. 33 was adopted. (Flynn and Phillips recorded voting no.)

**Amendment No. 34**

Representative Hernandez offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 110

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered SECTION to Article 1 of the bill and renumbering subsequent SECTIONS of that article as appropriate:

SECTION \_\_\_\_\_. Section 228.057(e), Transportation Code, is amended to read as follows:

(e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code, and may not be sold to a third party.

Amendment No. 34 was withdrawn.

**Amendment No. 35**

Representative Laubenberg offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 57

Amend **CSHB 300** by adding the following appropriately numbered SECTION to ARTICLE I of the bill and renumbering subsequent SECTIONS of the article accordingly:

SECTION 1. \_\_\_\_\_. (a) Section 2254.004(a), Government Code, is amended to read as follows:

(a) In procuring architectural, engineering, or land surveying services, a governmental entity, other than the Texas Department of Transportation using the alternative procedure under Section 2254.0045, shall:

(1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and

(2) then attempt to negotiate with that provider a contract at a fair and reasonable price.

(b) Subchapter A, Chapter 2254, Government Code, is amended by adding Section 2254.0045 to read as follows:

Sec. 2254.0045. ALTERNATIVE PROCEDURE FOR PROCURING ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES BY TEXAS DEPARTMENT OF TRANSPORTATION. (a) In this section, "department" means the Texas Department of Transportation.

(b) As an alternative to the procurement method prescribed by Section 2254.004, the department may procure architectural, engineering, or land surveying services using the procedure provided by this section.

(c) The department shall prepare and issue a request for qualifications.

(d) The department shall evaluate statements of qualifications and rank a reasonable number of the most highly qualified providers of architectural, engineering, or land surveying services on the basis of demonstrated competence, qualifications, and estimated delivery date.

(e) The department shall solicit competitive proposals from the providers selected under Subsection (d). The department shall include with the solicitation the information necessary for the solicited providers to submit a responsive competitive proposal.

(f) The department shall select the provider that submits the competitive proposal offering the best value for the department on the basis of price, demonstrated competence, qualifications, and estimated delivery date.

(g) The department shall first attempt to negotiate a contract with the provider selected under Subsection (f). If the department is unable to negotiate a satisfactory contract with the selected provider or if the selected provider is released from the contract during the first three months of the contract, the department shall proceed to negotiate a contract with the next provider in the order of the ranking established by the department under Subsection (f) if that provider agrees to the terms of its original proposal.

(h) A rule of a professional licensing board prohibiting an architect, engineer, or land surveyor from submitting a competitive bid or proposal does not apply to a competitive proposal submitted under this section.

(c) Section 2254.0045, Government Code, as added by this section applies only to a contract for which requests for proposals or requests for qualifications are published or distributed on or after the effective date of this Act.

(Bonnen in the chair)

Representative W. Smith moved to table Amendment No. 35.

The motion to table prevailed by (Record 662): 117 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Bolton; Bonnen(C); Brown, B.; Burnam; Button; Callegari; Chavez; Cohen; Coleman; Corte; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hancock; Harless; Harper-Brown; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Keffer; Kent; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson; Aycock; Brown, F.; Chisum; Christian; Flynn; Frost; Hardcastle; Hartnett; Heflin; Isett; Jackson; Jones; Kleinschmidt; Laubenberg; Madden; McCall; Paxton; Pierson; Riddle; Smith, T.

Present, not voting — Mr. Speaker.

Absent, Excused — Castro; Crabb.

Absent — Branch; Cook; Crownover; Eiland; Hamilton; Phillips; Taylor; Thompson; Turner, S.

### STATEMENTS OF VOTE

When Record No. 662 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eiland

I was shown voting no on Record No. 662. I intended to vote yes.

T. Smith

When Record No. 662 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

### Amendment No. 36

On behalf of Representative Hernandez, Representative Creighton offered the following amendment to **CSHB 300**:

Floor Packet Page No. 110

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered SECTION to Article 1 of the bill and renumbering subsequent SECTIONS of that article as appropriate:

SECTION \_\_\_\_\_. Section 228.057(e), Transportation Code, is amended to read as follows:

(e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code, and may not be sold to a third party.

Amendment No. 36 was adopted. (Flynn recorded voting no.)

### Amendment No. 37

Representative McClendon offered the following amendment to **CSHB 300**:

Floor Packet Page No. 85

Amend **CSHB 300** as follows:

(1) On page 30, line 2, between the comma and "that" insert the following: "railroads or other transportation projects"

(2) On page 30, line 11, strike "and".

(3) On page 30, line 12, between "traveled" and the period, insert the following:

":  
2

(7) economic input;  
(8) impact on the state's overall transportation infrastructure; and  
(9) an assessment of the most cost-effective use of the available funds to address particular transportation needs."

Amendment No. 37 was withdrawn.

**Amendment No. 38**

On behalf of Representative Swinford, Representative Pickett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 165

Amend **CSHB 300** (house committee printing), on page 39, line 25, by striking "and actual".

Amendment No. 38 was adopted.

(Hunter in the chair)

**Amendment No. 39**

Representative Darby offered the following amendment to **CSHB 300**:

Floor Packet Page No. 153

Amend **CSHB 300** (house committee printing) by striking SECTION 2.10 of the bill (page 53, line 10 through page 54, line 22) and substituting the following:

SECTION 2.10. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.0411 to read as follows:

Sec. 223.0411. REPORT. (a) Not later than December 31, 2009, the comptroller shall submit a report to the governor and the Legislative Budget Board as provided by this section. In developing the report, the comptroller shall collaborate with:

- (1) the department;
- (2) the Texas Board of Professional Engineers;
- (3) a statewide organization that represents general contractors; and
- (4) a statewide organization that represents engineering companies.

(b) The report must include:

(1) the number of licensed professional engineers and graduate engineers employed by the department in each of the previous five state fiscal years aggregated by work function and by strategy;

(2) the number of department employees associated with the planning, design, and management of department construction projects in each of the previous five state fiscal years;

(3) the number of licensed professional engineers, graduate engineers, and total staffing associated with the planning, design, and management of construction projects for major public works in this state, other than department projects;

(4) the measures used by private sector providers of engineering and project delivery services to evaluate overall staffing and productivity;

(5) the dollar amount of highway and bridge projects awarded by the department in each of the previous five state fiscal years, including the percentage of those projects for which planning, design, and management activities were conducted by:

(A) department personnel;

(B) private sector personnel; and

(C) both department personnel and private sector personnel;

(6) information regarding the type and complexity of highway and bridge projects that are typically planned, designed, and managed by:

(A) department personnel;

(B) private sector personnel; and

(C) both department personnel and private sector personnel;

(7) the cost, including all direct and indirect costs, for all planning, design, and management activities performed by department personnel, private sector personnel, and both department personnel and private sector personnel aggregated by type of project per \$100 million of highway and bridge projects awarded by the department in each of the previous five state fiscal years;

(8) the total cost of the department's planning, design, and management activities as a percentage of the department's construction program compared to the cost that other public entities incur for comprehensive engineering and project delivery services for large-scale construction projects;

(9) recommendations regarding engineering management practices used by other public entities that may improve the efficiency of the department's project delivery system; and

(10) a recommended plan for staffing and usage of department and private sector personnel in the planning, design, and management of department highway and bridge projects for the next 10-year period based on projected funding for the department.

(c) The analysis required by Subsection (b)(7) shall be conducted by an independent contract cost accounting firm that is knowledgeable of governmental and private sector accounting practices. The firm shall apply the same rules for the allocation of indirect costs, employee benefits, and other practices for all projects analyzed.

(d) The department may not hire a new employee to fill a vacancy in a position paid out of funds appropriated to the department for the planning, design, and management of transportation projects in the General Appropriations Act (Strategy A.1.1., or its successor) until:

(1) the comptroller submits the report required by this section; and

(2) the Legislative Budget Board approves the recommendations contained in the report.

(e) This section expires September 1, 2011.

**Amendment No. 40**

Representative Pickett offered the following amendment to Amendment No. 39:

Amend Amendment No. 39 by Darby (page 153 of the pre-filed amendment packet) as follows:

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

(b) The report must include:

(1) the number of licensed professional engineers and graduate engineers employed by the department in each of the previous five state fiscal years aggregated by work function and by strategy;

(2) the number of department employees associated with the planning, design, and management of department construction projects in each of the previous five state fiscal years;

(3) the dollar amount of highway and bridge projects awarded by the department in each of the previous five state fiscal years, including the percentage of those projects for which planning, design, and management activities were conducted by:

(A) department personnel;

(B) private sector personnel; and

(C) both department personnel and private sector personnel;

(4) the cost, including all direct and indirect costs, for all planning, design, and management activities performed by department personnel, private sector personnel, and both department personnel and private sector personnel aggregated by type of project per \$100 million of highway and bridge projects awarded by the department in each of the previous five state fiscal years;

(5) an analysis of the dollar volume impact to the department's highway and bridge construction and maintenance program per \$100 million of highway and bridge projects awarded for each one percent increase in production by consultants offset by a reduction to production by department personnel, considering cost to produce as developed in Subdivision (4);

(6) a recommended plan for staffing and usage of department and private sector personnel in the planning, design, and management of department highway and bridge projects for the next 10-year period based on projected funding for the department.

(7) an attrition plan to reach recommended department staffing levels described by Subsection (b)(6) not later than January 1, 2013, if applicable;

(8) a detailed description for how the report will be incorporated in the department's ongoing restructuring effort.

(2) On page 3 of the amendment, line 5, strike "Subsection (b)(7)" and substitute "Subsection (b)(4)".

(4) On page 3 of the amendment, strike line 20 and substitute the following:

(e) Not later than April 1, 2010, the department shall implement the recommended plan for staffing described by Subsection (b)(6), subject to approval by the Legislative Budget Board under Subsection (d).

(f) This section expires September 1, 2011.

Amendment No. 40 was adopted.

Amendment No. 39, as amended, was adopted.

**Amendment No. 41**

Representative Y. Davis offered the following amendment to **CSHB 300**:

Floor Packet Page No. 314

Amend **CSHB 300** (house committee printing) as follows:

(1) On page 55, line 18, strike "472.046" and substitute "472.047".

(2) On page 65, between lines 7 and 8, insert the following:

Sec. 472.047. REPORT TO LEGISLATURE. On or before January 1 of each year, a metropolitan planning organization shall submit to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of each house of the legislature having primary jurisdiction over transportation matters a report on all transportation projects completed in the organization's jurisdiction. For each project the report must include:

(1) the initial projected cost of the project;

(2) the final cost of the project;

(3) a list of all contractors, subcontractors, and firms who worked on the project;

(4) the amount paid to each contractor, subcontractor, and firm that worked on the project; and

(5) a list of minority and women owned business enterprises awarded a contract for a project and the amount of the contract awarded.

Amendment No. 41 was withdrawn.

**Amendment No. 42**

Representative Paxton offered the following amendment to **CSHB 300**:

Floor Packet Page No. 384

Amend **CSHB 300** (house committee printing) as follows:

(1) On page 62, between lines 22 and 23, insert the following:

(d) A metropolitan planning organization may not engage the services of a person who is required to register with the Texas Ethics Commission under Chapter 305, Government Code.

(2) Add the following appropriately numbered ARTICLE to the bill and renumber the remaining ARTICLES accordingly:

ARTICLE \_\_\_\_ . REGIONAL MOBILITY AUTHORITIES

SECTION \_\_\_\_ .01. Subchapter F, Chapter 370, Transportation Code, is amended by adding Section 370.2524 to read as follows:

Sec. 370.2524. CERTAIN EMPLOYMENT PROHIBITED. A regional mobility authority may not engage the services of a person who is required to register with the Texas Ethics Commission under Chapter 305, Government Code.

**Amendment No. 43**

Representative Pickett offered the following amendment to Amendment No. 42:

Amend Floor Amendment No. 42 to **CSHB 300** by Paxton as follows:

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

(2) On page 1, line 4, between "organization" and "may", insert ", for the purpose of influencing legislation,".

(2) Strike page 1, lines 7 through 15.

Amendment No. 43 was adopted.

Amendment No. 42, as amended, was adopted.

**Amendment No. 44**

Representative Paxton offered the following amendment to **CSHB 300**:

Floor Packet Page No. 316

Amend **CSHB 300** (House Committee Report) as follows:

On page 65, line 6, strike "annual" and insert "quarterly"

Amendment No. 44 was adopted.

**Amendment No. 45**

Representative D. Howard offered the following amendment to **CSHB 300**:

Floor Packet Page No. 248

Amend **CSHB 300** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 2.\_\_\_\_. Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.214 to read as follows:

Sec. 201.214. ENVIRONMENTAL CERTIFICATION. (a) The department shall establish a process to certify environmental specialists in the department, including specialists for matters regarding compliance with state and federal regulation of stormwater runoff and control.

(b) The certification process must allow a person who has completed the process to perform analyses and reviews of, and to approve or disapprove, environmental reports and documents.

(c) The certification process must include minimum standards of training, as determined by the department, including mandatory annual continuing education standards for a certified person to be eligible for annual re-certification.

**Amendment No. 46**

Representative D. Howard offered the following amendment to Amendment No. 45:

Amend Floor Amendment No. 45 by D. Howard to **CSHB 300** on page 1, line 8, between "certify" and "environmental", by inserting "district".

Amendment No. 46 was adopted. (Flynn recorded voting no.)



**Amendment No. 47**

Representative Pickett offered the following amendment to Amendment No. 45:

Amend the D. Howard amendment to **CSHB 300**, relating to environmental certification, as follows:

- (1) On page 1, lines 12-14, strike Subsection (b).
- (2) On page 1, line 15, strike "(c)" and substitute "(b)".

Amendment No. 47 was adopted.

**Amendment No. 48**

Representative Callegari offered the following amendment to Amendment No. 45:

Amend the D. Howard floor amendment to **CSHB 300** (page 248) by adding a new subsection (d) to read as follows:

(d) A person licensed under Chapter 1001, Occupations Code shall not be required to provide or hold any additional certification, other than a license issued under that chapter, to seal a plan, specification, analysis, or report under this program.

Amendment No. 48 was adopted.

Amendment No. 45, as amended, was adopted by (Record 663): 131 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Castro; Crabb.

Absent — Branch; Eiland; Farias; Hamilton; Harless; Hartnett; Hochberg; King, P.; King, T.; Kleinschmidt; Menendez; Morrison; Raymond; Thompson; Walle.

### STATEMENTS OF VOTE

When Record No. 663 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eiland

I was shown voting yes on Record No. 663. I intended to vote no.

Flynn

#### **Amendment No. 49**

Representative Vo offered the following amendment to **CSHB 300**:

Floor Packet Page No. 11

Amend **CSHB 300**, Article 2, of the bill, appropriately numbered to read as follows and renumbering subsequent sections accordingly:

SECTION 2. \_\_\_ Chapter 221, Transportation Code is amended by adding Section 221.004 to read as follows:

SECTION 221.004 ECONOMIC IMPACT STUDY. The Department shall conduct an economic impact study of a proposed highway construction project upon the receipt of a written request of a legislator who represents the area affected by the project. At a minimum, the study must include: 1) the average gross annual income of residents living within 5 miles adjacent to the proposed project; 2) for a toll-related project, the average annual cost to each licensed driver residing within 5 miles adjacent to the proposed project; 3) the number of permanent jobs that will be created or lost by the development and proposed use of the project; 4) the number of businesses existing within 5 miles adjacent to the proposed project that will be affected by the development and proposed use of the project; 5) the projected total loss or gain in revenue of the businesses identified in Subdivision 4; and 6) other pertinent data as determined by the Department.

Representative Pickett moved to table Amendment No. 49.

The motion to table prevailed by (Record 664): 86 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Aycock; Berman; Bohac; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Eissler; Elkins; England; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hodge; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; Maldonado; Marquez; McCall; McClendon; Miller, D.; Miller, S.; Moody; Morrison; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Riddle; Rios Ybarra; Ritter; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Turner, C.; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson; Bolton; Burnam; Chavez; Cohen; Coleman; Dukes; Dunnam; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Gutierrez; Hernandez;

Herrero; Howard, D.; Keffer; Kent; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Miklos; Naishtat; Oliveira; Olivo; Orr; Ortiz; Pierson; Rodriguez; Rose; Strama; Thibaut; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Castro; Crabb.

Absent — Bonnen; Branch; Edwards; Farabee; Hamilton; Hochberg; Homer; Raymond; Thompson.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 664. I intended to vote no.

Deshotel

I was shown voting yes on Record No. 664. I intended to vote no.

Hodge

I was shown voting yes on Record No. 664. I intended to vote no.

Maldonado

I was shown voting yes on Record No. 664. I intended to vote no.

Moody

### Amendment No. 50

Representative Isett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 138

Amend **CSHB 300** (House Committee Report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION 2.\_\_\_\_. Subchapter B, Chapter 224, Transportation Code, is amended by adding Section 224.034 to read as follows:

Sec. 224.034. AGGREGATE RESOURCE AVAILABILITY ASSESSMENT. (a) Any transportation planning conducted under this chapter must include an aggregate resource availability assessment conducted by the department in coordination and consultation with the Bureau of Economic Geology of The University of Texas at Austin.

(b) An aggregate resource availability assessment conducted under Subsection (a) must include:

(1) an assessment of the known or inferred quantity, quality, and extent of aggregate deposits that may be available as raw material for projects included in the transportation planning; and

(2) with regard to the aggregate resources identified in the assessment in Subdivision (1):

(A) the amount of the aggregate resources for which state and federal permits have been issued that are necessary for removal of the aggregate resources; and

(B) a forecast of market demand for the aggregate resources.**Amendment No. 51**

Representative Maldonado offered the following amendment to Amendment No. 50:

Amend the Isett amendment to **CSHB 300** (Prefiled Amendment Packet, page 138) as follows:

(1) On page 1, line 2, strike "SECTION" and substitute "SECTIONS".

(2) Add the following to the end of the amendment:

SECTION 2.\_\_\_\_. (a) Subchapter I, Chapter 201, Transportation Code, is amended by adding Section 201.712 to read as follows:

Sec. 201.712. REQUIREMENTS FOR AGGREGATE IN HIGHWAY IMPROVEMENT PROJECTS. (a) In this section, "glass cullet" means recycled, crushed glass suitable as a replacement for gravel aggregate in roadway construction.

(b) Each year the department shall use, or enter into a contract to use, at least 10,000 cubic yards per year of glass cullet gathered in this state as a replacement for aggregate material.

(b) Section 201.712, Transportation Code, as added by this section, applies only to a year that begins on or after January 1, 2010.

Amendment No. 51 was adopted. (Flynn recorded voting no.)

Amendment No. 50, as amended, was adopted.

**Amendment No. 52**

Representative Pickett offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 130

Amend **CSHB 300** in ARTICLE 2 of the bill by adding the following SECTION to that ARTICLE and renumbering subsequent SECTIONS accordingly:

SECTION 2.\_\_\_\_. Section 364.004(c), Transportation Code, is repealed.

Amendment No. 52 was adopted.

**Amendment No. 53**

Representative Miklos offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 309

Amend **CSHB 300** in ARTICLE 2 of the bill by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS of that article accordingly:

SECTION 2.\_\_\_\_. Section 371.052(d), Transportation Code, is amended to read as follows:

(d) Before the comprehensive development agreement is entered into, financial forecasts and traffic and revenue reports prepared by or for a toll project entity for the project ~~are confidential and~~ are not subject to disclosure, inspection, or copying under Chapter 552, Government Code. ~~{On or after the date the~~

~~comprehensive development agreement is entered into, the financial forecasts and traffic revenue reports are public information under Chapter 552, Government Code.]~~

Amendment No. 53 was withdrawn.

#### **Amendment No. 54**

Representative W. Smith offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 319

Amend **CSHB 300** (House committee printing), in ARTICLE 2 of the bill, by adding the following SECTIONS, appropriately numbered, and renumbering subsequent SECTIONS of that article accordingly:

SECTION 2.\_\_\_\_. Subchapter C, Chapter 371, Transportation Code, as added by Chapter 264 (**SB 792**), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 371.105 to read as follows:

Sec. 371.105. PROHIBITION AGAINST CONCESSION PAYMENTS; REVENUE SHARING. (a) In this section, "concession payment" means an up-front payment made by a private participant in return for which the private participant is granted a right to operate and receive revenue from a toll project.

(b) A toll project entity is prohibited from accepting a concession payment as part of a comprehensive development agreement.

(c) A toll project entity may enter into a revenue sharing agreement with a private participant as part of a comprehensive development agreement.

(d) This section does not apply to:

(1) the State Highway 161 project from State Highway 183 to Interstate Highway 20 in Dallas County;

(2) the United States Highway 281 project in Bexar County from Loop 1604 to the Comal County line;

(3) the Loop 49 project from Interstate Highway 20 to State Highway 110 in Smith County;

(4) the DFW Connector project in Tarrant and Dallas Counties (State Highway 114 from State Highway 114L Business to east of International Parkway and State Highway 121 from north of Farm-to-Market Road 2499 to south of State Highway 360);

(5) the North Tarrant Express project in Tarrant and Dallas Counties (Interstate Highway 820 and State Highway 121/State Highway 183 from Interstate Highway 35W to State Highway 161, Interstate Highway 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and Interstate Highway 35W from Interstate Highway 30 to State Highway 170);

(6) the United States Highway 290 project from east of United States Highway 183 to east of Farm-to-Market Road 973 in Travis County;

(7) the State Highway 99 (Grand Parkway) project;

(8) the Interstate Highway 635 managed lanes project in Dallas County (Interstate Highway 635 from east of Luna Road to Greenville Avenue and Interstate Highway 35E from south of the Loop 12/Interstate Highway 35E split to south of Valwood Parkway);

(9) Phase 4 extension of the Dallas North Tollway in Collin and Denton Counties from United States Highway 380 to the Grayson County line to be developed by North Texas Tollway Authority;

(10) the Southwest Parkway (State Highway 121) in Tarrant County from south of Dirks Road/Altamesa Boulevard to Interstate Highway 30; or

(11) a comprehensive development agreement in connection with a project associated with any portion of the Loop 9 project that is located in a nonattainment air quality area as designated by the United States Environmental Protection Agency that includes two adjacent counties that each have a population of one million or more.

SECTION 2.\_\_\_\_. Subsection (a), Section 371.151, Transportation Code, as added by Chapter 264 (**SB 792**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(a) Before a toll project entity enters into a contract for the construction of a toll project, the entity shall publish in the manner provided by Section 371.152 information regarding:

(1) project financing, including:

(A) the total amount of debt that has been and will be assumed to acquire, design, construct, operate, and maintain the toll project;

(B) a description of how the debt will be repaid, including a projected timeline for repaying the debt; and

(C) the projected amount of interest that will be paid on the debt;

(2) whether the toll project will continue to be tolled after the debt has been repaid;

(3) a description of the method that will be used to set toll rates;

(4) a description of any terms in the contract relating to competing facilities, including any penalties associated with the construction of a competing facility;

(5) a description of any terms in the contract relating to a termination for convenience provision, including any information regarding how the value of the project will be calculated for the purposes of making termination payments;

(6) the initial toll rates, the methodology for increasing toll rates, and the projected toll rates at the end of the term of the contract; and

(7) the terms of any revenue sharing agreement [~~the projected total amount of concession payments~~].

SECTION 2.\_\_\_\_. (a) The changes in law made by Section 371.151, Transportation Code, as amended by this Article, and Section 371.105, Transportation Code, as added by this Article, apply only to a comprehensive development agreement entered into on or after the effective date of this Act.

(b) A comprehensive development agreement entered into before the effective date of this Act is governed by the law in effect on the day the agreement was finalized, and the former law is continued in effect for that purpose.

**Amendment No. 55**

Representative Frost offered the following amendment to Amendment No. 54:

Amend the proposed amendment to **CSHB 300** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Section 371.101, Transportation Code, as amended by this Act, does not apply to a comprehensive development agreement for a project on the IH 69 corridor in Bowie County.

(b) A project described by this section is governed by Section 371.101, Transportation Code, as that section existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 55 was adopted.

Amendment No. 54, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 54 was amended by Amendment No. 99 and was adopted, as amended. The vote was again reconsidered on May 8, and Amendment No. 54 was amended by Amendment No. 176 and Amendment No. 177 and was adopted, as amended.)

**Amendment No. 56**

Representative Isett offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 61

Amend **CSHB 300** (House committee printing) on page 73, line 5, by striking "commissioner" and substituting "commission".

Amendment No. 56 was adopted.

(Driver in the chair)

**Amendment No. 57**

Representative Leibowitz offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 20

Amend **CSHB 300** by striking SECTION 3.04 of the bill (house committee printing page 74, line 3, through page 75, line 11) and substituting:

SECTION 3.04. Section 228.201(a), Transportation Code, is amended to read as follows:

(a) The ~~[Except as provided by Section 228.2015, the]~~ department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a highway or segment to another entity for operation as a toll project, unless:

(1) ~~[the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;~~

~~[(2)]~~ the highway or segment was open to traffic as a turnpike project on or before September 1, 2005;

~~(2) [(3) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;~~

~~[(4) the highway [or segment] is reconstructed so that the number of nontolled lanes on the highway [or segment] is greater than or equal to the number in existence before the reconstruction; or~~

~~(3) [(5) a facility is constructed adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion;~~

~~[(6) subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005[; or~~

~~[(7) the commission converts the highway or segment to a toll facility by:~~

~~[(A) making the determination required by Section 228.202;~~

~~[(B) conducting the hearing required by Section 228.203; and~~

~~[(C) obtaining county and voter approval as required by Sections 228.207 and 228.208].~~

Representative Pickett moved to table Amendment No. 57.

The motion to table was lost by (Record 665): 60 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Alvarado; Anderson; Aycock; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Deshotel; Eissler; Elkins; Fletcher; Flynn; Geren; Gonzales; Hancock; Hardcastle; Hartnett; Heflin; Hochberg; Howard, C.; Hunter; Isett; Jackson; Jones; Keffer; King, S.; Kuempel; Laubenberg; Legler; Lewis; Lucio; Merritt; Miller, S.; Moody; Orr; Otto; Parker; Phillips; Pickett; Pitts; Quintanilla; Riddle; Rios Ybarra; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Truitt; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Anchia; Berman; Bohac; Bolton; Burnam; Chavez; Cohen; Coleman; Corte; Crownover; Davis, Y.; Dunnam; Dutton; England; Farias; Farrar; Frost; Gattis; Gonzalez Toureilles; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez; Herrero; Hilderbran; Hopson; Howard, D.; Hughes; Kent; King, T.; Kleinschmidt; Kolkhorst; Leibowitz; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McReynolds; Menendez; Miklos; Miller, D.; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Paxton; Peña; Pierson; Raymond; Rodriguez; Sheffield; Strama; Taylor; Thibaut; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Castro; Crabb.

Absent — Bonnen; Branch; Dukes; Edwards; Eiland; Farabee; Flores; Gallego; Giddings; Hamilton; Hodge; Homer; King, P.; Madden; McCall; McClendon; Morrison; Rose; Shelton; Thompson.



**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 665. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 665. I intended to vote no.

F. Brown

I was shown voting yes on Record No. 665. I intended to vote no.

Deshotel

When Record No. 665 was taken, I was in the house but away from my desk. I would have voted no.

Edwards

When Record No. 665 was taken, I was temporarily out of the house chamber. I would have voted no.

Eiland

When Record No. 665 was taken, I was in the house but away from my desk. I would have voted no.

Farabee

I was shown voting yes on Record No. 665. I intended to vote no.

Fletcher

When Record No. 665 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

I was shown voting yes on Record No. 665. I intended to vote no.

Heflin

When Record No. 665 was taken, I was in the house but away from my desk. I would have voted no.

Hodge

When Record No. 665 was taken, I was temporarily out of the house chamber. I would have voted no.

Homer

I was shown voting yes on Record No. 665. I intended to vote no.

Legler

I was shown voting yes on Record No. 665. I intended to vote no.

Merritt

I was shown voting yes on Record No. 665. I intended to vote no.

Moody

I was shown voting yes on Record No. 665. I intended to vote no.

Riddle

When Record No. 665 was taken, I was in the house but away from my desk. I would have voted no.

Rose

When Record No. 665 was taken, I was temporarily out of the house chamber. I would have voted no.

Thompson

I was shown voting yes on Record No. 665. I intended to vote no.

Weber

Amendment No. 57 was adopted. (The vote was reconsidered later today, and Amendment No. 57 was amended by Amendment No. 100 and was adopted, as amended.)

**Amendment No. 58**

Representative Isett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 64

Amend **CSHB 300** (house committee report) by striking page 75, line 24, through page 76, line 5, and substituting:

(c) Notwithstanding Section 223.0041, if the department enters into a design-build contract under this section, the department shall use a competitive procurement process that provides the best value for the department.

Amendment No. 58 was withdrawn.

**Amendment No. 59**

Representative Leibowitz offered the following amendment to **CSHB 300**:

Floor Packet Page No. 27

Amend **CSHB 300** (house committee report) by striking page 77, line 2 and 3, and substituting:

(3) before entering into a comprehensive development agreement, a toll project entity shall provide the state auditor with the traffic and revenue report prepared by the toll project entity or its consultant for the project. The entity may not enter into the comprehensive development agreement before the 30th day after the date that the state auditor receives the report so that the state auditor may review and comment on the report and the methodology used to develop the report; and

(4) signed by the commissioner.

Amendment No. 59 was adopted. (Jackson recorded voting no.)

**Amendment No. 60**

Representative Isett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 62

Amend **CSHB 300** (House committee printing) on page 77, line 3, by striking "commissioner" and substituting "commission".

Amendment No. 60 was adopted.

### **Amendment No. 61**

Representative Moody offered the following amendment to **CSHB 300**:

Floor Packet Page No. 111

Amend **CSHB 300** by inserting the following new SECTIONS, appropriately numbered, to ARTICLE 4 of the bill, and renumbering the subsequent SECTIONS of that ARTICLE accordingly:

SECTION 4.\_\_\_\_. Subchapter A, Chapter 223, Transportation Code, is amended by adding Section 223.0043 to read as follows:

Sec. 223.0043. DISCLOSURE OF POLITICAL CONTRIBUTIONS AND LOBBYING EXPENDITURES. (a) In this section:

(1) "Lobbying expenditure" means an expenditure that is reportable under Chapter 305, Government Code.

(2) "Political committee" and "political contribution" have the meanings assigned by Section 251.001, Election Code.

(b) For purposes of this section, an individual has a substantial financial interest in a business entity if the individual:

(1) has a controlling interest in the business entity;

(2) owns more than 10 percent of the voting interest in the business entity;

(3) owns more than \$25,000 of the fair market value of the business entity;

(4) has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the business entity;

(5) is a member of the board of directors or other governing board of the business entity; or

(6) serves as an elected officer of the business entity.

(c) Not later than the 30th day after the date a business entity submits a bid under this subchapter, the entity shall disclose in writing to the director or the director's designee:

(1) each political contribution of \$1,000 or more that is made to a candidate, officeholder, or political committee required to file reports under Chapter 254, Election Code, with the Texas Ethics Commission during the four years preceding the date of the bid by:

(A) the business entity;

(B) an individual who has a substantial financial interest in the business entity; or

(C) a political committee established or administered by the business entity or by an individual described by Paragraph (B); and

(2) each lobbying expenditure made during the four years preceding the date of the bid by or on behalf of the business entity.

(d) A business entity that has not made a political contribution or a lobbying expenditure that must be disclosed under Subsection (c) shall, within the time prescribed by that subsection, deliver to the director or the director's designee a written statement that the business entity has not made a political contribution or lobbying expenditure that must be disclosed.

(e) On receipt of information under Subsection (c) or (d), the department shall promptly publish the information on the department's Internet website.

(f) The commission may not consider a bid submitted by a business entity that does not comply with this section.

SECTION 4. \_\_\_\_\_. Section 223.0043, Transportation Code, as added by this Act, applies only to a bid submitted for a contract as to which the initial notice under Section 223.002, Transportation Code, is published on or after September 1, 2009.

Amendment No. 61 was adopted. (Flynn recorded voting no.)

### **Amendment No. 62**

Representative Walle offered the following amendment to **CSHB 300**:

Floor Packet Page No. 87

Amend **CSHB 300** by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 4. \_\_\_\_\_. Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.212 to read as follows:

Sec. 223.212. PUBLIC COMMENT PERIOD; COMPETING PROPOSALS CONSIDERED. (a) Notwithstanding any other law, the department may enter into a comprehensive development agreement only after a two-year public comment period.

(b) During the public comment period, the department shall consider competing proposals for the development and construction of the toll project. The department may not enter into a comprehensive development agreement under which a private entity provides financing for the project in return for all or part of the revenue of the project if the department receives a proposal to build the toll project using public money that:

(1) would generate for the state the same level of revenue from the project as would the comprehensive development agreement with a less aggressive toll schedule than is called for under the agreement; or

(2) would generate for the state a greater level of revenue from the project than would the comprehensive development agreement with a toll schedule that is similar to that called for under the agreement.

Representative Pickett moved to table Amendment No. 62.

The motion to table prevailed by (Record 666): 88 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Brown, B.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Dukes; Edwards; Eissler; Elkins; England; Fletcher; Flores; Flynn; Gallego; Gattis; Geren; Gonzalez Tourelles; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Lewis; Lucio; McCall; McClendon; Menendez; Merritt; Miller, D.; Miller, S.; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thompson; Truitt; Villarreal; Weber; Woolley; Zerwas.

Nays — Alonzo; Alvarado; Bohac; Bolton; Burnam; Chavez; Cohen; Coleman; Davis, Y.; Dunnam; Dutton; Farias; Farrar; Guillen; Gutierrez; Hartnett; Hernandez; Herrero; Legler; Leibowitz; Maldonado; Mallory Caraway; Martinez Fischer; McReynolds; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Pierson; Raymond; Rodriguez; Strama; Thibaut; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle.

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

Absent, Excused — Castro; Crabb.

Absent — Allen; Bonnen; Branch; Brown, F.; Eiland; Farabee; Frost; Giddings; Gonzales; Hamilton; Homer; Kent; King, P.; Madden; Marquez; Martinez; Morrison.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 666. I intended to vote no.

Deshotel

When Record No. 666 was taken, I was temporarily out of the house chamber. I would have voted no.

Eiland

When Record No. 666 was taken, I was in the house but away from my desk. I would have voted no.

Farabee

When Record No. 666 was taken, I was in the house but away from my desk. I would have voted no.

Kent

When Record No. 666 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 9:15 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 9:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### CSHB 300 - (consideration continued)

#### Amendment No. 63

Representative Rodriguez offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 82

Amend **CSHB 300** (house committee report) in ARTICLE 4 of the bill by adding the following appropriately numbered SECTION to that article and renumbering subsequent SECTIONS of that article accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.214 to read as follows:

Sec. 223.214. ADVISORS, CONSULTANTS, AUDITORS, AND OTHER EXPERTS. (a) This section does not apply to a third party performing a market valuation for a toll project that is governed by Section 228.011(f-3).

(b) A person may not serve as a consultant or an advisor, auditor, or other expert in connection with a comprehensive development agreement or other public-private partnership if the person or the person's affiliates have a financial interest in the comprehensive development agreement or public-private partnership.

Amendment No. 63 was adopted.

#### Amendment No. 64

Representative D. Miller offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 116

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 4. \_\_\_\_\_. (a) Section 222.104, Transportation Code, is amended by amending Subsections (i) and (j) and adding Subsection (l) to read as follows:

(i) Notwithstanding any other law, including Section 228.002(b), the department is responsible for the administration of pass-through agreements under this section and is responsible [To the maximum extent permitted by law, the department may delegate the full responsibility] for the design, bidding, and

construction, including oversight and inspection, of the facility ~~[to a municipality, county, regional mobility authority, or regional tollway authority with which the department enters into an agreement under this section].~~

(j) An agreement under this section must provide that the municipality, county, regional mobility authority, or regional tollway authority is required to meet state design criteria, construction specifications, and contract administration procedures ~~[unless the department grants an exception].~~

(l) The department may not agree to pay a public or private entity an amount more than an amount equal to the construction costs of a project under an agreement under this section.

(b) The change in law made to Section 222.104, Transportation Code, by this article applies only to a pass-through agreement entered into on or after September 1, 2009. A pass-through agreement entered into before September 1, 2009, is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.

Representative Pickett moved to table Amendment No. 64.

The motion to table prevailed.

#### **Amendment No. 65**

Representative Leibowitz offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 22

Amend **CSHB 300** (house committee report) by adding the following appropriately numbered SECTION to Article 4 of the bill and renumbering subsequent SECTIONS of that article as appropriate:

SECTION 4. \_\_\_\_\_. (a) Section 2262.003, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Section 2262.001 or 2262.002, this section applies to contracts of the Texas Department of Transportation that relate to highway construction or highway engineering.

(b) The change in law made by this section applies only to a contract by the Texas Department of Transportation for which the solicitation of bids or proposals or similar expressions of interest is published on or after September 1, 2009. A contract for which the solicitation of bids or proposals or similar expressions of interest was published before September 1, 2009, is governed by the law in effect on the date the Texas Department of Transportation first published the solicitation of bids or proposals or similar expressions of interest, and the former law is continued in effect for that purpose.

Amendment No. 65 was adopted by (Record 667): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crownover; Darby; Davis, J.; Deshotel; Dukes; Dunnam; Edwards; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Gallego; Gattis; Geren; Gonzales; Gonzalez

Tourelles; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; 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; Driver(C).

Absent, Excused — Castro; Crabb.

Absent — Branch; Craddick; Creighton; Davis, Y.; Dutton; Eiland; Eissler; Frost; Giddings; Hamilton.

#### **Amendment No. 66**

Representatives Alonzo, Y. Davis, and Dunnam offered the following amendment to **CSHB 300**:

Floor Packet Page No. 105

Amend **CSHB 300** by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION \_\_\_\_\_. (a) Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.050 to read as follows:

Sec. 223.050. LIMITATION ON LENGTH OF CONTRACT FOR TOLL PROJECT. The department may not enter into a contract related to a toll project, including a managed lane, that has a term of more than 25 years.

(b) Section 223.203(f-1), Transportation Code, is amended to read as follows:

(f-1) A private entity responding to a request for detailed proposals issued under Subsection (f) may submit alternative proposals based on comprehensive development agreements having different terms, with the alternative terms in multiples of 5 [~~10~~] years, ranging from 5 [~~10~~] years from the later of the date of final acceptance of the project or the start of revenue operations by the private entity to 25 [~~50~~] years from the later of the date of final acceptance of the project or the start of revenue operations by the private entity, not to exceed a total term of 27 [~~52~~] years or any lesser term provided in a comprehensive development agreement.

(c) Section 223.208(h), Transportation Code, is amended to read as follows:

(h) A comprehensive development agreement with a private participant that includes the collection by the private participant of tolls for the use of a toll project may be for a term not longer than 25 [~~50~~] years from the later of the date



of final acceptance of the project or the start of revenue operations by the private participant, not to exceed a total term of 27 [~~52~~] years. The comprehensive development agreement must contain an explicit mechanism for setting the price for the purchase by the department of the interest of the private participant in the comprehensive development agreement and related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the agreement.

(d) Section 223.050, Transportation Code, as added by this section and Sections 223.203 and 223.208, Transportation Code, as amended by this section, apply only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law as it existed when the contract was entered into, and that law is continued in effect for that purpose.

Representative Pickett moved to table Amendment No. 66.

The motion to table prevailed.

### **Amendment No. 67**

Representative Flynn offered the following amendment to **CSHB 300**:

Floor Packet Page No. 103

Amend **CSHB 300** (house committee printing) as follows:

Insert, on page 89, line 5, and renumber sections accordingly:

SECTION 6.04, Subchapter D, Chapter 391, Section 391.099, Transportation Code, is amended to read as follows:

(c) Except as provided by Subsection (f), the commission shall:

(1) regulate the content, composition, design, placement, erection and maintenance of tourist-oriented directional signs and supports on eligible highway rights-of-way and ensure signs are placed in designated areas no more than 90 days after the eligible facility signs a contract; ~~and~~

(2) in lieu of a tourist-oriented directional sign, the department shall erect General Service signs upon request of owners of recreational vehicle or camping areas;

(3) create rules as to the viable alternatives to the current tourist-oriented directional sign program pricing methodology of total traffic counts to include, but not limited to, actual visitor counts or cost plus maintenance fees of the; and,

(4) adopts rules necessary to administer and enforce this section.

### **Amendment No. 68**

Representative Phillips offered the following amendment to Amendment No. 67:

Amend Amendment No. 67 by Flynn to **CSHB 300**, on page 1, line 18, after "(3)" strike "create rules" and substitute "commission a study".

Representative Flynn moved to table Amendment No. 68.

The motion to table prevailed.

**Amendment No. 69**

Representative Phillips offered the following amendment to Amendment No. 67:

Amend Floor Amendment No. 67 by Flynn to **CSHB 300** as follows:  
Strike Section 6.04(c)(3). Renumber Section 6.04(c)(4) accordingly.

Representative Flynn moved to table Amendment No. 69.

The motion to table prevailed.

Amendment No. 67 was adopted.

**Amendment No. 70**

Representative Farrar offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 104

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.213 to read as follows:

Sec. 223.213. PROHIBITION AGAINST NONCOMPETITION PROVISIONS. Notwithstanding Section 371.103(b), the department may not enter into a comprehensive development agreement for a toll project, including a managed lane, that contains a provision that limits or prohibits the construction, reconstruction, expansion, rehabilitation, operation, or maintenance of a nontolled highway by the department or a provision that requires the department to reimburse a private entity for the loss of toll revenue attributable to the construction of a nontolled highway.

Amendment No. 70 was adopted.

**Amendment No. 71**

Representative McClendon offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 83

Amend **CSHB 300**, 81st Legislative Session, on page 104, after line 24 and before line 25, by adding an appropriately numbered section of the bill to read as follows:

Chapter 451, Title 6, Subtitle K, Transportation Code, is amended by adding an appropriately lettered Subchapter and appropriately numbered Section references relating to the expansion of powers of a metropolitan rapid transit authority, to read as follows:

SUBCHAPTER [ \_\_\_\_ ]. ADDITIONAL POWERS OF RAPID TRANSIT AUTHORITY

Sec. 451.901. DEFINITIONS. (a) In this subchapter:

(1) "Authority" means a rapid transit authority created under this chapter.

(2) "Board" means the governing body of the authority.

(3) "Comprehensive transportation system" means a transportation project or combination of transportation projects designated as a system by the board of an authority.

(4) "Transportation project" means

(A) the design, construction, extension, expansion, improvement, reconstruction, alteration, acquisition, financing, and maintenance of mass transit, light rail, commuter rail, intercity municipal rail, freight rail, fixed guideways, traffic management systems, bus ways, bus lanes, technologically advanced bus transit vehicles and systems, bus rapid transit vehicles and systems, passenger amenities, transit centers, stations, parking facilities and payment mechanisms, sidewalks, bicycle lanes, electronic transit-related information, fare collection and operating systems, high occupancy vehicle lanes, bridges, traffic signal prioritization and coordination systems, monitoring systems, tracks and rail line, switching and signaling equipment, operating equipment, depots, locomotives, rolling stock, maintenance facilities, other real and personal property associated with a rail operation and transit-oriented development, and other comprehensive advanced transportation facilities, equipment, operations, comprehensive transportation systems, and services, including planning, feasibility studies, operations, and professional and other services in connection with those facilities, equipment, operations, comprehensive transportation systems, and services; and

(B) the design, construction, extension, expansion, improvement, reconstruction, alteration, acquisition, financing, and maintenance of:

(i) streets, roads, highways, high occupancy vehicle lanes, toll lanes, turnpike projects, pedestrian or bicycle facilities, bridges, grade separations, parking facilities and payment mechanisms, and infrastructure designed to improve mobility;

(ii) traffic signal prioritization and street lighting;

(iii) monitoring systems;

(iv) other mobility enhancement facilities, equipment, systems, and services, including drainage improvements or drainage related measures reasonable and necessary for the effective use of the transportation facility being constructed or maintained;

(v) an intermodal hub, air quality improvement initiative, and public utility facility; and

(vi) a conveyance or acceptance of the exclusive rights to develop tolled infrastructure or other mobility-related assets, including concession fees.

(b) A word or phrase that is not defined in this chapter and subchapter but is defined in Chapter 370 has the meaning in this chapter and subchapter that is assigned by that chapter.

Sec. 451.902. LIBERAL CONSTRUCTION. This subchapter is to be liberally construed to carry out its purposes.

Sec. 451.903. EXPANDED MOBILITY POWERS AUTHORIZED. The board of an authority in a county where an advanced transportation district also exists may, by resolution, assume all of the rights, powers, duties, and privileges of a regional mobility authority under Chapter 370, Transportation Code.

Sec. 451.904. POWERS. (a) An authority assuming additional mobility powers under Section 451.903:

(1) has all the rights, duties, powers, and privileges granted under Chapter 370, Transportation Code.

(2) may plan, study, evaluate, design, finance, acquire, construct, maintain, repair, and operate a transportation project, individually or as one or more comprehensive transportation system.

(3) may exercise such rights, duties, powers, and privileges independently or in combination to effect the purposes of this subchapter. In the event of a conflict, the most liberal provision applies.

Sec. 451.905. GOVERNANCE. The composition of the board of an authority operating under this subchapter shall be governed by the provisions of this chapter, and not by any inconsistent provisions relating thereto under Chapter 370, Transportation Code.

### **Amendment No. 72**

Representative Martinez Fischer offered the following amendment to Amendment No. 71:

Amend Floor Amendment No. 71 by McClendon as follows:

(1) On page 2 of the amendment, between lines 11 and 12, insert the following:

Sec. 451.9015. NONAPPLICABILITY OF SUBCHAPTER. (a) This subchapter does not apply to an authority that is located in a county that is in the boundaries of a regional mobility authority.

(b) Subsection (a) does not apply if the regional mobility in which the authority is located is dissolved.

(2) On page 2 of the amendment, between lines 27 and 28, insert the following:

(b) Notwithstanding any provision of this subchapter to the contrary, an authority operating under this subchapter may not commit to a new toll project.

Amendment No. 72 was adopted. (Flynn recorded voting no.)

Amendment No. 71, as amended, was adopted.

### **Amendment No. 73**

Representative Phillips offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 344

Amend **CSHB 300** (house committee printing) as follows:

(1) Strike Subpart B, Part 2, in Article 8 of the bill (page 115, line 16, through page 116, line 21) and reletter subsequent subparts of Part 2 appropriately.

(2) Add the following appropriately numbered ARTICLE to the bill and renumber the remaining ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_\_. TOLL COLLECTION AND ENFORCEMENT

SECTION \_\_\_\_\_. Section 228.001, Transportation Code, is amended by adding Subdivisions (2-a) and (7) to read as follows:

(2-a) "Operate" and "operation" include the processing and collecting of tolls and the providing of related customer services.

(7) "Registered owner" means:

(A) an owner as defined by Section 502.001; or

(B) the owner of a vehicle as shown on the vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country.

SECTION \_\_\_\_\_. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) or Section 228.0545, the operator of a vehicle, other than an authorized emergency vehicle, as defined by Section 541.201, that is driven or towed through a toll collection facility shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

SECTION \_\_\_\_\_. Subchapter B, Chapter 228, Transportation Code, is amended by adding Section 228.0545 to read as follows:

Sec. 228.0545. ALTERNATIVE TOLLING METHODS. (a) As an alternative to requiring payment of a toll at the time a vehicle is driven or towed through a toll collection facility, the department may use video billing or other tolling methods to permit the registered owner of the vehicle to pay the toll on a later date.

(b) The department may use automated enforcement technology authorized by Section 228.058 to identify the registered owner of the vehicle for purposes of billing, collection, and enforcement activities.

(c) The department shall send by first class mail to the registered owner of the vehicle a written notice of the total amount due. The notice must specify the date, which may not be earlier than the 15th day after the date the notice is mailed, by which the amount due must be paid. The registered owner shall pay the amount due on or before the date specified in the notice.

(d) The department shall send the notice required by Subsection (c) and subsequent notices to:

(1) the registered owner's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles; or

(2) an alternate address provided by the owner or derived through other reliable means.

(e) On or before October 1 of each year, the department shall conduct a cost analysis to determine a policy on whether to mail a notice under Subsection (c) after each time a vehicle is driven or towed through a toll collection facility or only after a certain number of times a vehicle is driven or towed through a facility. The policy must ensure that the cost to the department of collecting tolls as provided by this section does not exceed the amount of the tolls and fees collected.

SECTION \_\_\_\_\_. Sections 228.055(a), (b), (d), (e), (h), and (i), Transportation Code, are amended to read as follows:

(a) In the event of nonpayment of the ~~[proper]~~ toll as required by Section 228.054 or 228.0545, on issuance of a written notice of nonpayment, the registered owner of the nonpaying vehicle is liable for the payment of both the proper toll and an administrative fee.

(b) The department may impose and collect the administrative fee, so as to recover the cost of collecting the unpaid toll, not to exceed \$100. The department shall send a written notice of nonpayment to the registered owner of the vehicle at that owner's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or an alternate address provided by the owner or derived through other reliable means. The notice of nonpayment shall be sent ~~[department]~~ by first class mail and may require payment not sooner than the 30th day after the date the notice was mailed. The registered owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545.

(d) It is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is mailed provides to the department a copy of the rental, lease, or other contract document covering the vehicle on the date of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545, with the name and address of the lessee clearly legible. If the lessor provides the required information within the period prescribed, the department may send a notice of nonpayment to the lessee at the address shown on the contract document by first class mail before the 30th day after the date of receipt of the required information from the lessor. The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.

(e) It is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle transferred ownership of the vehicle to another person before the event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545, submitted written notice of the transfer to the department in accordance with Section 520.023, and, before the 30th day after the date the notice of nonpayment is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send a notice of nonpayment to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department

may send all subsequent notices of nonpayment associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a toll or administrative fee under this subsection is a separate offense.

(h) ~~[In this section, "registered owner" means the owner of a vehicle as shown on the vehicle registration records of the department or the analogous department or agency of another state or country.]~~

~~[(+)]~~ The department may contract, in accordance with Section 2107.003, Government Code, with a person to collect the unpaid toll and administrative fee before referring the matter to a court with jurisdiction over the offense.

SECTION \_\_\_\_\_. Section 228.056(b), Transportation Code, is amended to read as follows:

(b) In the prosecution of an offense under Section 228.055(c), (d), or (e):

(1) it is presumed that the notice of nonpayment was received on the fifth day after the date of mailing;

(2) a computer record of the Texas Department of Motor Vehicles ~~[department]~~ of the registered owner of the vehicle is prima facie evidence of its contents and that the defendant was the registered owner of the vehicle when the underlying event of nonpayment under Section 228.054 occurred or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545; and

(3) a copy of the rental, lease, or other contract document covering the vehicle on the date of the underlying event of nonpayment under Section 228.054 or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545 is prima facie evidence of its contents and that the defendant was the lessee of the vehicle when the underlying event of nonpayment under Section 228.054 occurred or when the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545.

SECTION \_\_\_\_\_. Section 228.057, Transportation Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) The department may, following closure of an electronic toll collection customer account and at the request of the account holder, refund the balance of funds in the account after making a deduction for any outstanding tolls and fees.

(h) The department may enter into an agreement with a governmental or private entity regarding the use of a transponder issued by the department and the corresponding electronic toll collection customer account to pay for parking services offered by the entity.

SECTION \_\_\_\_\_. Section 228.058(b), Transportation Code, is amended to read as follows:

(b) Automated enforcement technology approved by the department under Subsection (a) may be used only for the purpose of producing, depicting, photographing, or recording an image that depicts that portion of a vehicle necessary to establish the classification of vehicle and the proper toll to be charged, the license plate number, and the state or country of registration, including an image:

- (1) of a license plate attached to the front or rear of a vehicle; and
- (2) showing the vehicle dimensions, the presence of a trailer, and the number of axles.

Amendment No. 73 was adopted.

#### **Amendment No. 74**

Representative Isett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 63

Amend **CSHB 300** (House committee printing) as follows:

(1) On page 193, line 13, strike "3(h) and (l)" and substitute "3(f), (h), and (l)".

(2) On page 193, between lines 14 and 15, insert the following:

(f) It is a ground for removal from the authority if a member:

(1) does not have at the time of taking office [~~appointment~~] the qualifications required by Subsection (b) or is disqualified under Subsection (i) or (k) of this section;

(2) does not maintain during service on the authority the qualifications required by Subsection (b) or becomes disqualified under Subsection (i) or (k) of this section;

(3) cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed; or

(4) is absent from more than half of the regularly scheduled authority meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the authority.

Amendment No. 74 was adopted.

#### **Amendment No. 75**

Representative McClendon offered the following amendment to **CSHB 300**:

Floor Packet Page No. 86

Amend **CSHB 300**, Article IX, by adding a new Section 91.0042 to read as follows:

Sec. 91.0042. RAIL RELOCATION ADVISORY GROUP. (a) The rail relocation advisory group is created to advise the department on the implementation and administration of rail relocation and improvement planning and projects.



(b) The advisory group consists of stakeholders in the railroad industry, appointed by the chair of the Senate Committee on Transportation and Homeland Security and by the chair of the House Committee on Transportation. The chairs shall determine the number of members appropriate to accomplish the duties of the advisory group.

(c) The advisory group meets at the call of the chairs and shall advise the department on the rail relocation and improvement planning and projects, including strategies for:

- (1) alleviating traffic congestion;
- (2) improving passenger and freight mobility;
- (3) reducing noise in residential areas; and
- (4) mitigating adverse effects on the environment.

(d) The department shall provide administrative support, including staff, as necessary to assist the advisory group in accomplishing its duties.

(e) A member of the advisory group is not entitled to compensation for service on the committee but is entitled to reimbursement of travel expenses incurred by the member while conducting the business of the advisory group, as provided by the General Appropriations Act.

#### **Amendment No. 76**

Representative Pickett offered the following amendment to Amendment No. 75:

Amend the McClendon amendment to **CSHB 300**, relating to a rail relocation advisory group by striking lines 3-10 and inserting the following and renumbering subsequent sections appropriately:

Sec. 201.979. RAIL RELOCATION ADVISORY GROUP. (a) A rail relocation advisory group shall be created to advise the department on the implementation and administration of the program.

(b) The advisory group consists of stakeholders in the railroad industry, consumer advocates, and members of the legislature.

(c) The group is composed of eight members as follows:

- (1) four members appointed by the lieutenant governor and;
- (2) four members appointed by the speaker of the house.

Amendment No. 76 was adopted.

Amendment No. 75, as amended, was adopted.

#### **Amendment No. 77**

Representative Guillen offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 293

Amend **CSHB 300** (House committee printing) on page 198, line 14, by striking "2004" and substituting "2003".

Amendment No. 77 was adopted. (Flynn recorded voting no.)

#### **Amendment No. 78**

Representative Leibowitz offered the following amendment to **CSHB 300**:

Floor Packet Page No. 12

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE \_\_\_\_ . TRANS-TEXAS CORRIDOR

SECTION \_\_\_\_ .01. Section 11.11(j), Tax Code, is amended to read as follows:

(j) For purposes of this section, any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system, and that is licensed or leased to a private entity by that department under Chapter 91 ~~or~~[;] 223, [~~or 227,~~] Transportation Code, is public property used for a public purpose if the rail facility or system, highway, or facility is operated by the private entity to provide transportation or utility services. Any part of a facility, rail facility or system, or state highway that is licensed or leased to a private entity for a commercial purpose is not exempt from taxation.

SECTION \_\_\_\_ .02. Section 25.06(c), Tax Code, is amended to read as follows:

(c) This section does not apply to:

(1) any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system and that is licensed or leased to a private entity by that department under Chapter 91[~~, 227,~~] or 361, Transportation Code; or

(2) a leasehold or other possessory interest granted by the Texas Department of Transportation in a facility owned by that department that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system.

SECTION \_\_\_\_ .03. Section 25.07(c), Tax Code, is amended to read as follows:

(c) Subsection (a) does not apply to:

(1) any portion of a facility owned by the Texas Department of Transportation that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system and that is licensed or leased to a private entity by that department under Chapter 91[~~, 227,~~] or 361, Transportation Code; or

(2) a leasehold or other possessory interest granted by the Texas Department of Transportation in a facility owned by that department that is [~~part of the Trans Texas Corridor, is~~] a rail facility or system[;] or is a highway in the state highway system.

SECTION \_\_\_\_ .04. Sections 201.616(a) and (b), Transportation Code, are amended to read as follows:

(a) Not later than December 1 of each year, the department shall submit a report to the legislature that details:

(1) the expenditures made by the department in the preceding state fiscal year in connection with:

(A) the unified transportation program of the department;  
 (B) turnpike projects and toll roads of the department; and  
 (C) ~~[the Trans Texas Corridor;~~  
~~[(D)]~~ rail facilities described in Chapter 91; ~~[and~~  
~~[(E) non-highway facilities on the Trans Texas Corridor if those~~  
~~expenditures are subject to Section 227.062(e);]~~

(2) the amount of bonds or other public securities issued for transportation projects; and

(3) the direction of money by the department to a regional mobility authority in this state.

(b) The report must break down information under Subsection (a)(1)(A) by program category and department district. The report must break down information under Subsections (a)(1)(B) and [(C)] ~~[(D), and (E)]~~ and Subsection (a)(3) by department district. The report must break down information under Subsection (a)(2) by department district and type of project.

SECTION \_\_\_\_\_.05. Section 202.112(a), Transportation Code, is amended to read as follows:

(a) The commission may purchase an option to acquire property for possible use in or in connection with a transportation facility ~~[, including a facility as defined by Section 227.001,]~~ before a final decision has been made as to whether the transportation facility will be located on that property.

SECTION \_\_\_\_\_.06. Section 222.003(e), Transportation Code, is amended to read as follows:

(e) The proceeds of bonds and other public securities issued under this section may not be used for any purpose other than any costs related to the bonds and other public securities and the purposes for which revenues are dedicated under Section 7-a, Article VIII, Texas Constitution. ~~[The proceeds of bonds and other public securities issued under this section may not be used for the construction of a state highway or other facility on the Trans Texas Corridor. For purposes of this section, the "Trans Texas Corridor" means the statewide system of multimodal facilities under the jurisdiction of the department that is designated by the commission, notwithstanding the name given to that corridor.]~~

SECTION \_\_\_\_\_.07. Section 223.201(a), Transportation Code, is amended to read as follows:

(a) Subject to Section 223.202, the department may enter into a comprehensive development agreement with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a:

(1) toll project;

(2) ~~[facility or a combination of facilities on the Trans Texas Corridor;~~  
~~[(3)]~~ state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;

(3) ~~[(4)]~~ state highway improvement project in which the private entity has an interest in the project; or

(4) ~~[(5)]~~ state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986.

SECTION \_\_\_\_\_.08. Section 223.206(d), Transportation Code, is amended to read as follows:

(d) The department may not enter into a comprehensive development agreement with a private entity under this subchapter [~~or Section 227.023~~] that provides for the lease, license, or other use of rights-of-way or related property by the private entity for the purpose of constructing, operating, or maintaining an ancillary facility that is used for commercial purposes.

SECTION \_\_\_\_\_.09. Sections 223.208(b), (c), (e), and (f), Transportation Code, are amended to read as follows:

(b) A comprehensive development agreement entered into under this subchapter [~~or Section 227.023(e)~~] may include any provision that the department considers appropriate, including provisions:

(1) providing for the purchase by the department, under terms and conditions agreed to by the parties, of the interest of a private participant in the comprehensive development agreement and related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the comprehensive development agreement;

(2) establishing the purchase price for the interest of a private participant in the comprehensive development agreement and related property, which price may be determined in accordance with the methodology established by the parties in the comprehensive development agreement;

(3) providing for the payment of obligations incurred pursuant to the comprehensive development agreement, including any obligation to pay the purchase price for the interest of a private participant in the comprehensive development agreement, from any lawfully available source, including securing such obligations by a pledge of revenues of the commission or the department derived from the applicable project, which pledge shall have such priority as the department may establish;

(4) permitting the private participant to pledge its rights under the comprehensive development agreement;

(5) concerning the private participant's right to operate and collect revenue from the project; and

(6) restricting the right of the commission or the department to terminate the private participant's right to operate and collect revenue from the project unless and until any applicable termination payments have been made.

(c) The department may enter into a comprehensive development agreement under this subchapter [~~or under Section 227.023(e)~~] with a private participant only if the project is identified in the department's unified transportation program or is located on a transportation corridor identified in the statewide transportation plan.

(e) Notwithstanding anything in Section 201.112 or other law to the contrary, and subject to compliance with the dispute resolution procedures set out in the comprehensive development agreement, an obligation of the commission or the department under a comprehensive development agreement entered into under this subchapter [~~or Section 227.023(e)~~] to make or secure payments to a person because of the termination of the agreement, including the purchase of the

interest of a private participant or other investor in a project, may be enforced by mandamus against the commission, the department, and the comptroller in a district court of Travis County, and the sovereign immunity of the state is waived for that purpose. The district courts of Travis County shall have exclusive jurisdiction and venue over and to determine and adjudicate all issues necessary to adjudicate any action brought under this subsection. The remedy provided by this subsection is in addition to any legal and equitable remedies that may be available to a party to a comprehensive development agreement.

(f) A comprehensive development agreement entered into under this subchapter [~~or Section 227.023(e)~~] and any obligations incurred, issued, or owed under the agreement does not constitute a state security under Chapter 1231, Government Code.

SECTION \_\_\_\_ .10. Section 371.001(2), Transportation Code, as added by Chapter 103 (**HB 570**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- (A) the department under Chapter [~~227 or~~] 228;
- (B) a regional tollway authority under Chapter 366;
- (C) a regional mobility authority under Chapter 370; or
- (D) a county under Chapter 284.

SECTION \_\_\_\_ .11. Section 371.001(a)(2), Transportation Code, as added by Chapter 258 (**SB 11**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- (A) the department under Chapter [~~227 or~~] 228;
- (B) a regional tollway authority under Chapter 366;
- (C) a regional mobility authority under Chapter 370; or
- (D) a county under Chapter 284.

SECTION \_\_\_\_ .12. Section 371.001(2), Transportation Code, as added by Chapter 264 (**SB 792**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, operate, and maintain a toll project, including:

- (A) the department [~~, including under Chapter 227~~];
- (B) a regional tollway authority under Chapter 366;
- (C) a regional mobility authority under Chapter 370; or
- (D) a county under Chapter 284.

SECTION \_\_\_\_ .13. The following provisions of the Transportation Code are repealed:

- (1) Section 201.618(e);
- (2) Chapter 227;
- (3) Section 284.0032;
- (4) Section 366.305;
- (5) Section 370.316; and

(6) Section 545.3531.

**Amendment No. 79**

Representative Pickett offered the following amendment to Amendment No. 78:

Amend Floor Amendment No. 78 by Leibowitz to **CSHB 300**, in Section \_\_\_\_ .13 of the amendment, on page 8, by striking line 2.

Amendment No. 79 was adopted. (The vote was reconsidered later today, and Amendment No. 79 was withdrawn.)

Amendment No. 78, as amended, was adopted by (Record 668): 144 Yeas, 0 Nays, 1 Present, not voting. (The vote was reconsidered later today, and Amendment No. 78 was adopted by Record No. 670.)

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; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver(C); Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; 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; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; 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 — Castro; Crabb.

Absent — Giddings; Howard, C.; Smith, W.

**Amendment No. 80**

Representative Anchia offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 217

Amend **CSHB 300** (House committee printing) in Article 1 of the bill by adding the following appropriately numbered SECTION to that article and renumbering subsequent SECTIONS accordingly:

SECTION 1. \_\_\_\_ . Subchapter A, Chapter 201, Transportation Code, is amended by adding Section 201.004 to read as follows:

Sec. 201.004. PROHIBITED LOBBYING ACTIVITIES. (a) A person may not retain or employ another person, or accept any employment or render any service to influence an administrative action at the department or commission for compensation or for a commission contingent on the passage or defeat of the administrative action.

(b) A violation of this section is subject to the penalties provided for a violation of Section 305.022, Government Code.

(c) This section takes precedence over any other law or regulation to the contrary.

Amendment No. 80 was adopted.

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

Representative Miklos requested permission for the Committee on Criminal Jurisprudence, Subcommittee on Capital Punishment, to meet while the house is in session, at 9:45 p.m. today, in 3W.9.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, Subcommittee on Capital Punishment, 9:45 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### **CSHB 300 - (consideration continued)**

#### **Amendment No. 81**

Representatives Hughes and Martinez offered the following amendment to **CSHB 300**:

Floor Packet Page No. 43

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE \_\_\_\_\_. AVIATION

SECTION \_\_\_\_\_.01. Section 21.067, Transportation Code, is amended to read as follows:

Sec. 21.067. TEXAS AIRPORT DIRECTORY. (a) The department may:

- (1) issue the Texas Airport Directory;
- (2) sell advertising in the directory; and
- (3) advertise the ~~[sale of the]~~ directory in other publications.

(b) The department may not ~~[shall]~~ charge a fee ~~[not less than \$5]~~ for furnishing the Texas Airport Directory.

Amendment No. 81 was adopted. (Flynn recorded voting no.)

#### **Amendment No. 82**

Representative Dukes offered the following amendment to **CSHB 300**:

Floor Packet Page No. 59

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES accordingly:

ARTICLE \_\_\_\_ . AVIATION FACILITIES DEVELOPMENT AND FINANCIAL ASSISTANCE

SECTION \_\_\_\_ .01. Section 21.101, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The department may loan or grant money to a state agency with a governing board authorized to operate an airport, ~~[or]~~ to a governmental entity in this state, or to an owner of an eligible airport to establish, construct, reconstruct, enlarge, or repair an airport, airstrip, or air navigational facility if:

(1) the money has been appropriated to the department for that purpose; and

(2) providing the money will:

(A) best serve the public interest; and

(B) best discharge the governmental aeronautics function of the state or its political subdivisions.

(c) In this section, "eligible airport" means an airport eligible to receive grant funds under the airport improvement program established by 49 U.S.C. Section 47101 et seq.

SECTION \_\_\_\_ .02. Section 21.105, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Before approving a loan or grant to a governmental entity, the commission shall require that:

(1) the airport or facility remain in the control of each political subdivision involved for at least 20 years;

(2) the political subdivision disclose the source of all funds for the project and the political subdivision's ability to finance and operate the project;

(3) at least 10 percent of the total project cost be provided by sources other than the state; and

(4) the project be adequately planned.

(c) Before approving a loan or grant to an owner of an eligible airport as defined by Section 21.101, the commission shall require that:

(1) the airport or facility remain an eligible airport for at least 20 years;

(2) the owner demonstrate the ability to finance and operate the project;

and

(3) the project be adequately planned.

SECTION \_\_\_\_ .03. Section 21.112, Transportation Code, is amended to read as follows:

Sec. 21.112. EXPENDITURE OF AIR FACILITY CONSTRUCTION MONEY ~~[BY STATE GOVERNMENTAL ENTITIES]~~. A governmental entity or eligible airport, as defined by Section 21.101, that receives money from the department to establish, construct, reconstruct, enlarge, or repair an airport, airstrip, or air navigational facility shall spend the money for those purposes and in conformity with commission rules.



**Amendment No. 83**

Representative Gattis offered the following amendment to Amendment No. 82:

Amend Amendment No. 82 to **CSHB 300** by Dukes (page 59 of the pre-filed amendment packet) on page 2, immediately following line 23, add the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_.04. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.620, to read as follows:

Sec. 201.620. APPLICABILITY OF SUBCHAPTER. This subchapter does not apply to planning concerning, application or selection for, or distribution of federal and state airport development grants.

SECTION \_\_\_\_\_.05. Subchapter D, Chapter 472, Transportation Code, is amended by adding Section 472.035 to read as follows:

Sec. 472.035. APPLICABILITY OF SUBCHAPTER. This subchapter does not apply to planning concerning, application or selection for, or distribution of federal and state airport development grants.

Amendment No. 83 was adopted.

Amendment No. 82, as amended, was adopted.

**Amendment No. 84**

Representative Homer offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 249

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE \_\_\_\_\_. AD VALOREM TAXATION OF HEAVY EQUIPMENT

SECTION \_\_\_\_\_.01. (a) Section 23.1242(i), Tax Code, is amended to read as follows:

(i) If the amount in the escrow account is not sufficient to pay the taxes in full, the collector shall apply the money to the taxes and deliver to the owner a tax receipt for the partial payment and a tax bill for the amount of the deficiency together with a statement that the owner must remit to the collector the balance of the total tax due. If the amount in the escrow account exceeds the amount of the taxes due, the owner, at the owner's election, is entitled to receive:

(1) a refund of the excess amount; or

(2) a credit in the amount of the excess amount to be credited to the owner's escrow account for prepayment of taxes imposed in the following tax year.

(b) Subsection (a) of this section applies only to the payment of ad valorem taxes imposed in 2009 or a subsequent tax year.

Amendment No. 84 was adopted.

**Amendment No. 85**

On behalf of Representatives Thompson, T. Smith, and Keffer, Representative Pickett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 92

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . SAFE ROUTES TO SCHOOL

SECTION \_\_\_\_ .01. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.025 to read as follows:

Sec. 38.025. SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE PROGRAM. (a) The agency shall establish a safe routes to school non-infrastructure program that promotes bicycling and pedestrian safety and education for elementary and middle school students through:

- (1) education and awareness programs; and
- (2) training, workshops, and educational materials.

(b) To the extent allowed by federal law, to implement this section the agency may use not more than 30 percent of the funds allocated to the state under the federal safe routes to school program (Pub. L. No. 109-59, reprinted in note, 23 U.S.C. Section 402).

(c) To implement a program established under this section, the agency shall contract with a statewide nonprofit organization that has the primary purpose of promoting:

- (1) bicycle safety and education; or
- (2) pedestrian safety and education.

(d) Not more than five percent of the funds allocated to the agency under this section may be used by the agency to administer the safe routes to school non-infrastructure program.

(e) The commissioner shall adopt rules to implement this section.

Amendment No. 85 was withdrawn.

**Amendment No. 86**

Representative Hartnett offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 206

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . HIGH-SPEED RAIL

SECTION \_\_\_\_ .01. Section 91.001, Transportation Code, is amended by adding Subdivision (3-b) to read as follows:

(3-b) "High-speed rail" means passenger rail service capable of operating at speeds of more than 200 miles per hour.

SECTION \_\_\_\_ .02. Chapter 91, Transportation Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. HIGH-SPEED RAIL FACILITATION AND ANALYSIS

Sec. 91.121. TEXAS HIGH-SPEED RAIL CORPORATION. (a) The commission shall create a corporation under Subchapter B, Chapter 431, for purposes of this subchapter.

(b) The corporation is not subject to the limitation provided by Section 431.072.

(c) The corporation must have a board of seven members, of whom:

(1) three are appointed by the commission; and

(2) four are appointed by the commission from a list of candidates submitted by the South Central High-Speed Rail and Transportation Authority, Inc., a local government corporation organized under Subchapter D, Chapter 431.

Sec. 91.122. DEVELOPMENT OF SYSTEM. Subject to the commission's oversight and control under Chapter 431, the commission may direct the corporation created under Section 91.121 to:

(1) plan and develop a high-speed rail facility under this chapter;

(2) solicit federal funding to be allocated to the department for the purposes of this subchapter;

(3) coordinate with federal planners and representatives from adjacent states for the interconnectivity of high-speed rail systems in this state with systems developed in federally designated high-speed rail corridors in other states;

(4) represent and negotiate on behalf of this state for the interconnectivity of high-speed rail with existing and planned transportation systems, including airports, seaports, transit systems, commuter rail systems, and highways; and

(5) coordinate with federal transportation planners and officials at the United States Department of Defense or its successor agency regarding issues related to the provision of connectivity to military installations in this state.

Sec. 91.123. SYSTEM REQUIREMENTS. A high-speed rail system developed under this subchapter must:

(1) enhance connectivity to this state's largest airports;

(2) enhance connectivity for and ease of passenger transport to and from military installations located in this state; and

(3) be developed in collaboration with high-speed rail projects in other areas of the United States to ensure interconnectivity with other federally designated high-speed rail corridors.

Sec. 91.124. REPORTS. The department annually shall submit a report regarding the activities of the department and the corporation under this subchapter to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives; and

(4) the standing committee of each house of the legislature that has primary jurisdiction over rail transportation issues.

**Amendment No. 87**

Representative Hartnett offered the following amendment to Amendment No. 86:

Amend Floor Amendment No. 86 by Hartnett to **CSHB 300** (page 206 in prefiled amendment packet) as follows:

(1) On page 1, line 27, strike ":", and substitute "solicit federal economic stimulus funding to be allocated for the purposes of this chapter."

(2) Strike page 1, line 28 through page 2, line 14.

Amendment No. 87 was adopted.

Amendment No. 86, as amended, was adopted.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, at 10:15 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 10:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**CSHB 300 - (consideration continued)****Amendment No. 88**

Representative Pickett offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 132

Amend **CSHB 300** by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES accordingly:

ARTICLE \_\_\_\_ . MOTOR FUEL TAX REBATE

SECTION \_\_\_\_ .01. Chapter 162, Tax Code, is amended by adding Subchapter G to read as follows:

**SUBCHAPTER G. REBATE OF TAXES**

Sec. 162.601. ENTITLEMENT TO REBATE. A person is entitled to a rebate in the amount and under the conditions provided by this subchapter for motor fuel taxes imposed under this chapter on motor fuel purchased in this state and used to propel a motor vehicle on a toll road in this state during a calendar year.

Sec. 162.602. ELIGIBILITY. A person is eligible for a rebate under this subchapter only with respect to a motor vehicle that was registered in this state in the person's name for all or part of the calendar year for which the rebate is claimed.

Sec. 162.603. AMOUNT. The amount of the rebate under this subchapter is determined according to the following formula:

$$\text{RA} = (\text{TRM}/\text{MPG}) \times \text{RPG}$$

where:

"RA" is the rebate amount;

"TRM" is the number of toll road miles over which a motor vehicle was propelled using motor fuel during the part of the year the motor vehicle was registered in this state in the name of the person applying for a rebate;

"MPG" is the average number of miles the motor vehicle is propelled on a toll road per gallon of motor fuel, determined in accordance with rules adopted under Section 162.607(2); and

"RPG" is the rate of the tax imposed under this chapter on each gallon or fractional part of each gallon of motor fuel purchased in this state and used to propel the motor vehicle on a toll road.

Sec. 162.604. APPLICATION FOR REBATE. (a) A person must apply for a rebate under this subchapter not later than March 1 of the year following the calendar year for which the person is claiming the rebate.

(b) An application must be in the form and manner specified by the comptroller and include the following information:

(1) the number of miles the person's motor vehicle was propelled on a toll road during the previous year, determined using the methodology prescribed by the comptroller as required by Section 162.607;

(2) the type of motor vehicle with respect to which the applicant is claiming the rebate;

(3) proof that the motor vehicle was registered in the applicant's name in this state for all or part of the calendar year for which the rebate is claimed;

(4) the type of motor fuel used to propel the motor vehicle; and

(5) any other information the comptroller determines necessary to administer this subchapter.

Sec. 162.605. VERIFICATION OF ELIGIBILITY; COMPUTATION. On receipt of an application under this subchapter, the comptroller shall:

(1) verify that the applicant is eligible for the rebate based on:

(A) information provided by the applicant; and

(B) if necessary, other information available to the comptroller, including information provided by the Texas Department of Transportation or the Texas Department of Motor Vehicles; and

(2) compute the amount of the rebate to which the applicant is entitled.

Sec. 162.606. PAYMENT. (a) The comptroller shall pay a rebate under this subchapter by any means the comptroller determines appropriate, including by electronic funds transfer.

(b) A rebate paid under this subchapter is not a refund of taxes erroneously paid, and Section 111.064 does not apply.

Sec. 162.607. RULES. The comptroller shall adopt rules necessary to implement this subchapter, including rules:

(1) prescribing a methodology for determining the number of miles a motor vehicle was propelled on a toll road during a period;

(2) classifying each type of motor vehicle in an appropriate category, and specifying for each category the average number of miles a motor vehicle in that category is propelled on a toll road per gallon of motor fuel; and

(3) prescribing methods by which a person may file an application for a rebate under this subchapter.

SECTION \_\_\_\_ .02. The comptroller shall adopt the rules required by Section 162.607, Tax Code, as added by this article, not later than March 1, 2010.

SECTION \_\_\_\_ .03. A person may file an application for a rebate under Subchapter G, Chapter 162, Tax Code, as added by this article, on or after January 1, 2011.

Amendment No. 88 was withdrawn.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, at 10:30 p.m. today, in 3W.15, for a formal meeting, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 10:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

### CSHB 300 - (consideration continued)

#### Amendment No. 89

Representative Gallego offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 151

Amend **CSHB 300** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Sections 201.617(a) and (b), Transportation Code, as added by Chapter 474 (**HB 137**), Acts of the 79th Legislature, Regular Session, 2005, are amended to read as follows:

(a) The department shall ~~may~~ erect a "Welcome to Texas" sign to designate the state boundary on an interstate, United States, or state highway entering the state.

(b) A "Welcome to Texas" sign erected by the department:

(1) must include ~~the following elements~~:

(A) ~~(+)~~ a depiction of the state flag; and

(B) ~~(=)~~ the phrase "Drive Friendly—The Texas Way"; and

(2) may include the phrase "Welcome to Texas—Proud Home of Presidents Lyndon B. Johnson, George H. W. Bush, and George W. Bush."

SECTION \_\_\_\_ . Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6175 to read as follows:

Sec. 201.6175. TEXAS FLAG AT INTERNATIONAL PORT-OF-ENTRY.

(a) The department shall erect and maintain a Texas flag to designate the state boundary at an appropriate location at or near each interstate, United States, or state highway originating at an official port-of-entry on an international border.

(b) A Texas flag erected under this section must:

(1) be visible from the international port-of-entry; and

(2) be of a size equal to or larger than the size of the flag of any foreign nation flown at the port-of-entry located on the opposite side of the international border.

(c) The department may contract with any governmental or private entity for the care and maintenance of a Texas flag erected under this section.

Amendment No. 89 was withdrawn.

**Amendment No. 90**

Representative Gutierrez offered the following amendment to **CSHB 300**:

Floor Packet Page No. 78

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE \_\_\_\_ . MEMORIAL SIGN PROGRAM

SECTION \_\_\_\_ .01. (a) Sections 201.909(e), (f), and (g), Transportation Code, are amended to read as follows:

(e) If the application meets the department's requirements and the applicant pays the memorial sign fee, the department shall erect a sign. A sign posted under this section may remain posted for two years [~~one year~~]. At the end of the two-year [~~one year~~] period the department may release the sign to the applicant. The department is not required to release a sign that has been damaged.

(f) A sign posted under this section that is damaged shall be removed by the department. Except as provided in Subsection (g), the department may post a new sign if it has been less than two years [~~one year~~] from the posting of the original sign and a person:

(1) submits a written request to the department to replace the sign; and

(2) submits a replacement fee in the amount provided under Subsection

(d)(2).

(g) During the two-year [~~one year~~] posting period the department shall replace a sign posted under this section that is damaged because of the department's negligence.

(b) If the Texas Department of Transportation determines or is informed by the applicable federal agency that the change in law to Section 201.909, Transportation Code, as amended by this section, would result in the loss to the department or this state of federal funds, the Texas Department of Transportation:

(1) is not required to comply with Section 201.909, Transportation Code, as amended by Subsection (a) of this section, but shall comply with Section 201.909, Transportation Code, as that section existed immediately before the effective date of this Act; and

(2) not later than January 1, 2011, shall submit a report to the lieutenant governor and the speaker of the house of representatives regarding the determination by the department or the applicable federal agency.

Amendment No. 90 was adopted.

**Amendment No. 91**

Representative Pickett offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 335

Amend **CSHB 300** by adding a new article to read as follows and renumbering the articles of the bill appropriately:

ARTICLE \_\_\_\_\_. TRANSPORTATION PROJECT FINANCING

SECTION \_\_\_\_\_.01. Section 201.943(d), Transportation Code, is amended to read as follows:

(d) Obligations may be issued for one or more of the following purposes:

(1) to pay all or part of the costs of constructing, reconstructing, acquiring, and expanding state highways, including any necessary design and acquisition of rights-of-way, in the manner and locations determined by the commission that, according to conclusive findings of the commission, have an expected useful life, without material repair, of not less than 10 years;

(2) to provide participation by the state in the payment of part of the costs of constructing and providing publicly owned toll roads and other public transportation projects that are determined by the commission to be in the best interests of the state in its major goal of improving the mobility of the residents of the state;

(3) to make loans or grants to public entities, including the department, for the purposes described in paragraphs (1) and (2) of this subsection;

(4) [~~(3)~~] to create debt service reserve accounts;

(5) [~~(4)~~] to pay interest on obligations for a period of not longer than two years;

(6) [~~(5)~~] to refund or cancel outstanding obligations; and

(7) [~~(6)~~] to pay the commission's costs of issuance.

SECTION \_\_\_\_\_.02. Section 222.103(a), Transportation Code, is amended to read as follows:

(a) The department may participate, by spending money from any available source, in the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission:

(1) may require the repayment of any money, including money from the Texas Mobility Fund, that is spent by the department for the cost of a toll facility of a public entity; and



(2) shall require the repayment of any money spent by the department for the cost of a toll facility of a private entity.

Amendment No. 91 was adopted.

**Amendment No. 92**

On behalf of Representative C. Turner, Representative Pickett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 292

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . NOTIFICATION BY DEPARTMENT REGARDING  
HIGHWAY CONSTRUCTION PROJECTS.

SECTION \_\_\_\_ .01. Section 203.022(c), Transportation Code, is amended to read as follows:

(c) The department shall by rule provide procedures for informing adjoining property owners and affected local governments and public officials of impending construction. The rules must require the department to provide written notice to the governing body of a municipality not later than the 14th day before the date the department begins construction of a state highway project in the municipality.

**Amendment No. 93**

Representative Pickett offered the following amendment to Amendment No. 92:

Amend the Turner of Tarrant amendment to **CSHB 300** on page 1, line 14, after the period, by inserting "The department may provide the notice in an electronic format, if requested by the governing body of the municipality."

Amendment No. 93 was adopted.

Amendment No. 92, as amended, was adopted.

**Amendment No. 94**

Representative Martinez offered the following amendment to **CSHB 300**:

Floor Packet Page No. 88

Amend **CSHB 300** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 3 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION \_\_\_\_ . Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.214 to read as follows:

Sec. 201.214. TRANSPARENCY FOR DEPARTMENT CONTRACTS; PUBLIC INFORMATION. (a) The department shall make available on its Internet website all documents related to:

(1) department contracts, including bid documents, financing agreements, and the text of proposed contracts; and

(2) department subcontracts with a value of more than \$5,000.

(b) Information under Subsection (a) is subject to Chapter 552, Government Code.

(c) Information related to a contract for the construction of a project must be posted before construction begins.

SECTION \_\_\_\_\_. Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.216 to read as follows:

Sec. 223.216. AGENDA AND MINUTES OF PRIVATE PARTICIPANT SUBJECT TO PUBLIC INFORMATION LAW. The agenda and minutes of meetings of the board of directors of a private participant in a comprehensive development agreement that relate to the agreement:

(1) shall be posted on an Internet website associated with the toll project not later than the 10th day after the date of the meeting; and

(2) are subject to Chapter 552, Government Code.

Representative Pickett moved to table Amendment No. 94.

The motion to table prevailed by (Record 669): 77 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Eissler; Elkins; Farabee; Fletcher; Flynn; Frost; Gattis; Geren; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hefflin; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Lewis; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Raymond; Riddle; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Burnam; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; England; Farias; Farrar; Flores; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hernandez; Herrero; Hodge; Legler; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pierson; Quintanilla; Rios Ybarra; Rodriguez; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Castro; Crabb.

Absent — Branch; Corte; Eiland; Giddings; Hamilton; Hilderbran; Hochberg; Marquez; McCall.

### STATEMENT OF VOTE

When Record No. 669 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

**Amendment No. 95**

Representative S. Miller offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 26

Amend **CSHB 300** by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 222.034, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), federal [Federal] aid for transportation purposes that is administered by the commission shall be distributed to the various parts of the state for a funding cycle through the selection of highway projects in the state in a manner that is consistent with federal formulas that determine the amount of federal aid for transportation purposes received by the state. A distribution under this subsection does not include deductions made for the state infrastructure bank or other federal funds reallocated by the federal government.

(c) The commission shall give funding priority to highway projects that enhance federally designated emergency evacuation routes.

**Amendment No. 96**

Representative S. Miller offered the following amendment to Amendment No. 95:

Amend Amendment No. 95 by S. Miller to **CSHB 300** as follows:

Strike lines 17, 18, and 19 and substitute the following: "(c) The commission shall consider emergency evacuation routes from nuclear power plants for funding if federal funds become available for emergency evacuation routes."

Amendment No. 96 was adopted.

Amendment No. 95, as amended, was adopted.

**Amendment No. 78 - Vote Reconsidered**

Representative Kolkhorst moved to reconsider the vote by which Amendment No. 78, as amended, was adopted.

The motion to reconsider prevailed.

**Amendment No. 79 - Vote Reconsidered**

Representative Kolkhorst moved to reconsider the vote by which Amendment No. 79 was adopted.

The motion to reconsider prevailed.

Amendment No. 79 was withdrawn.

Amendment No. 78 was adopted by (Record 670): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Castro; Crabb.

Absent — Branch; Coleman; Dutton; Giddings; Hamilton; Hilderbran.

#### **Amendment No. 97**

Representative S. Turner offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 53

Amend proposed **CSHB 300**, in ARTICLE \_\_\_\_ of the bill, by adding the following SECTIONS, appropriately numbered, and renumbering existing SECTIONS in ARTICLE \_\_\_\_ accordingly:

SECTION \_\_\_\_ . Section 222.103, Transportation Code, is amended by adding new subsection (i) to read as follows:

(i) In providing financial assistance for toll projects, the commission shall give priority to providing financial assistance to public entities in the development, financing, construction and operation of toll projects by the public entity under Section 228.011, Section 228.0111 or Chapter 373.

Amendment No. 97 was adopted. (Jackson recorded voting no.)

#### **Amendment No. 98**

Representative W. Smith offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 214

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

## ARTICLE \_\_\_\_ . COMPREHENSIVE DEVELOPMENT AGREEMENTS

SECTION \_\_\_\_ .01. Sections 223.201(f) and (i), Transportation Code, are amended to read as follows:

(f) Except as provided by Subsections (h) and (i), the authority to enter into comprehensive development agreements provided by this section expires on August 31, 2013 [~~2009~~].

(i) The authority to enter into a comprehensive development agreement for a project exempted from Subsection (f) or Section 223.210(b) expires August 31, 2015 [~~2014~~].

SECTION \_\_\_\_ .02. Sections 370.305(d) and (f), Transportation Code, are amended to read as follows:

(d) Except as provided by Subsections (e) and (f), the authority to enter into comprehensive development agreements under this section expires on August 31, 2013 [~~2009~~].

(f) The authority to enter into a comprehensive development agreement for a project exempted from Subsection (d) or Section 223.210(b) expires August 31, 2015 [~~2014~~].

SECTION \_\_\_\_ .03. Except as provided by Section \_\_\_\_ .04 of this article, this article takes effect September 1, 2009.

SECTION \_\_\_\_ .04. This article takes effect only if **SB 17** or another similar bill of the 81st Legislature, Regular Session, 2009, relating to the design, development, financing, construction, and operation of certain toll projects, including the determination of the primacy process for local toll project entities, becomes law. If **SB 17** or another similar bill of the 81st Legislature, Regular Session, 2009, relating to the design, development, financing, construction, and operation of certain toll projects, including the determination of the primacy process for local toll project entities, does not become law, this article has no effect.

Amendment No. 98 was withdrawn.

**Amendment No. 54 - Vote Reconsidered**

Representative Isett moved to reconsider the vote by which Amendment No. 54, as amended, was adopted.

The motion to reconsider prevailed.

**Amendment No. 99**

Representatives Paxton, Parker, Phillips, and Solomons offered the following amendment to Amendment No. 54:

Amend Amendment No. 54 to **CSHB 300** by W. Smith (page 319 of the pre-filed amendment packet) as follows:

(1) On page 2 of the amendment, strike lines 17 through 20, and substitute the following:

(9) the Phase 3 and 4 extensions of the Dallas North Tollway in Collin and Denton Counties from State Highway 121 to the Grayson County line, and the planned future extension into Grayson County, regardless of which local toll project entity develops the extension into Grayson County;

(2) On page 2 of the amendment, line 23, strike "or".

(3) On page 2 of the amendment, line 29, strike the underlined period and substitute ";\u00b0".

(4) On page 2 of the amendment, between lines 29 and 30, insert the following:

(12) the Dallas North Tollway in Collin County from FM 428 to the Grayson County Line;

(13) the Lake Lavon Bridge in Collin County; and

(14) IH-35 West and associated passenger rail in Tarrant and Denton Counties.

Amendment No. 99 was adopted.

Amendment No. 54, as amended, was adopted. (The vote was reconsidered on May 8, and Amendment No. 54 was further amended and was adopted, as amended.)

(McClendon in the chair)

### **Amendment No. 57 - Vote Reconsidered**

Representative Leibowitz moved to reconsider the vote by which Amendment No. 57 was adopted.

The motion to reconsider prevailed.

### **Amendment No. 100**

Representative Phillips offered the following amendment to Amendment No. 57:

Amend Floor Amendment No. 57 to **CSHB 300** (page 20, prefiled amendment packet) by Leibowitz as follows:

(1) On page 1, strike lines 16 through 18 and substitute the following:

(2) ~~[(3)]~~ the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005 which included the planned future extension of the Dallas North Tollway into Grayson County;

(2) On page 1, line 19, strike "~~[(4)]~~" and substitute "(3) ~~[(4)]~~".

(3) On page 1, line 23, strike "(3)" and substitute "~~(4)~~" ~~[(4)]~~"

(3) On page 1, line 28, strike "~~[(6)]~~" and substitute and substitute "(5) ~~[(6)]~~".

### **AMENDMENT NO. 100 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE LEIBOWITZ: Larry, I've got to ask you a few questions for legislative intent. You showed me some minutes from many months ago, did you not, that cover this issue?

REPRESENTATIVE PHILLIPS: Right, it was entered prior to September 1, 2005.

LEIBOWITZ: You've also represented to me that there are no eminent domain issues involved, that everybody already owns the right-of-way?

PHILLIPS: That's correct. The section that we're discussing is already owned.

LEIBOWITZ: Okay, everybody up there wants this road, and they want it in yesterday, it just hasn't gotten done yet.

PHILLIPS: What I hear often is, "when is the toll road going to get here?" It'll shorten their time to get to work, and that's why we're doing this, and, again, it doesn't mean, down the road, that it will ever be viable and it may not happen the way they would want it. It may take longer, but what we are doing here is as soon as possible, they'll be able to do it, and I appreciate it.

LEIBOWITZ: And we understand, do we not, that on Amendment No. 57, lines 5 through 8, address solely, strictly, and only the planned future extension of the Dallas North tollway into Grayson County, do we not?

PHILLIPS: Yeah, the part that's in Grayson County only.

LEIBOWITZ: Yes, and that is in fact the intent of this change.

PHILLIPS: Yeah, not any other NPO, what any other NPO or any other plan says, but only the one as it relates to Grayson County.

LEIBOWITZ: And no where else in the state is this applicable to?

PHILLIPS: That's correct.

### REMARKS ORDERED PRINTED

Representative Leibowitz moved to print remarks between Representative Phillips and Representative Leibowitz.

The motion prevailed.

Amendment No. 100 was adopted.

Amendment No. 57, as amended, was adopted.

### Amendment No. 101

Representative Elkins offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 210

Amend **CSHB 300** (house committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES of the bill accordingly:

#### ARTICLE \_\_\_\_ . PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEMS

SECTION \_\_\_\_ .01. Chapter 707, Transportation Code, is amended by adding Section 707.0035 to read as follows:

Sec. 707.0035. DEPARTMENT APPROVAL. The Texas Department of Transportation has jurisdiction regarding photographic traffic signal enforcement systems in this state and shall adopt rules regarding photographic traffic signal enforcement systems in this state, including:

- (1) the specifications for the systems;
- (2) the identification of intersections where a system may be installed;

and

- (3) the operation and maintenance of the systems.

**Amendment No. 102**

Representatives Ortiz and Elkins offered the following amendment to Amendment No. 101:

Amend Floor Amendment No. 101 to **CSHB 300** by Elkins as follows:

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

SECTION \_\_\_\_\_.01. (a) Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.210 to read as follows:

Sec. 201.210. DEPARTMENT APPROVAL. (a) The department has jurisdiction regarding photographic

(2) On page 1, after line 16, insert the following:

(b) The department may not approve the implementation or operation of a photographic traffic signal enforcement system that was not in operation on June 1, 2009, or for which a contract for the administration or enforcement of the system had not been entered into by a local authority on or before that date.

(c) A local authority may not enter into a contract for the administration or enforcement of a photographic traffic signal enforcement system after June 1, 2009. A contract for the administration or enforcement of such a system entered into by a local authority on or before June 1, 2009, may not be renewed or the term of the contract extended.

(d) The department by rule shall require that the change interval in a light equipped with a photographic traffic signal enforcement system must be at least one second longer than the minimum change interval established in accordance with the Texas Manual on Uniform Traffic Control Devices.

(b) This subsection and Subsection (a) of this section take effect immediately if this Act 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 subsection and Subsection (a) of this section take effect September 1, 2009.

**Amendment No. 102 - Point of Order**

Representative Menendez raised a point of order against further consideration of Amendment No. 102.

The chair overruled the point of order.

Amendment No. 102 was adopted. (Button and Flynn recorded voting no.)

(Bohac in the chair)

Representative Menendez moved to table Amendment No. 101, as amended.

The motion to table was lost by (Record 671): 36 Yeas, 107 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Bolton; Burnam; Button; Chavez; Cohen; Coleman; Creighton; Davis, J.; Driver; Farias; Farrar; Harper-Brown; Hochberg; Howard, D.; Hunter; Jackson; Kent; King, P.; Madden; Maldonado; Marquez; McCall; Menendez; Miklos; Moody; Morrison; Pickett; Pierson; Smith, T.; Strama; Thompson; Turner, C.; Woolley.



Nays — Alonzo; Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook; Corte; Craddick; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jones; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miller, D.; Miller, S.; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Swinford; Thibaut; Truitt; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Zerwas.

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

Absent, Excused — Castro; Crabb.

Absent — Eiland; Taylor; Villarreal.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 671. I intended to vote yes.

Alonzo

When Record No. 671 was taken, I was in an insurance meeting outside the chamber. I would have voted no.

Eiland

I was shown voting no on Record No. 671. I intended to vote yes.

England

I was shown voting no on Record No. 671. I intended to vote yes.

Hancock

I was shown voting yes on Record No. 671. I intended to vote no.

Hunter

When Record No. 671 was taken, I was in the house but away from my desk. I would have voted no.

Taylor

I was shown voting no on Record No. 671. I intended to vote yes.

Vo

Amendment No. 101, as amended, was adopted. (Button and Jackson recorded voting no.)

#### **Amendment No. 103**

Representative Phillips offered the following amendment to **CSHB 300**:

Floor Packet Page No. 270

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . REGIONAL MOBILITY AUTHORITIES

SECTION \_\_\_\_ .01. Sections 370.003(12) and (14), Transportation Code, are amended to read as follows:

(12) "Surplus revenue" means revenue that exceeds:

(A) an authority's debt service requirements for a transportation project, including the redemption or purchase price of bonds subject to redemption or purchase as provided in the applicable bond proceedings;

(A-1) an authority's payment obligations under a contract or agreement authorized by this chapter;

(B) coverage requirements of a bond indenture for a transportation project;

(C) costs of operation and maintenance for a transportation project;

(D) cost of repair, expansion, or improvement of a transportation project;

(E) funds allocated for feasibility studies; and

(F) necessary reserves as determined by the authority.

(14) "Transportation project" means:

(A) a turnpike project;

(B) a system;

(C) a passenger or freight rail facility, including:

(i) tracks;

(ii) a rail line;

(iii) switching, signaling, or other operating equipment;

(iv) a depot;

(v) a locomotive;

(vi) rolling stock;

(vii) a maintenance facility; and

(viii) other real and personal property associated with a rail

operation;

(D) a roadway with a functional classification greater than a local road or rural minor collector;

(E) a ferry;

(F) an airport, other than an airport that on September 1, 2005, was served by one or more air carriers engaged in scheduled interstate transportation, as those terms were defined by 14 C.F.R. Section 1.1 on that date;

(G) a pedestrian or bicycle facility;

(H) an intermodal [~~intermodal~~] hub;

(I) an automated conveyor belt for the movement of freight;

(J) a border crossing inspection station;

(K) an air quality improvement initiative;

(L) a public utility facility;

(M) a transit system;

(M-1) a parking area, structure, or facility, or a collection device for parking fees; and

(N) if applicable, projects and programs listed in the most recently approved state implementation plan for the area covered by the authority, including an early action compact.

SECTION \_\_\_\_ .02. Section 370.004(a), Transportation Code, is amended to read as follows:

(a) The cost of acquisition, construction, improvement, extension, or expansion of a transportation project under this chapter includes the cost of:

(1) the actual acquisition, construction, improvement, extension, or expansion of the transportation project;

(2) the acquisition of real property, rights-of-way, property rights, easements, and other interests in real property;

(3) machinery and equipment;

(4) interest payable before, during, and for not more than three years after acquisition, construction, improvement, extension, or expansion as provided in the bond proceedings;

(5) traffic estimates, revenue estimates, engineering and legal services, plans, specifications, surveys, appraisals, construction cost estimates, and other expenses necessary or incidental to determining the feasibility of the acquisition, construction, improvement, extension, or expansion;

(6) necessary or incidental administrative, legal, and other expenses;

(7) compliance with laws, regulations, and administrative rulings, including any costs associated with necessary environmental mitigation measures;

(8) financing;

(9) the assumption of debts, obligations, and liabilities of an entity relating to a transportation project transferred to an authority by that entity; ~~and~~

(10) expenses related to the initial operation of the transportation project; and

(11) payment obligations of an authority under a contract or agreement authorized by this chapter in connection with the acquisition, construction, improvement, extension, expansion, or financing of the transportation project.

SECTION \_\_\_\_ .03. Sections 370.033(a), (f), and (g), Transportation Code, are amended to read as follows:

(a) An authority, through its board, may:

(1) adopt rules for the regulation of its affairs and the conduct of its business;

(2) adopt an official seal;

(3) study, evaluate, design, finance, acquire, construct, maintain, repair, and operate transportation projects, individually or as one or more systems, provided that a transportation project that is subject to Subpart C, 23 C.F.R. Part 450, is:

(A) included in the plan approved by the applicable metropolitan planning organization; and

(B) consistent with the statewide transportation plan and the statewide transportation improvement program;

(4) acquire, hold, and dispose of property in the exercise of its powers and the performance of its duties under this chapter;

(5) enter into contracts or operating agreements with a similar authority, another governmental entity, or an agency of the United States, a state of the United States, the United Mexican States, or a state of the United Mexican States;

(6) enter into contracts or agreements necessary or incidental to its powers and duties under this chapter;

(7) cooperate and work directly with property owners and governmental entities and officials to support an activity required to promote or develop a transportation project;

(8) employ and set the compensation and benefits of administrators, consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, full-time and part-time employees, agents, consultants, and other persons as the authority considers necessary or useful;

(8-a) participate in the state travel management program administered by the comptroller for the purpose of obtaining reduced airline fares and reduced travel agent fees, provided that the comptroller may charge the authority a fee not to exceed the costs incurred by the comptroller in providing services to the authority;

(9) notwithstanding Sections 221.003 and 222.031 and subject to Subsections (j) and (m), apply for, directly or indirectly receive and spend loans, gifts, grants, and other contributions for any purpose of this chapter, including the construction of a transportation project, and receive and spend contributions of money, property, labor, or other things of value from any source, including the United States, a state of the United States, the United Mexican States, a state of the United Mexican States, the commission, the department, a subdivision of this state, or a governmental entity or private entity, to be used for the purposes for which the grants, loans, or contributions are made, and enter into any agreement necessary for the grants, loans, or contributions;

(10) install, construct, or contract for the construction of public utility facilities, direct the time and manner of construction of a public utility facility in, on, along, over, or under a transportation project, or request the removal or relocation of a public utility facility in, on, along, over, or under a transportation project;

(11) organize a corporation under Chapter 431 for the promotion and development of transportation projects;

(12) adopt and enforce rules not inconsistent with this chapter for the use of any transportation project, including tolls, fares, or other user fees, speed and weight limits, and traffic and other public safety rules, provided that an authority must consider the same factors that the Texas Turnpike Authority division of the department must consider in altering a prima facie speed limit under Section 545.354;

(13) enter into leases, operating agreements, service agreements, licenses, franchises, and similar agreements with a public or private party governing the party's use of all or any portion of a transportation project and the rights and obligations of the authority with respect to a transportation project;

(14) borrow money from or enter into a loan agreement or other arrangement with the state infrastructure bank, the department, the commission, or any other public or private entity; and

(15) do all things necessary or appropriate to carry out the powers and duties expressly granted or imposed by this chapter.

(f) An authority and a governmental entity may enter into a contract, agreement, interlocal agreement, or other similar arrangement under which the authority may plan, design, construct, or operate a transportation project on behalf of the governmental entity. An authority may enter into a contract with the department under which the authority will plan, develop, operate, or maintain a transportation project on behalf of the department, subject to the transportation project being in the authority's area of jurisdiction. A contract or agreement under this subsection may contain terms and conditions as may be approved by an authority, including payment obligations of the governmental entity and the authority.

(g) Payments to be made to an authority under a contract or agreement described by Subsection (f) constitute operating expenses of the transportation project or system that is to be operated under the contract. The contract may extend for the number of years as agreed to by the parties.

SECTION \_\_\_\_.04. Subchapter B, Chapter 370, Transportation Code, is amended by adding Section 370.040 to read as follows:

Sec. 370.040. TOLL COLLECTION. (a) In this section, "tolling services" means the tolling services normally provided through an authority's customer service center, or through contracted services provided to the authority, including customer service, customer account maintenance, transponder supply, and toll collection and enforcement.

(b) An authority shall provide, for reasonable compensation, tolling services for a toll project in the geographic boundaries of the authority, regardless of whether the toll project is developed, financed, constructed, and operated under an agreement, including a comprehensive development agreement, with the authority or another entity. Nothing in this section shall restrict an authority from agreeing to provide additional tolling services in an agreement described in Subsection (d). Any such additional tolling services shall be subject to the same provisions that apply to tolling services under this section.

(c) An authority may not provide financial security, including a cash collateral account, for the performance of tolling services it provides under this section if:

(1) the authority determines that providing security could restrict the amount or increase the cost of bonds or other debt obligations the authority may subsequently issue under this chapter; or

(2) the authority is not reimbursed its cost of providing the security.

(d) Before providing tolling services for a toll project under this section, an authority must enter into a written agreement that sets out the terms and conditions for the tolling services to be provided and the terms of compensation for those services.

(e) Toll revenues are the property of the entity that is entitled to the revenues under a tolling services agreement for the toll project, regardless of who holds or collects the revenues. Toll revenues that are held or collected by an authority under a tolling services agreement that are not the property of the authority are not subject to a claim adverse to the authority or a lien on or encumbrance against property of the authority. Toll revenues that are the property of the authority are not subject to a claim adverse to any other entity or a lien on or encumbrance against property of any other entity.

(f) An authority may agree in a tolling services agreement that its right and obligation to provide services for the applicable toll project under this section are subject to termination for default, and that after any such termination this section no longer applies to that toll project.

(g) Any public or private entity, including an authority or the department, may agree to fund a cash collateral account for the purpose of providing funds that may be withdrawn as provided in the tolling services agreement because of an authority's failure to make any payment as required by the tolling services agreement. An authority's written commitment to fully or partially fund a cash collateral account conclusively evidences its determination that the commitment does not violate Subsection (c). The department may expend money from any available source for this purpose.

(h) Subsection (b) may be waived by the authority under a written agreement between the authority and the entity developing the toll project.

SECTION \_\_\_\_\_.05. Sections 370.071(a) and (b), Transportation Code, are amended to read as follows:

(a) An authority may pay the expenses of studying the cost and feasibility of a transportation project, the design and engineering of a transportation project, and any other expenses relating to the preparation and issuance of bonds for a proposed transportation project by:

(1) using legally available revenue derived from an existing transportation project;

(2) borrowing money and issuing bonds or entering into a loan agreement payable out of legally available revenue anticipated to be derived from the operation of an existing transportation project; ~~or~~

(3) pledging to the payment of the bonds or a loan agreement legally available revenue anticipated to be derived from the operation of transportation projects or revenue legally available to the authority from another source; or

(4) pledging to the payment of the bonds or a loan agreement the proceeds from the sale of other bonds.

(b) Money spent under this section for a proposed transportation project must be reimbursed to the transportation project from which the money was spent from the proceeds of bonds issued for the acquisition and construction of the proposed transportation project, unless the transportation projects are or become part of a system under Section 370.034.

SECTION \_\_\_\_\_.06. Section 370.072(c), Transportation Code, is amended to read as follows:

(c) Money in the feasibility study fund may be used only to pay the expenses of studying the cost and feasibility of a transportation project, the design and engineering of a transportation project, and any other expenses relating to:

(1) the preparation and issuance of bonds for the acquisition and construction of a proposed transportation project;

(2) the financing of the improvement, extension, or expansion of an existing transportation project; and

(3) private participation, as authorized by law, in the financing of a proposed transportation project, the refinancing of an existing transportation project or system, or the improvement, extension, or expansion of a transportation project.

SECTION \_\_\_\_\_.07. Section 370.073(a), Transportation Code, is amended to read as follows:

(a) One or more municipalities, counties, or other governmental entities, a combination of municipalities, counties, and other governmental entities, or a private group or combination of individuals in this state may pay all or part of the expenses of studying the cost and feasibility of a transportation project, the design and engineering of a transportation project, and any other expenses relating to:

(1) the preparation and issuance of bonds for the acquisition or construction of a proposed transportation project by an authority;

(2) the improvement, extension, or expansion of an existing transportation project of the authority; or

(3) the use of private participation under applicable law in connection with the acquisition, construction, improvement, expansion, extension, maintenance, repair, or operation of a transportation project by an authority.

SECTION \_\_\_\_\_.08. Section 370.113(a), Transportation Code, is amended to read as follows:

(a) The principal of, interest on, and any redemption premium on bonds issued by an authority are payable solely from:

(1) the revenue of the transportation project for which the bonds are issued;

(2) payments made under an agreement with the commission, the department, or other governmental entity as authorized [provided] by this chapter [~~Subchapter G~~];

(3) money derived from any other source available to the authority, other than money derived from a transportation project that is not part of the same system or money derived from a different system, except to the extent that the surplus revenue of a transportation project or system has been pledged for that purpose; ~~and~~

(4) amounts received under a credit agreement relating to the transportation project for which the bonds are issued; and

(5) the proceeds of the sale of other bonds.

SECTION \_\_\_\_\_.09. Section 370.114, Transportation Code, is amended to read as follows:

Sec. 370.114. EFFECT OF LIEN. (a) A lien on or a pledge of revenue from a transportation project under this chapter or on a reserve, replacement, or other fund established in connection with a bond issued under this chapter or an agreement entered into under this chapter:

(1) is enforceable at the time of payment for and delivery of the bond or on the effective date of the agreement;

(2) applies to each item on hand or subsequently received;

(3) applies without physical delivery of an item or other act; and

(4) is enforceable against any person having a claim, in tort, contract, or other remedy, against the applicable authority without regard to whether the person has notice of the lien or pledge.

(b) A copy of any bond resolution shall [is not required to] be maintained [recorded except] in the regular records of the authority.

SECTION \_\_\_\_\_.10. Section 370.172, Transportation Code, is amended by amending Subsection (b) and adding Subsection (k) to read as follows:

(b) Tolls, fees, fares, or other charges must be set at rates or amounts so that the aggregate of tolls, fees, fares, or other charges from an authority's transportation project, together with other revenue of the transportation project:

(1) provides revenue sufficient to pay:

(A) the cost of maintaining, repairing, and operating the transportation project; ~~and~~

(B) the principal of and interest on any bonds issued for the transportation project as those bonds become due and payable; and

(C) any other payment obligations of an authority under a contract or agreement authorized under this chapter; and

(2) creates reserves for a purpose listed under Subdivision (1).

(k) Notwithstanding any other provision of this chapter to the contrary, an authority may pledge all or any part of its revenues and any other funds available to the authority to the payment of any obligations of the authority under a contract or agreement authorized by this chapter.

SECTION \_\_\_\_\_.11. Section 370.173(c), Transportation Code, is amended to read as follows:

(c) The authority may use money in the revolving fund to:

(1) finance the acquisition, construction, maintenance, or operation of a transportation project, including the extension, expansion, or improvement of a transportation project;



(2) provide matching money required in connection with any federal, state, local, or private aid, grant, or other funding, including aid or funding by or with public-private partnerships;

(3) provide credit enhancement either directly or indirectly for bonds issued to acquire, construct, extend, expand, or improve a transportation project;

(4) provide security for or payment of future or existing debt for the design, acquisition, construction, operation, maintenance, extension, expansion, or improvement of a transportation project or system;

(5) borrow money and issue bonds, promissory notes, or other indebtedness payable out of the revolving fund for any purpose authorized by this chapter; and

(6) provide for any other reasonable purpose that assists in the financing of an authority as authorized by this chapter.

SECTION \_\_\_\_ .12. Section 370.177, Transportation Code, is amended by adding Subsection (I) to read as follows:

(I) In addition to the other powers and duties provided by this chapter, with regard to its toll collection and enforcement powers for its turnpike projects or other toll projects developed, financed, constructed, and operated under an agreement, including a comprehensive development agreement, with the authority or another entity, an authority has the same powers and duties as the department under Chapter 228, a county under Chapter 284, and a regional tollway authority under Chapter 366.

SECTION \_\_\_\_ .13. Sections 370.251(a) and (b), Transportation Code, are amended to read as follows:

(a) Except as provided by Subsection (a-1), the governing body of an authority is a board of directors consisting of representatives of each county in which a transportation project of the authority is located or is proposed to be located. The commissioners court of each county that initially forms the authority shall appoint at least two directors to the board. Additional directors may be appointed to the board at the time of initial formation by agreement of the counties creating the authority to ensure fair representation of political subdivisions in the counties of the authority that will be affected by a transportation project of the authority, provided that the number of directors must be an odd number. The commissioners court of a county that is subsequently added to the authority shall appoint at least one director to the board. The governor shall appoint one director to the board who shall serve as the presiding officer of the board and shall appoint an additional director to the board if an appointment is necessary to maintain an odd number of directors on the board.

(b) The appointment [Unless the commissioners courts] of additional directors from a county subsequently added to an [the counties of the] authority or from a [unanimously agree otherwise, the commissioners court of each] county of an authority that contains an operating transportation project of the authority shall be by a process unanimously agreed to by the commissioners courts of all the counties of the authority [appoint one additional director].

SECTION \_\_\_\_ .14. Section 370.303, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (g) to read as follows:

(a) A governmental entity [~~other than a nonprofit corporation~~] may, consistent with the Texas Constitution, issue bonds, notes, or other obligations or enter into and make payments under agreements with an authority in connection with the financing, acquisition, construction, [to acquire, construct, maintain,] or operation of [operate] a transportation project by an authority, whether inside or outside the geographic boundaries of the governmental entity, including agreements to pay the principal of, and interest on, bonds, notes, or other obligations issued by the authority and make payments under any related credit agreements. The entity may impose and collect taxes to pay the interest on the bonds and to provide a sinking fund for the redemption of the bonds.

(b) In addition to the powers provided by Subsection (a), a governmental entity may, to the extent constitutionally permitted, agree with an authority to:

(1) issue bonds, notes, or other obligations;

(2) [;] create;

(A) a taxing district;

(B) a transportation reinvestment zone under Subchapter E,

Chapter 222; or

(C) an entity to promote economic development;

(3) collect and remit to an authority taxes, fees, or assessments collected for purposes of developing transportation projects;

(4) [;] fund public improvements to promote economic development;[;]

or

(5) enter into and make payments under an agreement to acquire, construct, maintain, or operate any portion of a transportation project of the authority.

(b-1) An agreement under Subsection (b) may include a means for a local governmental entity to pledge or otherwise provide funds for a transportation project that benefits the governmental entity to be developed by the authority.

(g) An agreement under this section may contain repayment or reimbursement obligations of an authority.

SECTION \_\_\_\_ .15. Section 370.304, Transportation Code, is amended to read as follows:

Sec. 370.304. **ADDITIONAL AGREEMENTS OF AUTHORITY.** An authority may enter into any contract, loan agreement, or other agreement necessary or convenient to achieve the purposes of this subchapter.

SECTION \_\_\_\_ .16. Section 371.051(a), Transportation Code, as added by Chapter 103 (**HB 570**), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(a) A toll project entity may not use motor vehicle registration or other information derived from a license plate on a vehicle using a toll project, including information obtained by the use of automated enforcement technology described by Section 228.058, for purposes other than those related to:

(1) toll collection, ~~and~~ toll collection enforcement, and toll project development and operation; and

(2) law enforcement purposes on request by a law enforcement agency~~[, subject to Section 228.058(d)].~~

SECTION \_\_\_\_ .17. Section 370.317(d), Transportation Code, is repealed.

SECTION \_\_\_\_ .18. Section 370.040, Transportation Code, as added by this article, does not apply to a segment, extension, or expansion of the Interstate 35/State Highway 130 project in the previously designated Interstate 35 corridor, or to a segment, extension, or expansion of the Interstate 69/US Highway 77 project in the previously designated Interstate 69 corridor. Section 370.040, Transportation Code, as added by this article, may only apply to a project for which the Texas Department of Transportation has entered into a contract before the effective date of this Act if the Texas Department of Transportation transfers a leasehold interest in the project or the right to operate and retain revenue from the project, and the Texas Department of Transportation does not continue to provide tolling services for the project.

#### **Amendment No. 104**

Representative Pickett offered the following amendment to Amendment No. 103:

Amend Amendment No. 103 by Phillips to **CSHB 300** (page 270 of the amendment packet) as follows:

(1) On pages 7 and 8 strike SECTION \_\_\_\_ .04 of the amendment, new Sec. 370.040 of the Transportation Code.

Amendment No. 104 was adopted.

Amendment No. 103, as amended, was adopted.

#### **Amendment No. 105**

Representative Bonnen offered the following amendment to **CSHB 300**:  
Floor Packet Page No. 299

Amend **CSHB 300** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_ . Subchapter A, Chapter 223, Transportation Code, is amended by adding Section 223.0125 to read as follows:

Sec. 223.0125. **PAYMENT TO AFFECTED BUSINESS ENTITIES.** (a) This section does not apply to a highway construction project for which the contractor is an electric utility, as defined by Section 31.002, Utilities Code, or a gas utility, as defined by Section 101.003 or 121.001, Utilities Code.

(b) The schedule under Section 223.012(a) must, for a highway construction project with a planned construction duration of more than six months, provide for liquidated damages to be paid by a contractor to business entities located in a project area that are adversely affected by project completion delays. The department shall:

(1) incorporate the schedule as part of each contract awarded by the commission for a highway construction project with a planned construction duration of more than six months;

(2) collect the damages;

(3) if the business entity is located in the corporate limits of a municipality, send the damages collected to the municipality in which the business entities are located; and

(4) notify each affected business entity that the damages have been collected and sent to the municipality.

(c) To receive damages collected under this section, a business entity must submit a claim to the department or, if applicable, to the municipality. The department or a municipality shall distribute damages collected under this section according to the schedule.

(d) If a business entity located in the corporate limits of a municipality does not submit a claim for damages under Subsection (c) before the first anniversary of the date on which the business entity received notice under Subsection (b)(4), the municipality may use that portion of the damages for transportation projects that will benefit the municipality.

(e) The department and a municipality hold damages paid by a contractor under this section in trust for the benefit of a business entity that is adversely affected. The money used to pay damages under this section is held by the department outside the treasury and is transferred by the department without an appropriation.

### **Amendment No. 106**

Representative Chisum offered the following amendment to Amendment No. 105:

Amend Floor Amendment No. 105 to **CSHB 300** as follows:

SECTION 1. Subsection 201.706(1), Transportation Code, is amended to read as follows:

(1) Provide that the total annual value of assistance under this section is:

~~[(A) at least \$12 million per year for fiscal years 1998 and 1999;~~

~~and~~

~~[(B) at least \$6 million per year for a fiscal year [other than 1998 or 1999].~~

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

Amendment No. 106 was withdrawn.

Representative Pickett moved to table Amendment No. 105.

The motion to table was lost.

Amendment No. 105 was adopted. (Jackson recorded voting no.)

(Speaker in the chair)

### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Marquez moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **SB 1478, SB 1500, SB 1554, SB 1574, SB 1705, SB 2058, SB 2072, SB 2197, and SB 2522.**

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

County Affairs, 2 p.m. or upon final adjournment Monday, May 11, E2.016, for a public hearing, to consider **SB 1478, SB 1500, SB 1554, SB 1574, SB 1705, SB 2058, SB 2072, SB 2197, and SB 2522.**

### **SB 1507 - RECOMMITTED**

Representative Pickett moved to recommit **SB 1507** to the Committee on Transportation.

The motion prevailed.

### **PROVIDING FOR ADJOURNMENT**

Representatives Lucio and Peña moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9 a.m. tomorrow in memory of Judy Dominguez Trunnel of Harlingen.

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. 2.)

(Taylor in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 11:56 p.m., adjourned until 9 a.m. tomorrow.

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**ADDENDUM**

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**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. 2**

**HCR 213** (By Frost), In memory of Texas game warden George Harold Whatley, Jr.

To Rules and Resolutions.

**HCR 214** (By Menendez), Honoring Haven for Hope of Bexar County as it commemorates its first full year of service in San Antonio.

To Rules and Resolutions.

**HCR 215** (By Homer), In memory of Alvis Leo Caldwell of Paris, Texas.

To Rules and Resolutions.

**HR 1759** (By Button), Recognizing May 2009 as Asian/Pacific American Heritage Month.

To Rules and Resolutions.

**HR 1794** (By Christian), Commemorating the 30th anniversary of Young Conservatives of Texas.

To Rules and Resolutions.

**HR 1810** (By Burnam), Recognizing the Texas Muslim Women's Foundation.

To Rules and Resolutions.

**HR 1828** (By Craddick), In memory of Staff Sergeant Jimmie Doyle of Lamesa.

To Rules and Resolutions.

**HR 1829** (By Guillen), Congratulating Yolanda Morado of Rio Grande City on receiving a 2008 Regents Fellow Service Award from the Texas A&M University Board of Regents.

To Rules and Resolutions.

**HR 1830** (By Dutton), Congratulating the members of the Jack Yates High School Class of 1959 on the occasion of their 50th high school reunion.

To Rules and Resolutions.

**HR 1831** (By Dutton), In memory of Gloria Jean Gorham of Houston.

To Rules and Resolutions.

**HR 1832** (By Dutton), Congratulating Paul Hansen of Humble on becoming an Eagle Scout.

To Rules and Resolutions.

**HR 1833** (By Berman), Congratulating Danielle Heithoff of Bullard High School on her selection as 2009 Player of the Year on the Tyler Morning Telegraph All-East Texas Girls Basketball Team.

To Rules and Resolutions.

**HR 1834** (By Bonnen), Congratulating Ryan Leigon of Lake Jackson for being named a finalist in the National Merit Scholarship Program.

To Rules and Resolutions.

**HR 1835** (By Hughes), In memory of Luther Lee Ray, Sr., of Marshall.

To Rules and Resolutions.

**HR 1836** (By Frost), In memory of longtime Naples businessman and community leader Hershel G. Welch.

To Rules and Resolutions.

**HR 1837** (By Kent), Commending David C. Tyson, Jr., on his service to the Richardson ISD Board of Trustees.

To Rules and Resolutions.

**HR 1838** (By Kent), Honoring Kim Quirk for her service on the Richardson ISD Board of Trustees.

To Rules and Resolutions.

**HR 1839** (By Kent), Commending Lanet Greenhaw on her service to the Richardson ISD Board of Trustees.

To Rules and Resolutions.

**HR 1840** (By Anderson), Honoring Bobby and Betty Chastain of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1841** (By Anderson), In memory of Lorenza Garcia of Waco.

To Rules and Resolutions.

**HR 1842** (By Anderson), Congratulating Lane and Mary Stecher of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1843** (By Anderson), Congratulating L. A. and Marie Rager of Moody on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1844** (By Anderson), Congratulating Wade and Martha Colbert on their 59th wedding anniversary.

To Rules and Resolutions.

**HR 1845** (By Anderson), Honoring Billy and Mary Lou Peterson of Robinson on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1846** (By Anderson), Congratulating Pernell and Audrey Peterson on their 65th wedding anniversary.

To Rules and Resolutions.

**HR 1847** (By Anderson), Congratulating Willie and Henrietta Urban of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1848** (By Anderson), Congratulating Harry and Sue Ferrell on their 70th wedding anniversary.

To Rules and Resolutions.

**HR 1849** (By Anderson), Congratulating Bill and Karen Erck of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1850** (By Anderson), Congratulating Don and Jeanette Markum of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1851** (By Anderson), Congratulating Reta and Charles "Shorty" Stone of Robinson on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1852** (By Anderson), Congratulating Dale and Shirley DeWitt of China Spring on their 50th wedding anniversary in 2008.

To Rules and Resolutions.

**HR 1853** (By Anderson), Congratulating Henry and Diane Walbesser on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1854** (By Anderson), Congratulating Ronald and Geneva Vaughan of McGregor on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1855** (By Anderson), Congratulating Robert and Barbara Szanto of McLennan County on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1856** (By Anderson), Congratulating Carl and Ella Buhl of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**SB 14** to Insurance.

**SB 112** to Defense and Veterans' Affairs.

**SB 312** to Criminal Jurisprudence.

**SB 331** to State Affairs.

**SB 341** to Energy Resources.

**SB 474** to Pensions, Investments, and Financial Services.

**SB 512** to Public Safety.



- SB 548** to Public Education.
- SB 552** to Public Safety.
- SB 626** to Transportation.
- SB 671** to State Affairs.
- SB 693** to Licensing and Administrative Procedures.
- SB 696** to State Affairs.
- SB 748** to Natural Resources.
- SB 749** to Natural Resources.
- SB 750** to Human Services.
- SB 751** to Human Services.
- SB 801** to Ways and Means.
- SB 857** to Higher Education.
- SB 1098** to Transportation.
- SB 1202** to Ways and Means.
- SB 1343** to Higher Education.
- SB 1358** to Pensions, Investments, and Financial Services.
- SB 1374** to Corrections.
- SB 1388** to Judiciary and Civil Jurisprudence.
- SB 1415** to Public Health.
- SB 1443** to Higher Education.
- SB 1521** to Human Services.
- SB 1538** to Defense and Veterans' Affairs.
- SB 1560** to Higher Education.
- SB 1615** to Transportation.
- SB 1648** to Public Health.
- SB 1687** to County Affairs.
- SB 1767** to Judiciary and Civil Jurisprudence.
- SB 1772** to State Affairs.
- SB 1779** to Agriculture and Livestock.
- SB 1830** to Public Education.
- SB 1879** to Public Health.
- SB 1895** to Higher Education.
- SB 1909** to Public Safety.
- SB 1913** to State Affairs.

**SB 1982** to Licensing and Administrative Procedures.  
**SB 2007** to Higher Education.  
**SB 2018** to Transportation.  
**SB 2038** to Judiciary and Civil Jurisprudence.  
**SB 2051** to Ways and Means.  
**SB 2067** to Elections.  
**SB 2082** to Public Education.  
**SB 2110** to Transportation.  
**SB 2153** to Transportation.  
**SB 2162** to Criminal Jurisprudence.  
**SB 2228** to Land and Resource Management.  
**SB 2233** to Pensions, Investments, and Financial Services.  
**SB 2242** to Elections.  
**SB 2256** to Defense and Veterans' Affairs.  
**SB 2273** to Human Services.  
**SB 2285** to Natural Resources.  
**SB 2313** to Natural Resources.  
**SB 2317** to Natural Resources.  
**SB 2349** to State Affairs.  
**SB 2357** to Public Education.  
**SB 2378** to Transportation.  
**SB 2419** to State Affairs.  
**SB 2423** to Public Health.  
**SB 2444** to Judiciary and Civil Jurisprudence.  
**SB 2484** to Land and Resource Management.  
**SB 2506** to Natural Resources.  
**SB 2517** to County Affairs.  
**SB 2520** to Natural Resources.  
**SCR 68** to Rules and Resolutions.  
**SCR 69** to Rules and Resolutions.

**SIGNED BY THE SPEAKER**

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

**Senate List No. 25**

**SB 43, SB 95, SB 293, SB 658, SB 659, SB 799, SB 811, SB 836, SB 848, SB 914, SB 983, SB 1658, SB 2043**

**MESSAGES FROM THE SENATE**

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

**Message No. 2****MESSAGE FROM THE SENATE**

SENATE CHAMBER

Austin, Texas

Thursday, May 7, 2009 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**HB 865** Swinford SPONSOR: Hegar  
Relating to the establishment of the Texas Invasive Species Coordinating Committee.  
(Committee Substitute)

**HB 1205** Button SPONSOR: Carona  
Relating to the circumstances in which the approval of the governing body of a taxing unit is required for refunds of overpayments or erroneous payments of ad valorem taxes.

**HB 1580** Flynn SPONSOR: Hegar  
Relating to the continuation and functions of the board of directors of the official cotton growers' boll weevil eradication foundation and the management of certain cotton in pest management zones.  
(Committee Substitute/Amended)

**HB 1830** Corte SPONSOR: Ellis  
Relating to information technology security practices of state agencies.  
(Committee Substitute/Amended)

**HB 2042** Flynn SPONSOR: Deuell  
Relating to the notice requirements following impoundment of an estray.

**HCR 121** Maldonado SPONSOR: Watson  
Recognizing all those who participated in the 2008 Capital Area State Employee Charitable Campaign.

**HCR 194** Homer SPONSOR: Eltife  
Commemorating the Rotary District 5830 Conference in Paris, Texas, on May 15 and 16, 2009.

**SB 505** Ogden

Relating to authorizing the designation of an area adjacent to a state highway project as a transportation finance zone, and authorizing the revenue from the state sales and use taxes imposed in the zone to be deposited in a revolving fund and used to repay financial assistance provided from the fund for highway projects.

**SB 679** Lucio

Relating to the administration of certain housing funds by the Texas Department of Housing and Community Affairs.

**SB 952** Shapleigh

Relating to erecting an off-premise sign adjacent to and visible from certain roads that follow the route of El Camino Real de Tierra Adentro.

**SB 1483** Huffman

Relating to the creation of the Galveston County Municipal Utility District No. 76; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 1489** Watson

Relating to optional dispute resolution methods for school districts and parents of students seeking or receiving special education services.

**SB 2037** Shapiro

Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

**SB 2340** Averitt

Relating to electronic monitoring and other alternative means for certain defendants to discharge a fine or costs or satisfy a term of confinement in county jail.

**SB 2384** Shapleigh

Relating to children's exposure to area-wide soil contamination in certain counties.

**SB 2515** Williams

Relating to the administration, powers and duties, operations, and financing of The Woodlands Township; providing authority to impose an events admission tax.

**SB 2534** Wentworth

Relating to the creation of an interagency task force on economic growth and endangered species; providing information and direction regarding endangered species issues in certain areas of the state.

**SCR 71** Eltife

In memory of Texas game warden George Harold Whatley, Jr.

Respectfully,  
Patsy Spaw

Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 7, 2009 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 845**

Van de Putte

Relating to the tuition and fee exemption available to certain military personnel and their dependents and to permitting those personnel to transfer the exemption to a child.

**SB 958**

Hegar

Relating to an exemption from the sales and use tax for machinery and equipment used in an agricultural aircraft operation.

**SB 978**

West

Relating to the creation and financing of public improvement districts.

**SB 1454**

West

Relating to the right to an expunction of records and files relating to a person's arrest.

**SB 1645**

Van de Putte

Relating to a study of the feasibility of establishing separate reimbursement under the Medicaid vendor drug program for certain pharmacy care management services.

**SB 1833**

Patrick, Dan

Relating to county participation in the enterprise zone program.

**SB 1953**

Jackson, Mike

Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice.

**SB 2079**

Uresti

Relating to the continuing care plan for persons being discharged from state hospitals.

**SB 2224**

West

Relating to orders of nondisclosure for the records of children convicted of certain offenses punishable by fine only.

**SB 2249**

Zaffirini

Relating to a certification program for teachers of students with visual impairments.

**SB 2283** Lucio

Relating to the use of the state participation account of the Texas Water Development Fund.

**SB 2531** Gallegos

Relating to the creation of the Harris County Improvement District No. 15; providing authority to impose an assessment, impose a tax, and issue bonds.

Respectfully,

Patsy Spaw

Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 6**

Border and Intergovernmental Affairs - **HB 4067, HB 4542, SB 1003**

Business and Industry - **HB 2824, SB 234, SB 236, SB 239, SB 240, SB 1715**

County Affairs - **HB 640, HB 2508, HB 3411, HB 4745, HB 4783**

Defense and Veterans' Affairs - **HB 2056**

Elections - **HB 2525, HB 3715**

Energy Resources - **SB 1826**

Environmental Regulation - **HB 229**

Higher Education - **HB 95, HB 1781, HB 2425, HB 3283, HB 3974, HB 4556**

Human Services - **HB 1589, SB 68**

Judiciary and Civil Jurisprudence - **HB 322, HB 397, HB 585, HB 587, HB 939, HB 947, HB 950, HB 2368, HB 2585, HB 3002, HB 3085, HB 3086, HB 3203, HB 3768, HB 3892, HB 3985, HB 4685, SB 408, SB 1208, SB 1274, SB 1514, SB 1516**

Licensing and Administrative Procedures - **SB 470**

Natural Resources - **HB 4815, SB 588, SB 1038, SB 1039, SB 1047, SB 1360, SB 1638, SB 2126, SB 2306, SB 2410, SB 2412, SB 2413, SB 2455**

Public Education - **HB 3051, HB 3646**

Public Health - **SB 476, SB 532**

State Affairs - **HB 395, HB 3431, HB 3510, HB 3512, HB 4419, SB 1540, SB 1969**

Transportation - **HB 2116, HB 4186, SB 337, SB 686, SB 899, SB 969, SB 1997, SB 2019**

Ways and Means - **HB 1221, HB 1994, HB 2338, HB 2391, HB 4781, SB 469**

#### **ENGROSSED**

**May 6 - HB 101, HB 124, HB 334, HB 339, HB 472, HB 636, HB 643, HB 739, HB 756, HB 878, HB 1031, HB 1138, HB 1151, HB 1233, HB 1256, HB 1384, HB 1461, HB 1518, HB 1883, HB 1905, HB 1959, HB 2209, HB 2212, HB 2344, HB 2424, HB 2564, HB 2628, HB 2692, HB 2737, HB 2805, HB 2854, HB 2925, HB 2961, HB 3003, HB 3009, HB 3097, HB 3098, HB 3128, HB 3132, HB 3137, HB 3144, HB 3148, HB 3314, HB 3358, HB 3398, HB 3481, HB 3487, HB 3502, HB 3544, HB 3547, HB 3552, HB 3554, HB 3635, HB 3637, HB 3649, HB 3668, HB 3671, HB 3677, HB 3717, HB 3737, HB 3758, HB 3767, HB 3795, HB 3800, HB 3802, HB 3951, HB 3983, HB 3988, HB 4029, HB 4068, HB 4091, HB 4154, HB 4180, HB 4244, HB 4257, HB 4265, HB 4275, HB 4276, HB 4300, HB 4328, HB 4338, HB 4341, HB 4402, HB 4409, HB 4461, HB 4501, HB 4545, HB 4644, HB 4661, HB 4720, HB 4727, HB 4730**

#### **ENROLLED**

**May 6 - HB 401, HB 609, HB 1974, HB 2058**

#### **SENT TO THE GOVERNOR**

**May 6 - HB 401, HB 609, HB 806, HB 1974, HB 2058, HB 2433**

#### **SIGNED BY THE GOVERNOR**

**May 6 - HCR 40, HCR 41, HCR 43, HCR 44, HCR 45, HCR 60, HCR 68, HCR 69, HCR 82, HCR 99, HCR 100, HCR 101, HCR 102, HCR 103, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 109, HCR 110, HCR 111, HCR 112, HCR 114, HCR 128, HCR 129, HCR 130, HCR 131, HCR 132, HCR 140, HCR 150, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158**

