

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-FIFTH DAY — WEDNESDAY, MAY 20, 2009

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

The roll of the house was called and a quorum was announced present (Record 980).

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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; 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; Pickett; Pierson; 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.

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Smith, W.

The invocation was offered by David Skinner, senior pastor, United Methodist Church, Dripping Springs, as follows:

Almighty God, Savior, creator, and friend, we pause to thank you for the tremendous gift of freedom. We pause to thank you for the amazing gift of Texas. We thank you for your hand of blessing on us as a state and nation. We thank you for bluebonnets, football, Texas grit, and the passion of Texans to serve and glorify you. Lord, we know the task of leadership is awesome and difficult. We also know that there is no authority except that which you have established. So I pray over these brave men and women who have taken the mantle of leadership and service. I pray for renewal in their souls. I pray blessings on their families. I pray peace when there is critique and anger. I pray for sabbath for

their souls so that they know the source of their leadership and authority. I pray protection on them and I pray they not lose heart or passion for the task you have called them to. Give them wisdom to lead, serve, and decide from the centerpoint of a relationship with you. I pray they seek not merely to lead but to be led by you. I pray they seek not merely to decide via information, but to decide based on the information from the one who knows all. I pray they seek to serve in the pattern of the great servant.

Lord, I pray your blessing on today's session, today's decisions, today's conversations, today's conflicts, and today's ultimate task of glorifying you. Overwhelm these leaders in your grace, love, and wisdom. Lord, they have guts to do what they are doing; may you be their guide, their comfort, and their source. In the name of our Lord. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative F. Brown who presented Dr. Mary Helen Morrow of Bryan as the "Doctor for the Day."

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

(Hardcastle in the chair)

### **LEAVES OF ABSENCE GRANTED**

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

Phillips on motion of Corte.

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

McClendon on motion of Farabee.

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

Pitts on motion of Farabee.

(Speaker in the chair)

### **HR 1736 - ADOPTED (by Maldonado and Gattis)**

Representative Maldonado moved to suspend all necessary rules to take up and consider at this time **HR 1736**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1736**, Congratulating the Honorable Judy Schier Hobbs on being named Judge of the Year by the Central Texas Justices of the Peace and Constables Association.

**HR 1736** was adopted.

On motion of Representative Gattis, the names of all the members of the house were added to **HR 1736** as signers thereof.

#### **INTRODUCTION OF GUEST**

The speaker recognized Representatives Maldonado and Gattis who introduced the Honorable Judy Schier Hobbs.

#### **SB 58 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Vaught, the house granted the request of the senate for the appointment of a Conference Committee on **SB 58**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 58**: Vaught, chair; Madden, McReynolds, Strama, and Jones.

#### **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**:

Otto on motion of Orr.

#### **SB 2298 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Farabee, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2298**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2298**: Farabee, chair; Gallego, Harless, Hilderbran, and Maldonado.

#### **SB 562 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 562**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 562**: Bonnen, chair; Deshotel, Menendez, Flynn, and Alvarado.

#### **HB 2196 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 2196**, A bill to be entitled An Act relating to the establishment of a workgroup to study and make recommendations on the integration of health and behavioral health services.

Representative Truitt moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2196**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2196**: Truitt, chair; Isett, Rose, Herrero, and Darby.

### **HB 2317 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2317**, A bill to be entitled An Act relating to appraisal review board members.

Representative Villarreal moved to concur in the senate amendments to **HB 2317**.

The motion to concur in the senate amendments to **HB 2317** prevailed by (Record 981): 128 Yeas, 1 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; Kleinschmidt; Kolkhorst; 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; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Walle; Woolley; Zerwas.

Nays — Howard, C.

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

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Davis, J.; Dutton; Farrar; Giddings; Gonzales; Hancock; Howard, D.; King, S.; King, T.; Ortiz; Smith, T.; Smith, W.; Vo.

### STATEMENTS OF VOTE

When Record No. 981 was taken, I was in the house but away from my desk. I would have voted yes.

Gonzales

When Record No. 981 was taken, I was in the house but away from my desk. I would have voted yes.

D. Howard

When Record No. 981 was taken, my vote failed to register. I would have voted yes.

S. King

### Senate Committee Substitute

**CSHB 2317**, A bill to be entitled An Act relating to appraisal review board members.

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

SECTION 1. Section 5.041, Tax Code, is amended by amending Subsection (a) and adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(a) The comptroller shall:

(1) approve curricula and provide materials for use in training and educating members of an appraisal review board; ~~and~~

(2) supervise a comprehensive course for training and education of appraisal review board members and issue certificates indicating course completion;

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

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

(5) provide, as feasible, online technological assistance to improve the operations of appraisal review boards and appraisal districts.

(e-1) In addition to the course established under Subsection (a), the comptroller shall approve curricula and provide materials for use in a continuing education course for members of an appraisal review board. The curricula and materials must include information regarding:

(1) the cost, income, and market data comparison methods of appraising property;

(2) the appraisal of business personal property;

(3) the determination of capitalization rates for property appraisal purposes;

(4) the duties of an appraisal review board;

(5) the requirements regarding the independence of an appraisal review board from the board of directors and the chief appraiser and other employees of the appraisal district;

(6) the prohibitions against ex parte communications applicable to appraisal review board members;

(7) the Uniform Standards of Professional Appraisal Practice;

(8) the duty of the appraisal district to substantiate the district's determination of the value of property;

(9) the requirements regarding the equal and uniform appraisal of property;

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

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

(e-2) As soon as practicable after the beginning of the second year of an appraisal review board member's term of office, the member must successfully complete the course established under Subsection (e-1). A person who fails to timely complete the course established under Subsection (e-1) may not be reappointed to an additional term on the appraisal review board. If the person is reappointed to an additional term on the appraisal review board, the person must successfully complete the course established under Subsection (e-1) in each year the member continues to serve.

(e-3) The comptroller may contract with service providers to assist with the duties imposed under Subsection (e-1), but the course required by that subsection may not be provided by an appraisal district or a taxing unit. The comptroller may assess a fee to recover a portion of the costs incurred for the continuing education course, but the fee may not exceed \$50 for each person trained.

SECTION 2. Section 6.42(a), Tax Code, is amended to read as follows:

(a) A majority of the appraisal review board constitutes a quorum. The board of directors of the appraisal district by resolution shall select ~~elect~~ a chairman and a secretary from among the ~~its~~ members of the appraisal review board. The board of directors of the appraisal district is encouraged to select as chairman of the appraisal review board a member of the appraisal review board, if any, who has a background in law and property appraisal.

SECTION 3. The change in law made by this Act to continuing education requirements under Section 5.041, Tax Code, applies only to a term of office that expires on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2009.

**SB 434 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bolton, the house granted the request of the senate for the appointment of a Conference Committee on **SB 434**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 434**: Bolton, chair; Rodriguez, Paxton, Pickett, and Corte.

**SB 1495 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Oliveira, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1495**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1495**: Oliveira, chair; Keffer, Peña, Otto, and Hartnett.

**HCR 174 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HCR 174**, Requesting the Texas Department of Transportation to designate the overpass at the intersection of Highway 20 and Highway 338 in Odessa as the Buddy West Memorial Overpass.

Representative Swinford moved to concur in the senate amendments to **HCR 174**.

The motion to concur in the senate amendments to **HCR 174** prevailed by (Record 982): 134 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; 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 Tourelles; Guillen; Gutierrez; Hamilton; 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.; Kleinschmidt; Kolkhorst; 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; Parker; Patrick; Paxton; Peña; Pickett; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Crownover; Davis, J.; Hancock; Hughes; King, S.; King, T.; Pierson; Smith, W.; Taylor.

### STATEMENTS OF VOTE

When Record No. 982 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 982 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

### Senate Committee Substitute

#### CSHCR 174

WHEREAS, The Honorable George E. "Buddy" West of Odessa, a highly respected member of the Texas House of Representatives, passed away on June 25, 2008, at the age of 71; and

WHEREAS, Over the course of his notable tenure, which spanned from 1992 until his death, Representative West served constituents in Ector, Andrews, and Winkler Counties, earning the appreciation and admiration of countless people along the way; he was particularly active in the areas of energy policy and education, chairing the House Committee on Energy Resources, contributing to committees on public education and higher education, and supporting the growth of his alma mater, The University of Texas of the Permian Basin; moreover, he was always a strong advocate for Odessa, the city he called home for more than 60 years; and

WHEREAS, The Texas Legislature has a long history of honoring groups and individuals by designating highways, roads, bridges, and other infrastructure in their honor, and Buddy West's exemplary contributions to the Lone Star State make him especially worthy of such a tribute; now, therefore, be it

RESOLVED, That the 81st Legislature of the State of Texas hereby request the Texas Department of Transportation to designate the overpass at the intersection of Highway 20 and Highway 338 in Odessa as the Buddy West Memorial Overpass; and, be it further

RESOLVED, That, subject to Section 225.021(c), Transportation Code, the department design and construct memorial markers indicating the designation of the overpass as the Buddy West Memorial Overpass and any other appropriate information and erect a marker at each end of the overpass; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the chair of the Texas Transportation Commission and the executive director of the Texas Department of Transportation.

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 34).



**HR 2352 - ADOPTED**  
**(by Martinez Fischer)**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 2352**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2352**, Recognizing Dell Children's Medical Center of Central Texas and pediatric urologist Dr. Jose C. Cortez.

**HR 2352** was adopted.

(Taylor in the chair)

**MAJOR STATE CALENDAR**  
**SENATE BILLS**  
**THIRD READING**

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

**SB 1001 ON THIRD READING**  
**(Isett - House Sponsor)**

**SB 1001**, A bill to be entitled An Act relating to the continuation and operation of the office of public insurance counsel.

**Amendment No. 1**

Representative Martinez Fischer offered the following amendment to **SB 1001**:

Amend **SB 1001** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 501, Insurance Code, is amended by adding Section 501.1531 to read as follows:

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

Amendment No. 1 was adopted.

**SB 1001**, as amended, was passed by (Record 983): 139 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez 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; 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; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Dutton; Farrar; Smith, W.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 333 ON THIRD READING  
(Jackson - House Sponsor)**

**SB 333**, A bill to be entitled An Act relating to the retention by a county or municipality of certain court costs for maintaining and supporting a certified breath alcohol testing program.

**SB 333** was passed by (Record 984): 138 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield;

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

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

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Edwards; Mallory Caraway; Miller, D.; Smith, W.

### **SB 476 ON THIRD READING**

#### **(D. Howard, S. King, Gattis, Guillen, and Maldonado - House Sponsors)**

**SB 476**, A bill to be entitled An Act relating to staffing, overtime, and other employment protections for nurses.

**SB 476** was passed by (Record 985): 137 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; 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; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; 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; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Driver; Edwards; Hunter; King, S.; Smith, W.

### **STATEMENT OF VOTE**

When Record No. 985 was taken, my vote failed to register. I would have voted yes.

S. King

(Speaker in the chair)

**SB 532 ON THIRD READING**  
**(Coleman - House Sponsor)**

**SB 532**, A bill to be entitled An Act relating to a physician's delegation of prescriptive authority to physician assistants or advanced practice nurses.

Representative Coleman moved to postpone consideration of **SB 532** until 11:30 a.m. today.

The motion prevailed.

**SB 408 ON THIRD READING**  
**(Hughes - House Sponsor)**

**SB 408**, A bill to be entitled An Act relating to the jurisdiction of and appeals from certain courts.

**Amendment No. 1**

Representative Homer offered the following amendment to **SB 408**:

Amend **SB 408** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Section 821.025(a), Health and Safety Code, is amended to read as follows:

(a) An owner divested of ownership of an animal under Section 821.023 ~~[ordered sold at public auction as provided in this subchapter]~~ may appeal the order to a county court or county court at law in the county in which the justice or municipal court is located. As a condition of perfecting an appeal, the owner must file an appeal bond in an amount determined by the ~~[justice or municipal]~~ court from which the appeal is taken to be adequate to cover the estimated expenses incurred in housing and caring for the impounded animal during the appeal process. ~~[The decision of the county court or county court at law may not be further appealed. An owner may not appeal an order:~~

~~[(1) to give the animal to a nonprofit animal shelter, pound, or society for the protection of animals; or~~

~~[(2) to humanely destroy the animal.]~~

(b) Section 821.025(a), Health and Safety Code, as amended by this section, applies only to an appeal of a court order made on or after the effective date of this Act. An appeal of a court order made before the effective date of this Act is covered by the law in effect when the appeal was made, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Naishtat offered the following amendment to **SB 408**:

On third reading, amend **SB 408** on page 2, between lines 20 and 21, by inserting the following appropriately numbered new SECTIONS and renumber the following sections appropriately:

SECTION \_\_\_\_\_. Subchapter A, Chapter 25, Government Code, is amended by adding Section 25.0020 to read as follows:

Sec. 25.0020. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

(a) On a written application of any party to an eviction suit, the county court or county court at law in which an appeal of the suit is filed may appoint any qualified attorney who is willing to provide pro bono services in the matter or counsel from a list provided by a pro bono legal services program of counsel willing to be appointed to handle appeals under this section to attend to the cause of a party who:

(1) was in possession of the residence at the time the eviction suit was filed in the justice court; and

(2) has perfected the appeal on a pauper's affidavit approved in accordance with Rule 749a, Texas Rules of Civil Procedure.

(b) The appointed counsel shall represent the individual in the proceedings of the suit in the county court or county court at law. At the conclusion of those proceedings, the appointment terminates.

(c) The court may terminate representation appointed under this section for cause.

(d) Appointed counsel may not receive attorney's fees unless the recovery of attorney's fees is provided for by contract, statute, common law, court rules, or other regulations. The county is not responsible for payment of attorney's fees to appointed counsel.

(e) The court shall provide for a method of service of written notice on the parties to an eviction suit of the right to request an appointment of counsel on perfection of appeal on approval of a pauper's affidavit.

SECTION \_\_\_\_\_. Subchapter A, Chapter 26, Government Code, is amended by adding Section 26.010 to read as follows:

Sec. 26.010. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS. (a)

On a written application of any party to an eviction suit, the county court or county court at law in which an appeal of the suit is filed may appoint any qualified attorney who is willing to provide pro bono services in the matter or counsel from a list provided by a pro bono legal services program of counsel willing to be appointed to handle appeals under this section to attend to the cause of a party who:

(1) was in possession of the residence at the time the eviction suit was filed in the justice court; and

(2) has perfected the appeal on a pauper's affidavit approved in accordance with Rule 749a, Texas Rules of Civil Procedure.

(b) The appointed counsel shall represent the individual in the proceedings of the suit in the county court or county court at law. At the conclusion of those proceedings, the appointment terminates.

(c) The court may terminate representation appointed under this section for cause.

(d) Appointed counsel may not receive attorney's fees unless the recovery of attorney's fees is provided for by contract, statute, common law, court rules, or other regulations. The county is not responsible for payment of attorney's fees to appointed counsel.

(e) The court shall provide for a method of service of written notice on the parties to an eviction suit of the right to request an appointment of counsel on perfection of appeal on approval of a pauper's affidavit.

Amendment No. 2 was adopted.

**SB 408**, as amended, was passed by (Record 986): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Burnam; Maldonado; Ritter; Smith, W.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 986. I intended to vote no.

Lewis

### SB 650 ON THIRD READING (Hopson - House Sponsor)

**SB 650**, A bill to be entitled An Act relating to certain peace officers commissioned by the Texas State Board of Pharmacy.

**SB 650** was passed by (Record 987): 139 Yeas, 0 Nays, 1 Present, not voting.

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

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Bolton; Dutton; Menendez; Smith, W.

**SB 518 ON THIRD READING**  
**(Madden - House Sponsor)**

**SB 518**, A bill to be entitled An Act relating to providing access to certain information relating to the discretionary transfer of a child from a juvenile court to a criminal court.

**SB 518** was passed by (Record 988): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Edwards; Smith, W.; Turner, C.

**SB 743 ON THIRD READING**  
**(Gutierrez - House Sponsor)**

**SB 743**, A bill to be entitled An Act relating to the time allowed for execution of a search warrant issued to obtain a specimen for DNA analysis.

**SB 743** was passed by (Record 989): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycoc; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Parker; Paxton; Peña; Pickett; Pierson; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Berman; Edwards; Smith, W.

**SB 527 ON THIRD READING**  
**(Kolkhorst and Laubenberg - House Sponsors)**

**SB 527**, A bill to be entitled An Act relating to certain mammography systems that fail certification standards.



**SB 527** was passed by (Record 990): 138 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Pickett; Pierson; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Callegari; Edwards; Flores; Miller, S.; Smith, W.

**SB 833 ON THIRD READING**  
**(C. Turner and Vaught - House Sponsors)**

**SB 833**, A bill to be entitled An Act relating to the accrual of vacation and sick leave for certain state employees on a military leave of absence.

**SB 833** was passed by (Record 991): 137 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla;

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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Edwards; Howard, C.; Jones; Menendez; Raymond; Smith, W.

**SB 451 ON THIRD READING**  
**(Patrick - House Sponsor)**

**SB 451**, A bill to be entitled An Act relating to staff development requirements in public schools.

**SB 451** was passed by (Record 992): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Pickett; Pierson; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Isett; Morrison; Smith, W.

**SB 1091 ON THIRD READING**  
**(Gallego - House Sponsor)**

**SB 1091**, A bill to be entitled An Act relating to the establishment of the capital writs committee and the office of capital writs and to the appointment and compensation of certain counsel for indigent defendants in a capital case.

**SB 1091** was passed by (Record 993): 132 Yeas, 6 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Fletcher; Flores; Frost; 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, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Elkins; Flynn; Harper-Brown; Laubenberg; Sheffield; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Farrar; Gallego; Gattis; Isett; Smith, W.

### **SB 1515 ON THIRD READING**

#### **(McCall, Dukes, Eissler, Ortiz, and Button - House Sponsors)**

**SB 1515**, A bill to be entitled An Act relating to a major events trust fund, a motor sports racing trust fund, and an events trust fund for sporting and non-sporting events.

**SB 1515** was passed by (Record 994): 119 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Bonnen; Branch; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Coleman; Cook; Corte; Craddick; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla;

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

Nays — Anderson; Aycock; Berman; Brown, B.; Christian; Crabb; Creighton; Fletcher; Harper-Brown; Legler; Lewis; Miller, S.; Riddle; Sheffield; Truitt; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Otto; Pitts.

Absent — Darby; Farrar; Flores; Gallego; Hochberg; Howard, C.; Isett; Smith, W.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 994. I intended to vote yes.

Aycock

I was shown voting yes on Record No. 994. I intended to vote no.

Flynn

(Otto now present)

### SB 711 ON THIRD READING (Geren - House Sponsor)

**SB 711**, A bill to be entitled An Act relating to creating a winery festival permit.

**SB 711** was passed by (Record 995): 134 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; Coleman; Cook; Corte; Crabb; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; 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; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; 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(C); Creighton.

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Dutton; Edwards; Farrar; Gallego; Hochberg; Isett; Kolkhorst; Ortiz; Smith, W.

**SB 554 ON THIRD READING**  
**(Frost - House Sponsor)**

**SB 554**, A bill to be entitled An Act relating to conduct constituting the offense of dog fighting and to the criminal and civil consequences of committing that offense.

**SB 554** was passed by (Record 996): 135 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; 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; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Dutton; Farrar; Flores; Gallego; Hochberg; Hodge; King, T.; Sheffield; Smith, W.

**SB 1182 ON THIRD READING**  
**(Ortiz - House Sponsor)**

**SB 1182**, A bill to be entitled An Act relating to the open records steering committee, reports by the attorney general on costs of copies, and certain deadlines, costs, and suits filed under the public information law.

**Amendment No. 1**

Representative Anchia offered the following amendment to **SB 1182**:

Amend **SB 1182** on third reading by adding the following SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Section 552.008, Government Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) A member, committee, or agency of the legislature required by a governmental body to sign a confidentiality agreement under Subsection (b) may seek a decision as provided by Subsection (b-2) about whether the information covered by the confidentiality agreement is confidential under law. A confidentiality agreement signed under Subsection (b) is void to the extent that the agreement covers information that is finally determined under Subsection (b-2) to not be confidential under law.

(b-2) The member, committee, or agency of the legislature may seek a decision from the attorney general about the matter. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law, not later than the 45th business day after the date the attorney general received the request for a decision under this subsection. The attorney general shall issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information or a brief to the attorney general about the matter. The requestor or the governmental body may appeal a decision of the attorney general under this subsection to a Travis County district court. A person may appeal a decision of the attorney general under this subsection to a Travis County district court if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(b) Section 552.024, Government Code, is amended to read as follows:

Sec. 552.024. PERSONAL INFORMATION OF EMPLOYEES AND OFFICIALS ~~[ELECTING TO DISCLOSE ADDRESS AND TELEPHONE NUMBER]~~. (a) Information ~~[Each employee or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to the information]~~ in the custody of a ~~[the]~~ governmental body that relates to the ~~[person's]~~ home address, home telephone number, or social security number of an employee or official of the governmental body or of a former employee or official of the governmental body, or that reveals whether the person has family members, is excepted from the requirements of Section 552.021.

(b) ~~[Each employee and official and each former employee and official shall state that person's choice under Subsection (a) to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which:~~

~~[(1) the employee begins employment with the governmental body;~~

~~[(2) the official is elected or appointed; or~~

~~[(3) the former employee or official ends service with the governmental body.~~

~~[(c) If the employee or official or former employee or official chooses not to allow public access to the information, the information is protected under Subchapter C.~~

~~[(d) If an employee or official or a former employee or official fails to state the person's choice within the period established by this section, the information is subject to public access.~~

~~[(e)]~~ An employee or official or former employee or official of a governmental body who wishes to ~~[close or]~~ open public access to the information may request in writing that the main personnel officer of the governmental body ~~[close or]~~ open access.

~~[(f) This section does not apply to a person to whom Section 552.1175 applies.]~~

(c) Subsection (a), Section 552.117, Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, or social security number of the following person or that reveals whether the person has family members:

(1) ~~[a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;~~

~~[(2)]~~ a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section ~~[552.024 or]~~ 552.1175~~[-as applicable];~~

(2) ~~[(3)]~~ a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(3) ~~[(4)]~~ a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section ~~[552.024 or]~~ 552.1175;

(4) ~~[(5)]~~ a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section ~~[552.024 or]~~ 552.1175~~[-as applicable]; or~~

(5) ~~(6)~~ an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section ~~[552.024 or]~~ 552.1175.

(d) Section 552.138, Government Code, is amended to read as follows:

Sec. 552.138. EXCEPTION: FAMILY VIOLENCE ~~[SHELTER]~~ CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION. (a) In this section:

(1) "Family violence ~~[shelter]~~ center" has the meaning assigned by Section 51.002, Human Resources Code.

(2) "Sexual assault program" has the meaning assigned by Section 420.003.

(b) Information maintained by a family violence ~~[shelter]~~ center or sexual assault program is excepted from the requirements of Section 552.021 if it is information that relates to:

(1) the home address, home telephone number, or social security number of an employee or a volunteer worker of a family violence ~~[shelter]~~ center or a sexual assault program~~[-, regardless of whether the employee or worker complies with Section 552.024];~~

(2) the location or physical layout of a family violence ~~[shelter]~~ center;

(3) the name, home address, home telephone number, or numeric identifier of a current or former client of a family violence ~~[shelter]~~ center or sexual assault program;

(4) the provision of services, including counseling and sheltering, to a current or former client of a family violence ~~[shelter]~~ center or sexual assault program;

(5) the name, home address, or home telephone number of a private donor to a family violence ~~[shelter]~~ center or sexual assault program; or

(6) the home address or home telephone number of a member of the board of directors or the board of trustees of a family violence ~~[shelter]~~ center or sexual assault program~~[-, regardless of whether the board member complies with Section 552.024].~~

(e) Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.150 to read as follows:

Sec. 552.150. EXCEPTION: INFORMATION THAT COULD COMPROMISE SAFETY OF PUBLIC OFFICER OR EMPLOYEE. (a) Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if:

(1) it is information that, if disclosed under the specific circumstances pertaining to the individual, could reasonably be expected to compromise the safety of the individual, such as information that describes or depicts the likeness of the individual, information stating the times that the individual arrives at or departs from work, a description of the individual's automobile, or the location where the individual works or parks; and



(2) the employee or officer applies in writing to the governmental body's officer for public information to have the information withheld from public disclosure under this section and includes in the application:

(A) a description of the information; and

(B) the specific circumstances pertaining to the individual that demonstrate why disclosure of the information could reasonably be expected to compromise the safety of the individual.

(b) On receiving a written request for information described in an application submitted under Subsection (a)(2), the officer for public information shall:

(1) request a decision from the attorney general in accordance with Section 552.301 regarding withholding the information; and

(2) include a copy of the application submitted under Subsection (a)(2) with the request for the decision.

(c) This section expires September 1, 2013.

(f) The changes in law made by this section apply in relation to a request for information made under Chapter 552, Government Code, before, on, or after the effective date of the relevant provisions of this Act.

(g) Subsections (b-1) and (b-2), Section 552.008, Government Code, as added by this section, take effect September 1, 2010.

Amendment No. 1 was adopted.

**SB 1182**, as amended, was passed by (Record 997): 134 Yeas, 0 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **SB 1182** was further amended and was passed, as amended, by Record No. 1026.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farias; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; 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; Laubenberg; 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; Parker; Patrick; Paxton; Peña; Pickett; Pierson; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Dutton; Farabee; Farrar; Gallego; Hochberg; King, S.; Legler; Otto; Quintanilla; Smith, W.

### STATEMENTS OF VOTE

When Record No. 997 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

When Record No. 997 was taken, my vote failed to register. I would have voted yes.

S. King

### SB 627 ON THIRD READING (Solomons - House Sponsor)

**SB 627**, A bill to be entitled An Act relating to the liability of in-home service companies and residential delivery companies for negligent hiring.

**SB 627** was passed by (Record 998): 136 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Patrick; Paxton; Peña; Pickett; Pierson; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Crownover; Gallego; Hernandez; Hochberg; Hunter; Isett; Parker; Smith, W.

### SB 1219 ON THIRD READING (Deshotel - House Sponsor)

**SB 1219**, A bill to be entitled An Act relating to a parenting and paternity awareness component of the health curriculum used in public high schools.

**SB 1219** was passed by (Record 999): 115 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac; Bolton; Bonnen; Branch; Burnam; Callegari; Castro; Chavez; Coleman; Cook; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, D.; Hunter; Isett; Jackson; Jones; Kent; King, P.; King, T.; Kolkhorst; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Berman; Brown, B.; Brown, F.; Button; Chisum; Christian; Corte; Craddock; Harless; Howard, C.; Kleinschmidt; Laubenberg; Miller, D.; Miller, S.; Orr; Parker; Paxton; Sheffield; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Dutton; Farrar; Gallego; Hochberg; Hughes; Keffer; King, S.; Legler; Otto; Smith, W.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 999. I intended to vote no.

Bonnen

I was shown voting yes on Record No. 999. I intended to vote no.

Flynn

When Record No. 999 was taken, my vote failed to register. I would have voted no.

S. King

When Record No. 999 was taken, I was excused because of important business. Had I been present, I would have voted no.

Phillips

### SB 633 ON THIRD READING (Madden - House Sponsor)

**SB 633**, A bill to be entitled An Act relating to the number of counties or municipalities necessary to establish a regional drug court program.

**SB 633** was passed by (Record 1000): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Button; Dutton; Farrar; Gallego; Hancock; Hochberg; Legler; Miller, D.; Smith, W.

### STATEMENTS OF VOTE

When Record No. 1000 was taken, I was in the house but away from my desk. I would have voted yes.

Button

When Record No. 1000 was taken, I was in the house but away from my desk. I would have voted yes.

D. Miller

### SB 1236 ON THIRD READING (Dukes - House Sponsor)

**SB 1236**, A bill to be entitled An Act relating to admonishments given to a person charged with a misdemeanor.

**SB 1236** was passed by (Record 1001): 135 Yeas, 0 Nays, 1 Present, not voting.

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

Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Anchia; Dutton; Farrar; Gonzalez Toureilles; Heflin; Isett; Leibowitz; Orr; Smith, W.

### **SB 686 ON THIRD READING** **(Orr - House Sponsor)**

**SB 686**, A bill to be entitled An Act relating to the installation, maintenance, or operation of natural gas pipelines on state highways and highway rights-of-way.

Representative Orr moved to postpone consideration of **SB 686** until the end of today's third reading calendar.

The motion prevailed.

### **SB 704 ON THIRD READING** **(Kolkhorst - House Sponsor)**

**SB 704**, A bill to be entitled An Act relating to disclosure of the prices charged to state agencies in connection with pharmacy benefit manager services.

**SB 704** was passed by (Record 1002): 134 Yeas, 0 Nays, 3 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio;

Madden; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; 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(C); Hancock; Marquez.

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Branch; Deshotel; Farrar; Hamilton; Hernandez; Howard, C.; King, S.; Smith, W.

### STATEMENT OF VOTE

When Record No. 1002 was taken, my vote failed to register. I would have voted yes.

S. King

### SB 1410 ON THIRD READING (Gutierrez - House Sponsor)

**SB 1410**, A bill to be entitled An Act relating to the licensing and regulation of plumbers.

Representative Gutierrez moved to postpone consideration of **SB 1410** until the end of today's third reading calendar.

The motion prevailed.

### SB 1449 ON THIRD READING (Deshotel - House Sponsor)

**SB 1449**, A bill to be entitled An Act relating to the appointment of a receiver to remedy hazardous properties.

**SB 1449** was passed by (Record 1003): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; 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; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; 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; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; 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(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Bolton; Branch; Dukes; Eiland; Gallego; Hamilton; Keffer; Legler; Rose; Smith, W.

**SB 776 ON THIRD READING**  
**(Orr - House Sponsor)**

**SB 776**, A bill to be entitled An Act relating to regulating the collection or solicitation of donated goods subsequently sold by for-profit entities or individuals; providing a civil penalty.

**SB 776** was passed by (Record 1004): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; 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, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Anderson; Branch; Eiland; Rose; Smith, W.; Thompson.

### STATEMENT OF VOTE

When Record No. 1004 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

#### SB 1557 ON THIRD READING (Gallego - House Sponsor)

**SB 1557**, A bill to be entitled An Act relating to the early identification of criminal defendants who are or may be persons with mental illness or mental retardation.

#### Amendment No. 1

Representative Martinez offered the following amendment to **SB 1557**:

Amend **SB 1557** on third reading by adding the following SECTIONS to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 573.012, Health and Safety Code, is amended by adding Subsections (j) and (k) to read as follows:

(j) A judge or magistrate may authorize, in the following order of priority, the transportation of a person apprehended under this section to the appropriate mental health facility by:

(1) a relative or other responsible person who has a proper interest in the person's welfare and who receives no remuneration, except for actual and necessary expenses;

(2) the facility administrator of the appropriate mental health facility, unless the administrator notifies the judge or magistrate that facility personnel are not available to transport the patient;

(3) a representative of the local mental health authority, who shall be reimbursed by the county;

(4) a special officer for mental health assignment certified under Section 1701.404, Occupations Code, who shall be reimbursed by the Department of State Health Services from money appropriated for that purpose, or if money is not appropriated for that purpose, as provided by Section 571.018;

(5) an emergency medical services provider, as defined by Section 773.003; or

(6) the sheriff, constable, or any on-duty peace officer if no person is available under Subdivision (1), (2), (3), (4), or (5) who shall be reimbursed by the Department of State Health Services from money appropriated for that purpose, or if money is not appropriated for that purpose, as provided by Section 571.018.

(k) A person who under Subsection (j) is authorized by the court to transport a person to a mental health facility may contract with a person that is listed as a qualified transportation service provider by the commissioners court of the county in which the court is located to provide the transportation authorized by the court.



SECTION \_\_\_\_\_. Subchapter B, Chapter 573, Health and Safety Code, is amended by adding Section 573.013 to read as follows:

Sec. 573.013. LIST OF QUALIFIED TRANSPORTATION SERVICE PROVIDERS. The commissioners court of a county by order shall:

(1) establish and maintain a list of qualified transportation service providers with whom a person may contract in accordance with Section 573.012;

(2) prescribe uniform standards that a person must meet to be listed as a qualified transportation service provider;

(3) establish an application procedure for a person to be included on the list, including an appropriate application fee to be deposited in the county general fund;

(4) require officers and employees of the county to contract with persons on the list, on a rotating basis, when the officer or employee is authorized to provide transportation under Section 573.012(j)(6); and

(5) ensure that the list is made available to any person authorized to provide transportation under Section 573.012.

Amendment No. 1 was adopted.

**SB 1557**, as amended, was passed by (Record 1005): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; 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; Pickett; Pierson; 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; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — McClendon; Pitts.

Absent — Allen; Gonzalez Toureilles; Smith, W.

### STATEMENT OF VOTE

When Record No. 1005 was taken, I was in the house but away from my desk. I would have voted yes.

Allen

(McClendon now present)

#### **SB 847 ON THIRD READING (Anderson - House Sponsor)**

**SB 847**, A bill to be entitled An Act relating to applicability of fee exemptions for military personnel and their children to certain course fees charged by public technical institutes and public state colleges.

**SB 847** was passed by (Record 1006): 139 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; 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; 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; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — Pitts.

Absent — Callegari; Farias; Gonzalez Toureilles; Lewis; Smith, W.; Walle.

#### **SB 1655 ON THIRD READING (Farias - House Sponsor)**

**SB 1655**, A bill to be entitled An Act relating to the organization, duties, and functions of the Texas Veterans Commission.

**SB 1655** was passed by (Record 1007): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; 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; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; 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 — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — Pitts.

Absent — Eissler; Hamilton; McReynolds; Smith, T.; Smith, W.

#### STATEMENTS OF VOTE

When Record No. 1007 was taken, I was temporarily out of the house chamber. I would have voted yes.

McReynolds

When Record No. 1007 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

#### SB 1681 ON THIRD READING (Gallego - House Sponsor)

**SB 1681**, A bill to be entitled An Act relating to requiring the corroboration of certain testimony to support a criminal conviction.

**SB 1681** was passed by (Record 1008): 139 Yeas, 0 Nays, 2 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless;

Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; 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; 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; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Dutton; Hancock; Hodge; Smith, W.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1008. I intended to vote no.

Lewis

When Record No. 1008 was taken, I was excused because of important business. Had I been present, I would have voted no.

Phillips

### SB 891 ON THIRD READING (Eissler - House Sponsor)

**SB 891**, A bill to be entitled An Act relating to the public school physical education curriculum.

#### Amendment No. 1

Representative Eiland offered the following amendment to **SB 891**:

Amend **SB 891** on third reading as follows:

(1) In SECTION 2 of the bill, in added Section 25.114, Education Code (house committee report, page 3, line 3), strike "CLASSES." and substitute "CLASSES; CLASS SIZE. (a)".

(2) In SECTION 2 of the bill, in added Section 25.114, Education Code (house committee report, page 3, between lines 13 and 14), immediately following Subdivision (2), insert the following:

(b) If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Amendment No. 1 was adopted.

**SB 891**, as amended, was passed by (Record 1009): 113 Yeas, 25 Nays, 1 Present, not voting.

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

Nays — Aycocock; Brown, F.; Button; Callegari; Chisum; Christian; Crabb; Creighton; Darby; Flynn; Geren; Hancock; Harless; Harper-Brown; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Miller, S.; Parker; Patrick; Paxton; Sheffield; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dutton; Hamilton; Howard, C.; Hughes; Maldonado; Smith, W.; Villarreal.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1009. I intended to vote no.

Anderson

I was shown voting no on Record No. 1009. I intended to vote yes.

Parker

When Record No. 1009 was taken, I was excused because of important business. Had I been present, I would have voted no.

Phillips

### SB 1715 ON THIRD READING (Giddings - House Sponsor)

**SB 1715**, A bill to be entitled An Act relating to the requirements for a smoke detector in a multifamily residential unit.

**SB 1715** was passed by (Record 1010): 114 Yeas, 22 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycocock; Bohac; Bolton; Branch; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Coleman; Corte; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam;

Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Kent; King, P.; King, S.; Kolkhorst; Leibowitz; 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; Quintanilla; Raymond; Riddle; Rios Ybarra; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Solomons; Strama; Thibaut; Thompson; Truitt; Turner, C.; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Berman; Brown, B.; Christian; Crabb; Craddick; Creighton; Crownover; Flynn; Hancock; Hopson; King, T.; Kleinschmidt; Laubenberg; Legler; Lewis; Miller, D.; Parker; Paxton; Smithee; Swinford; Taylor; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bonnen; Cook; Hardcastle; Howard, C.; Keffer; Ritter; Smith, W.; Turner, S.; Vaught.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 1010. I intended to vote yes.

Parker

When Record No. 1010 was taken, I was in the house but away from my desk. I would have voted yes.

Vaught

(W. Smith now present)

#### SB 894 ON THIRD READING (Truitt - House Sponsor)

**SB 894**, A bill to be entitled An Act relating to municipal investment of public funds received from the management and development of mineral rights.

**SB 894** was passed by (Record 1011): 137 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Guillen; Gutierrez; Hamilton; Hancock; 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; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Phillips.

Absent, Excused, Committee Meeting — Pitts.

Absent — Gonzalez Toureilles; Hardcastle; Howard, C.; McReynolds; Naishtat; Turner, S.; Vaught; Villarreal.

### STATEMENT OF VOTE

When Record No. 1011 was taken, I was in the house but away from my desk. I would have voted yes.

Vaught

### SB 1806 ON THIRD READING (Gonzalez Toureilles - House Sponsor)

**SB 1806**, A bill to be entitled An Act relating to liens for certain veterinary care charges for large animals.

#### Amendment No. 1

Representative S. Miller offered the following amendment to **SB 1806**:

Amend **SB 1806** (house committee report) in SECTION 1 of the bill (page 1, lines 17 and 18) by striking "20th day after the date the veterinarian provides care to the large animal" and substituting "30th day after the date the account for the services becomes due and payable"

(Phillips now present)

(Solomons in the chair)

Amendment No. 1 failed of adoption by (Record 1012): 32 Yeas, 102 Nays, 2 Present, not voting.

Yeas — Anderson; Brown, B.; Burnam; Callegari; Chisum; Christian; Coleman; Craddick; Creighton; Deshotel; Dukes; Dunnam; Edwards; Fletcher; Giddings; Gutierrez; Hartnett; Kent; King, P.; Legler; McReynolds; Miller, S.; Morrison; Oliveira; Olivo; Parker; Riddle; Rose; Shelton; Smith, W.; Turner, S.; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bolton; Branch; Brown, F.; Button; Castro; Cook; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Gonzales; Gonzalez

Tourelles; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miller, D.; Moody; Ortiz; Otto; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Sheffield; Smith, T.; Smithee; Strama; Swinford; Thibaut; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bonnen; Chavez; Geren; Hughes; Jones; Miklos; Naishtat; Orr; Patrick; Taylor; Thompson.

### STATEMENTS OF VOTE

When Record No. 1012 was taken, I was in the house but away from my desk. I would have voted no.

Jones

I was shown voting yes on Record No. 1012. I intended to vote no.

Olivo

**SB 1806** was passed by (Record 1013): 141 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Miller, S.

Present, not voting — Mr. Speaker.



Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Crownover; King, P.; Morrison; Naishtat.

**SB 963 ON THIRD READING**  
**(Smithee - House Sponsor)**

**SB 963**, A bill to be entitled An Act relating to regulation of premium rates for long-term care insurance.

**SB 963** was passed by (Record 1014): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons(C); 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 — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Howard, C.

**SB 1814 ON THIRD READING**  
**(Deshotel - House Sponsor)**

**SB 1814**, A bill to be entitled An Act relating to return-to-work coordination services and a return-to-work reimbursement program for employers participating in the workers' compensation system.

**SB 1814** was passed by (Record 1015): 129 Yeas, 11 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; Coleman; Cook; Corte; Craddick;

Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kolkhorst; 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; Patrick; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Crabb; Fletcher; Harper-Brown; Isett; Kleinschmidt; Laubenberg; Parker; Paxton; Phillips; Riddle; Weber.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Crownover; England; Flores; Hodge; McClendon.

#### STATEMENT OF VOTE

I was shown voting yes on Record No. 1015. I intended to vote no.

Anderson

#### SB 968 ON THIRD READING (Truitt and Naishtat - House Sponsors)

**SB 968**, A bill to be entitled An Act relating to interactive water features and fountains.

**SB 968** was passed by (Record 1016): 111 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Bonnen; Brown, B.; Burnam; Castro; Chavez; Chisum; Coleman; Cook; Corte; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Kent; King, P.; King, S.; King, T.; Kolkhorst; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson; Aycock; Berman; Branch; Brown, F.; Button; Callegari; Christian; Craddick; Darby; Eissler; Gattis; Hamilton; Hancock; Harless; Harper-Brown; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kleinschmidt; Laubenberg; Legler; Lewis; Madden; Miller, S.; Parker; Paxton; Phillips; Smith, W.; Weber.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

**SB 1847 ON THIRD READING**  
**(Moody - House Sponsor)**

**SB 1847**, A bill to be entitled An Act relating to the provision of services to a wrongfully imprisoned person who is discharged from a correctional facility.

**Amendment No. 1**

Representative Anchia offered the following amendment to **SB 1847**:

Amend **SB 1847** on third reading in SECTION 1 of the bill, in added Section 501.091, Government Code, immediately following added Subsection (b) (page 1, between lines 23 and 24), by inserting the following and relettering subsequent Subsections of added Section 501.091, Government Code, accordingly:

(c) On application by a wrongfully imprisoned person in a manner prescribed by the board of trustees of the Employees Retirement System of Texas, a wrongfully imprisoned person may participate in the group benefits program under Chapter 1551, Insurance Code, and is automatically covered by the basic coverage for annuitants provided under that chapter. A claimant who participates in the group benefits program is entitled to receive state contributions for the full cost of the premiums. State contributions paid under this subsection shall be paid out of the funds appropriated for the purposes of Chapter 103, Civil Practice and Remedies Code.

Amendment No. 1 failed of adoption by (Record 1017): 79 Yeas, 61 Nays, 2 Present, not voting.

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

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Eissler; Elkins; Fletcher; Flynn; Gattis; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Jackson; Jones; Keffer; King, P.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Miller, D.; Miller, S.; Morrison; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Shelton; Smithee; Swinford; Taylor; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — King, T.; McReynolds; Merritt; Peña; Truitt.

**SB 1847** was passed by (Record 1018): 142 Yeas, 0 Nays, 2 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; 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; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Hamilton; Pierson.

**SB 1027 ON THIRD READING**  
**(Kleinschmidt - House Sponsor)**

**SB 1027**, A bill to be entitled An Act relating to the establishment of an interagency farm-to-school coordination task force.

**SB 1027** was passed by (Record 1019): 122 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Aycock; Berman; Bohac; Bolton; Branch; Burnam; Button; Callegari; Castro; Chavez; Chisum; Coleman; Cook; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Leibowitz; Lucio; 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; Patrick; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber.

Nays — Anchia; Brown, B.; Brown, F.; Christian; Crabb; Craddick; Flynn; Geren; Hancock; Harless; Harper-Brown; Isett; Laubenberg; Legler; Lewis; Madden; Parker; Paxton; Truitt; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bonnen; Ritter.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1019. I intended to vote no.

Elkins

I was shown voting no on Record No. 1019. I intended to vote yes.

Parker

### SB 839 ON THIRD READING (McReynolds - House Sponsor)

**SB 839**, A bill to be entitled An Act relating to the punishment for a capital felony committed by a juvenile whose case is transferred to criminal court.

**SB 839** was passed by (Record 1020): 101 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Branch; Burnam; Button; Castro; Chavez; Chisum; Coleman; Cook; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Keffer; Kent; King, P.; King, S.; King, T.;

Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Callegari; Christian; Corte; Crabb; Craddick; Creighton; Darby; Flynn; Gattis; Geren; Harless; Harper-Brown; Hilderbran; Howard, C.; Isett; Jackson; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Miller, D.; Miller, S.; Parker; Patrick; Paxton; Phillips; Sheffield; Smith, T.; Truitt; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Elkins; Jones; Marquez; Peña; Thompson; Turner, C.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1020. I intended to vote no.

Bohac

When Record No. 1020 was taken, my vote failed to register. I would have voted yes.

Marquez

### SB 472 ON THIRD READING

#### (Deshotel, Thibaut, Thompson, and Dukes - House Sponsors)

**SB 472**, A bill to be entitled An Act relating to notice required before and period to vacate after foreclosure sale of real property.

#### Amendment No. 1

Representatives Castro and Solomons offered the following amendment to **SB 472**:

Amend **SB 472** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 51, Property Code, is amended by adding Section 51.013 to read as follows:

Sec. 51.013. COMMUNICATION WITH DEBTOR OR DEBTOR'S REPRESENTATIVE AFTER NOTICE OF DEFAULT. (a) After a notice of default is sent under Section 51.002(d) and a written authorization to communicate with a third party is received by the mortgage servicer from the debtor, a mortgage servicer shall communicate with the third party designated in writing by the debtor who provides assistance to the debtor, including a family member, licensed attorney of the debtor, or housing counseling agency approved by the United States Department of Housing and Urban Development.

(b) The notice described in Subsection (a) must be sent through the United States Postal Service, by hand delivery, or through electronic means.

(c) This section applies only to a lien on residential real property occupied by the debtor as the debtor's homestead.

Amendment No. 1 was adopted.

**SB 472**, as amended, was passed by (Record 1021): 89 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Burnam; Button; Castro; Chavez; Chisum; Coleman; Corte; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Keffer; Kent; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons(C); Strama; Swinford; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Christian; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Gattis; Geren; Hamilton; Hancock; Harless; Harper-Brown; Heflin; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Madden; Miller, D.; Morrison; Otto; Patrick; Paxton; Riddle; Sheffield; Shelton; Smith, W.; Taylor; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anderson; Miller, S.; Thompson.

### STATEMENTS OF VOTE

When Record No. 1021 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

I was shown voting no on Record No. 1021. I intended to vote yes.

P. King

When Record No. 1021 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

## POSTPONED BUSINESS

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

### SB 532 ON THIRD READING (Coleman - House Sponsor)

**SB 532**, A bill to be entitled An Act relating to a physician's delegation of prescriptive authority to physician assistants or advanced practice nurses.

**SB 532** was read third time earlier today and was postponed until this time.

#### Amendment No. 1

Representative Coleman offered the following amendment to **SB 532**:

Amend **SB 532**, House Committee Report, as follows: On page 2, line 25, STRIKE subdivision (6) and substitute and new subdivision (6) to read as follows:

(6) a location where a physician assistant or advanced practice nurse who practices on-site with the physician more than 50 percent of the time and who in accordance with board rules:

(A) provides health care services for established patients;

(B) provides without remuneration voluntary charity health care services at a clinic run or sponsored by a nonprofit organization; or

(C) provides during a declared emergency or disaster without remuneration voluntary health care services at a temporary facility operated or sponsored by a governmental entity or nonprofit organization established to serve persons in this state.

Amendment No. 1 was adopted.

**SB 532**, as amended, was passed by (Record 1022): 145 Yeas, 0 Nays, 2 Present, not voting. (The vote was reconsidered on May 21, and **SB 532** was further amended and was passed, as amended, by Record No. 1044.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; 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; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

### INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced winners of the 2009 Raytheon MATHCOUNTS National Competition.

### SB 686 ON THIRD READING (Orr - House Sponsor)

**SB 686**, A bill to be entitled An Act relating to the installation, maintenance, or operation of natural gas pipelines on state highways and highway rights-of-way.

**SB 686** was read third time earlier today and was postponed until this time.

#### Amendment No. 1

Representative P. King offered the following amendment to **SB 686**:

Amend **SB 686** by striking amendments number 4 and 5 from second reading and adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 251, Transportation Code, is amended by adding Section 251.018 to read as follows:

Sec. 251.018. SUBSURFACE ACCESS IN RIGHT-OF-WAY. (a) A county shall allow subsurface access to a county road right-of-way for the installation of a temporary water line that does not interfere with existing utilities located in the right-of-way. The county may regulate the horizontal or vertical location of the water line within the right-of-way.

(b) A county may not adopt or enforce an ordinance or regulation that establishes or conflicts with a safety standard or practice applicable to a temporary water line that is regulated under state or federal law.

Amendment No. 1 was adopted.

**SB 686**, as amended, was passed by (Record 1023): 143 Yeas, 0 Nays, 2 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero;

Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Howard, C.

**SB 1410 ON THIRD READING**  
**(Gutierrez - House Sponsor)**

**SB 1410**, A bill to be entitled An Act relating to the licensing and regulation of plumbers.

**SB 1410** was read third time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Martinez offered the following amendment to **SB 1410**:

Amend Floor Amendment No. 1 by Chisum to **SB 1410** on second reading by striking the text of Amendment No. 3 by Otto amending Amendment No. 1 by adding Subsections (e) and (f), Section 1301.551, Occupations Code.

Amendment No. 1 failed of adoption by (Record 1024): 16 Yeas, 120 Nays, 5 Present, not voting.

Yeas — Alvarado; Castro; Chavez; Dutton; Farrar; Gonzalez Toureilles; Hodge; Hughes; Kent; Martinez; Merritt; Miklos; Olivo; Pierson; Rodriguez; Walle.

Nays — Allen; Alonzo; Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton;

Smith, T.; Smith, W.; Smithee; Solomons(C); Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker; Anchia; Edwards; Miller, S.; Strama.

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bohac; Bolton; Burnam; Davis, Y.; Harper-Brown; Villarreal.

### STATEMENTS OF VOTE

When Record No. 1024 was taken, I was temporarily out of the house chamber meeting with a constituent. I would have voted no.

Y. Davis

I was shown voting yes on Record No. 1024. I intended to vote no.

Gonzalez Toureilles

I was shown voting yes on Record No. 1024. I intended to vote no.

Merritt

**SB 1410** was passed by (Record 1025): 136 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; 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, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Brown, B.; Callegari; Christian; Flynn; Isett; Miller, S.; Phillips; Weber.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Harper-Brown.

**SB 1182 - VOTE RECONSIDERED**

Representative Ortiz moved to reconsider the vote by which **SB 1182**, as amended, was passed.

The motion to reconsider prevailed.

**SB 1182 ON THIRD READING**  
**(Ortiz - House Sponsor)**

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

**SB 1182**, A bill to be entitled An Act relating to the open records steering committee, reports by the attorney general on costs of copies, and certain deadlines, costs, and suits filed under the public information law.

**SB 1182** was read third time earlier today and was passed, as amended, by Record No. 997.

**Amendment No. 2**

Representative C. Howard offered the following amendment to **SB 1182**:

Amend Amendment No. 2 by C. Howard to **SB 1182** on second reading by striking added Section 551.0415(b)(6), Government Code (page 2, lines 4 and 5 of the amendment), and substituting the following:

(6) announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Amendment No. 2 was adopted.

**SB 1182**, as amended, was passed by (Record 1026): 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; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez 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; Laubenberg; Legler; Leibowitz; Lewis; Lucio; 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; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Madden.

**HCR 237 - ADOPTED**  
**(by Hilderbran)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 237**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 237**, Designating the Brady World Championship BBQ Goat Cook-off as the official Texas State Goat Barbecue Championship Cook-off.

**HCR 237** was adopted by (Record 1027): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; 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; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons(C); Strama; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Elkins; Phillips; Thibaut.

**PROVIDING FOR A CONGRATULATORY**  
**AND MEMORIAL CALENDAR**

Representative McClendon moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. tomorrow.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Pensions, Investments, and Financial Services, upon lunch recess today, E2.030, for a public hearing, to continue testimony on **SB 2233**.

State Affairs, upon lunch recess today, Desk 7, for a formal meeting, to consider **HCR 50, HCR 222, SB 96, SB 541, SB 1270, SB 1327, SB 1772, SB 2154, and SB 2565**.

Human Services, upon lunch recess today, Desk 120, for a formal meeting, to consider previously posted bills.

Business and Industry, upon lunch recess today, Desk 47, for a formal meeting, to consider pending business.

Culture, Recreation, and Tourism, upon lunch recess today, Desk 8, for a formal meeting, to consider pending business.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Truitt moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Pensions, Investments, and Financial Services to continue testimony on **SB 2233**.

The motion prevailed.

**RECESS**

At 12:35 p.m., the chair announced that the house would stand recessed until 1:40 p.m. today.

**AFTERNOON SESSION**

The house met at 1:40 p.m. and was called to order by Representative Vo.

**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. 34).

(Speaker in the chair)

**HR 2186 - ADOPTED  
(by Parker)**

Representative Parker moved to suspend all necessary rules to take up and consider at this time **HR 2186**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2186**, Honoring the Aubrey Independent School District.

**HR 2186** was adopted.

**MESSAGE FROM THE SENATE**

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

(D. Miller in the chair)

**POSTPONED BUSINESS**

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

**SB 283 ON SECOND READING  
(Shelton - House Sponsor)**

**SB 283**, A bill to be entitled An Act relating to the membership and activities of local school health advisory councils.

**SB 283** was read second time on May 18 and was postponed until 10 a.m. today.

**Amendment No. 1**

Representative Strama offered the following amendment to **SB 283**:

Amend **SB 283** (house committee report) as follows:

(1) In SECTION 1 of the bill, in the introductory language, on page 1, line 6, strike "Subsection (d)" and substitute "Subsections (d) and (i)".

(2) In SECTION 1 of the bill, in the introductory language, on page 1, line 6, between "(d-1)," and "(m)," insert "(i-1),".

(3) In SECTION 1 of the bill, between added Sections 28.004(d-1) and (m), Education Code (page 2, between lines 2 and 3), insert the following:

(i) Before each school year, a [A] school district shall provide written notice to ~~notify~~ a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

(1) a summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law; ~~and~~

(2) a statement of the parent's right to:

(A) review curriculum materials as provided by Subsection (j); and

(B) remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(3) information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(i-1) A parent may use the grievance procedure adopted under Section 26.011 concerning a complaint of a violation of Subsection (i).

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Castro offered the following amendment to **SB 283**:

Amend **SB 283** (house committee report) in SECTION 1 of the bill, in amended Section 28.004(d), Education Code (page 1, line 8), between "appoint" and "members" by inserting "at least five".

Amendment No. 2 was adopted.

(Bohac in the chair)

**Amendment No. 3**

Representative Villarreal offered the following amendment to **SB 283**:

Amend **SB 283** (house committee report) as follows:

(1) In SECTION 1 of the bill, in the introductory language, on page 1, lines 6 and 7, strike "Subsection (d) and adding Subsections (d-1), (m), (m-1), and (m-2)" and substitute "Subsections (d), (e), and (g) and adding Subsections (d-1), (m), (m-1), (m-2), and (n)".

(2) In SECTION 1 of the bill, between added Sections 28.004(d-1) and (m), Education Code (page 2, between lines 2 and 3), insert the following:

(e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and must:

(1) present abstinence from sexual activity as the healthiest and preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;

(2) devote more attention to abstinence from sexual activity than to any other behavior;

(3) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy and ~~[-]~~ sexually transmitted diseases, including ~~[infection with]~~ human immunodeficiency virus and ~~[or]~~ acquired immune deficiency syndrome, and the emotional trauma associated with adolescent sexual activity;

(4) if instruction on contraception is included in the curriculum content, include only medically accurate and age-appropriate information about the effectiveness of contraceptives and methods of reducing the risk of sexually transmitted diseases and teach contraception in terms of typical use rates, and

(5) direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and ~~[-]~~ sexually transmitted diseases, including ~~[and infection with]~~ human immunodeficiency virus and ~~[or]~~ acquired immune deficiency syndrome~~[-]~~ and

~~[(5) teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content].~~

(g) A school district that provides human sexuality instruction may separate students according to gender ~~[sex]~~ for instructional purposes.



(3) In SECTION 1 of the bill, following added Section 28.004(m-2), Education Code (page 2, between lines 23 and 24), insert the following:

(n) In this section:

(1) "Medically accurate information" means information that is:

(A) verified or supported by research conducted in compliance with scientific methods;

(B) published in peer reviewed journals, if appropriate; and

(C) recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, including:

(i) the Centers for Disease Control and Prevention;

(ii) the American Public Health Association;

(iii) the Society for Adolescent Medicine;

(iv) the American Academy of Pediatrics; and

(v) the American College of Obstetricians and Gynecologists.

(2) "Typical use rate" means the rate of failure for a method of contraception when that method is not used by a person for each act of sexual intercourse or when that method is not used by a person for each act according to the instructions for that method. The rate is identical to the rate defined as the typical use rate by the United States Food and Drug Administration.

### **Amendment No. 3 - Point of Order**

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

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 3.

### **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**:

Otto on motion of Orr.

### **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 2:30 p.m. today, in 3W.9, for a formal meeting.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Ways and Means, 2:30 p.m. today, 3W.9, for a formal meeting.

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

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 3:15 p.m. today, in 3W.9, for a formal meeting, to consider **SB 2397** and pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Health, 3:15 p.m. today, 3W.9, for a formal meeting, to consider **SB 2397** and pending business.

**SB 283 - (consideration continued)**

**SB 283**, as amended, was passed to third reading. (Weber recorded voting no.)

**COMMITTEE GRANTED PERMISSION TO MEET**

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

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

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

**SB 865 ON SECOND READING  
(Jackson - House Sponsor)**

**SB 865**, A bill to be entitled An Act relating to child support enforcement.

**SB 865** was read second time on May 19 and was postponed until 10 a.m. today.

**SB 865 - POINT OF ORDER**

Representative Dutton raised a point of order against further consideration of **SB 865** under Rule 8, Section 3; Rule 4, Section 32(c)(1); and Rule 4, Section 32(c)(3) of the House Rules and under Article III, Section 30 of the Texas Constitution on the grounds that the bill violates the one subject rule and the bill analysis is incorrect.

The chair overruled the point of order and submitted the following statement:

Representative Dutton raises a point of order against further consideration of **SB 865** under Rule 8, Section 3; Rule 4, Section 32(c)(1); and Rule 4, Section 32(c)(3) of the House Rules, and Article III, Section 30 of the Texas Constitution.

**Rule 8, Section 3 and Article III, Section 30:** Mr. Dutton raises a point of order and argues that the bill is not limited to a single subject. This bill is an omnibus bill regarding child support which amends various provisions of current law relating to child support enforcement. The chair finds that the contents of the bill relate to this subject and, therefore, is not in violation of Rule 8, Section 3 or Article III, Section 30.

**Rule 4, Section 32(c)(1):** Mr. Dutton raises a point of order under this rule and argues that the bill analysis is materially and substantially misleading because it states that the bill only amends the family code and does not mention the other provisions of code modified in the bill. While the background and purpose section states that the bill "amends multiple sections of the Family Code," the analysis section provides a detailed discussion of each section of the bill and outlines the various code sections being modified. The chair finds that the bill analysis, which is a summary analysis, accurately reflects the substance of the bill in compliance with the House Rules and, therefore, is not materially or substantially misleading.

**Rule 4, Section 32(c)(3):** This rule provides that the bill analysis must contain a statement indicating whether or not any rulemaking authority is expressly delegated and to identify the section in which that rulemaking authority is delegated. In this instance, the bill analysis does reflect that rulemaking authority previously granted to the Office of the Attorney General is modified in Section 22 of the bill and, therefore, is in compliance with the rules.

Accordingly, the point of order is respectfully overruled.

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

Representative Jackson offered the following amendment to **SB 865**:

Amend **SB 865** (house committee printing) by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subsection (a-1), Section 154.125, Family Code, is amended to read as follows:

(a-1) The dollar amount prescribed by Subsection (a) is adjusted every six years as necessary to reflect inflation. The Title IV-D agency shall compute the adjusted amount, to take effect beginning September 1 of the year of the adjustment, based on the percentage change in the consumer price index during the 72-month [preceding six-year] period preceding March 1 of the year of the adjustment [in the consumer price index], as rounded to the nearest \$50 increment. The Title IV-D agency shall publish the adjusted amount in the Texas Register before September 1 of the year in which the adjustment takes effect. For purposes of this subsection, "consumer price index" has the meaning assigned by Section 341.201, Finance Code.

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative Villarreal offered the following amendment to **SB 865**:

Amend **SB 865** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 157.311(1), Family Code, is amended to read as follows:

(1) "Account" means:

(A) any type of a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, money market mutual fund account, certificate of deposit, or any other instrument of deposit in which an individual, as a signatory or not, has a beneficial ownership interest either in its entirety or on a shared or multiple party basis, including any accrued interest and dividends, and in which:

(i) the obligor has a community or separate property interest;

or

(ii) funds are held for the obligor's benefit or placed at the direction of the obligor, regardless of whether the funds are held in the name of a nominal owner other than the obligor; and

(B) a life insurance policy in which an individual has a beneficial ownership or liability insurance against which an individual has filed a claim or counterclaim.

SECTION \_\_\_\_\_. Section 157.313, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In addition to the information required under Subsection (a), a child support lien notice sent to a financial institution that applies to assets of a specified third party or nominal owner must contain the social security number, tax identification number, or account number of the third party or nominal owner.

SECTION \_\_\_\_\_. Section 157.314, Family Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) If a child support lien notice is delivered to a financial institution with respect to an account of the obligor, the institution shall immediately:

(1) provide the claimant with the last known address of the obligor and disclose to the claimant the amount in the account at the time of receipt of the notice; and

(2) notify any other person having an ownership interest in the account that the account has been frozen in an amount not to exceed the amount of the child support arrearage identified in the notice.

(e) On request, until the lien is satisfied, a financial institution to which a child support lien notice has been delivered shall provide the claimant with a statement showing all deposits and withdrawals involving the obligor's account that occurred from the date and time of receipt of the child support lien notice to the date of receipt of the request for information.

SECTION 4. Section 157.327, Family Code, is amended by amending Subsections (b), (c), and (f) and adding Subsections (b-1), (g), (g-1), (h), and (i) to read as follows:

(b) The notice under this section must:

(1) identify the amount of child support arrearages owing at the time the amount of arrearages was determined or, if the amount is less, the amount of arrearages owing at the time the notice is prepared and delivered to the financial institution; and

(2) direct the financial institution to pay to the claimant, not earlier than the 15th day or later than the 21st day after the date of delivery of the notice, an amount from the assets of the obligor or from funds due to the obligor at the time

the levy is paid that are held or controlled by the institution or that should have been frozen by the institution, not to exceed the amount of the child support arrearages identified in the notice, unless:

(A) the institution is notified by the claimant that the obligor has paid the arrearages or made arrangements satisfactory to the claimant for the payment of the arrearages;

(B) the obligor or another person claiming an ownership interest in the account files, not later than the 10th day after the date of delivery of the notice required by Section 157.328, a suit under Section 157.323 or a motion under Subsection (g) requesting a hearing by the court; or

(C) if the claimant is the Title IV-D agency, the obligor has requested an agency review under Section 157.328.

(b-1) A notice of levy delivered to a financial institution that applies to assets or funds of a specified third party or nominal owner must include the social security number, tax identification number, or account number of the third party or nominal owner.

(c) A financial institution that receives a notice of levy under this section may not close an account in which the obligor has a beneficial ~~an~~ ownership interest, permit a withdrawal from any account the obligor owns, in whole or in part, or pay funds to the obligor or a nominal owner so that any amount remaining in the account is less than the amount of the arrearages identified in the notice, plus any fees due to the institution and any costs of the levy identified by the claimant.

(f) A financial institution may collect any fees and costs identified in Subsection (c) from the obligor but may not, except as otherwise provided by this subsection, deduct those ~~the~~ fees and costs ~~identified in Subsection (e)~~ from the obligor's assets before paying the appropriate amount to the claimant. A financial institution may deduct the following fees before paying the appropriate amount to the claimant:

(1) a reasonable processing fee; and

(2) a fee associated with early withdrawal of funds from a certificate of deposit or other interest-bearing account before the applicable maturity date.

(g) If a timely motion is filed and Subsection (g-1) is complied with by a person claiming an ownership interest in the account, other than the obligor, the court, after giving notice to all interested parties, shall hold a hearing to determine the extent, if any, to which the account contains assets of the obligor that are subject to a lien or levy under this subchapter. After the hearing:

(1) if the court determines that the account contains any of the obligor's assets that are subject to levy, the court shall specify the amount in the account subject to levy and order that amount to be applied against child support arrearages owed by the obligor; or

(2) if the court determines that the account does not contain any of the obligor's assets that are subject to a lien or levy, the court shall order the release of the child support lien or levy.

(g-1) Not later than the 15th day after the date that a motion is filed, a person claiming an ownership interest in the account shall provide to the claimant copies of account statements and all deposits and withdrawals for the previous six months on the account being contested. The timely production of documents under this subsection shifts the burden of proof to the claimant to prove the extent of the ownership interest of the obligor.

(h) A financial institution that surrenders assets in compliance with a court order under Subsection (g)(1) is not liable to the obligor, the account holder, or any other person for the assets surrendered.

(i) This subsection applies if a financial institution receives a notice of levy under this section with regard to an account for which the obligor is not included on the title or listed as a signatory. If a person claiming ownership in the account, other than the obligor, successfully establishes in a suit under Section 157.323 or a hearing under Subsection (g) that the obligor did not have any ownership interest in the account, the person may recover costs and reasonable attorney's fees incurred against the claimant.

SECTION \_\_\_\_\_. The changes in law made by this Act to Sections 157.311 and 157.313, Family Code, apply only to a child support lien notice filed on or after the effective date of this Act. A child support lien notice filed before the effective date of this Act is governed by the law in effect on the date the lien notice was filed, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. The changes in law made by this Act to Sections 157.314 and 157.327(f), Family Code, apply only to a financial institution that receives a lien notice or notice of levy under those sections on or after the effective date of this Act. A financial institution that receives a lien notice or notice of levy under those sections before the effective date of this Act is governed by the law in effect on the date the lien notice or notice of levy is received, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Sections 157.327(b-1), (g), (g-1), (h), and (i), Family Code, as added by this Act, apply only to a notice of levy delivered on or after the effective date of this Act. A notice of levy delivered before the effective date of this Act is governed by the law in effect on the date the notice of levy is delivered, and the former law is continued in effect for that purpose.

(2) In SECTION 25 of the bill, strike added Section 34.001(c), Civil Practice and Remedies Code (page 16, lines 8 and 9), and substitute the following:

(c) This section does not apply to a child support judgment or any other child support collection remedy authorized by the Family Code.

(3) Strike SECTION 39 of the bill (page 19, lines 6-9) and substitute the following appropriately numbered section:

SECTION \_\_\_\_\_. The changes in law made by this Act to Section 34.001, Civil Practice and Remedies Code, apply to each child support judgment or collection remedy, regardless of the date on which the judgment is rendered or the remedy is sought.

(Otto now present)

Amendment No. 2 was withdrawn.

### 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 5 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 5 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### SB 865 - (consideration continued)

#### Amendment No. 3

Representative Dutton offered the following amendment to **SB 865**:

Amend **SB 865** as follows:

(1) In SECTION 4 of the bill, strike the introductory language (page 3, lines 12 and 13) and substitute the following:

Section 154.130, Family Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(2) In SECTION 4 of the bill, between amended Sections 154.130(a) and (b), Family Code (page 3, between lines 23 and 24), insert the following:

(a-1) If findings under this section are required as a result of the request by a party under Subsection (a)(1) or (2), the court shall make and enter the findings not later than the 15th day after the date of the party's request.

Amendment No. 3 was adopted.

#### Amendment No. 4

Representative Dutton offered the following amendment to **SB 865**:

Amend **SB 865** (House committee report) as follows:

(1) Strike SECTION 12 of the bill, amending Section 157.162(d), Family Code (page 10, lines 18-27).

(2) Strike SECTION 35 of the bill (page 18, lines 10-16).

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

#### Amendment No. 5

Representative Phillips offered the following amendment to **SB 865**:

Amend **SB 865** as follows:

(1) On page 10, line 18, strike "Subsection (d),"

(2) On page 10, line 19, between "amended" and "to", insert "by amending Subsection (d) and adding Subsection (e)".

(3) On page 10, following line 27, insert the following:

(e) Notwithstanding Subsection (d), the court may award the petitioner costs of court and reasonable attorney's fees in a proceeding described by that subsection if the court finds that:

(1) on the date the motion for enforcement was filed, the respondent was not current in the payment of child support as ordered by the court; and

(2) the respondent made the child support payments described by Subsection (d) after the date the respondent was served notice or otherwise discovered that the motion for enforcement had been filed.

(4) On page 18, line 10, between the period and "Section" insert "(a)".

(5) On page 18, line 10, strike "157.162" and substitute "157.162(d)".

(6) On page 18, between line 16 and 17, insert the following:

(b) The change in law made by Section 157.162(e), Family Code, as added by this Act, applies only to a motion for enforcement that is filed on or after the effective date of this Act. A motion for enforcement filed before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

### LEAVE OF ABSENCE GRANTED

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

Raymond on motion of Guillen.

### SB 865 - (consideration continued)

Amendment No. 5 was withdrawn.

### Amendment No. 6

Representative Bolton offered the following amendment to **SB 865**:

Amend **SB 865** (house committee printing) as follows:

(1) In Section 23 of the bill, in amended Section 231.202, Family Code, strike Subdivision (4) of that section (page 15, lines 7-12) and substitute the following:

(4) the fee for services provided by ~~[that]~~ sheriffs and constables, including:

(A) a fee ~~[are]~~ authorized ~~[to charge for serving process]~~ under Section 118.131, Local Government Code, for serving each item of process to each individual on whom service is required, including service by certified or registered mail, ~~[to be paid to a sheriff, constable, or clerk whenever service of process is required]; and~~

(B) a fee authorized under Section 157.103(b) for serving a capias;

(2) In Section 23 of the bill, in Section 231.202(5), Family Code (page 15, line 14), strike "and" and substitute "~~and~~".

(3) In Section 23 of the bill, in Section 231.202(6), Family Code (page 15, line 16), strike the period and substitute "; and".

(4) In Section 23 of the bill, immediately following Section 231.202(6), Family Code (page 15, between lines 16 and 17), insert the following:



(7) a fee authorized under a local rule for the electronic filing of documents with a clerk.

(5) In Section 40 of the bill, strike Subsection (b) of that section (page 19, lines 17 and 18) and substitute the following:

(b) The changes in law made by this Act to Sections 158.203 and 231.202, Family Code, take effect September 1, 2009.

(6) Insert the following appropriately numbered section in the bill and renumber the sections of the bill accordingly:

SECTION \_\_\_\_\_. The changes in law made by this Act to Section 231.202, Family Code, by the amendment of Subdivision (4) and the enactment of Subdivision (7) of that section apply to a suit affecting the parent-child relationship pending in a trial court on or filed on or after September 1, 2009.

Amendment No. 6 was adopted.

### **Amendment No. 7**

Representative Hernandez offered the following amendment to **SB 865**:

Amend **SB 865** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 110.006, Family Code, is amended to read as follows:

Sec. 110.006. DOMESTIC RELATIONS OFFICE OPERATIONS FEES AND CHILD SUPPORT SERVICE FEES. (a) If an administering entity of a domestic relations office adopts an initial operations fee under Section 203.005(a)(1) [~~or an initial child support service fee under Section 203.005(a)(2)~~], the clerk of the court shall:

(1) collect the operations fee at the time the original suit, motion for modification, or motion for enforcement, as applicable, is filed; and

(2) send the fee to the domestic relations office.

(b) If an administering entity of a domestic relations office adopts an initial child support service fee under Section 203.005(a)(2), the clerk of the court shall:

(1) collect the child support service fee at the time the original suit is filed; and

(2) send the fee to the domestic relations office.

(c) The fees described by Subsections (a) and (b) are not filing fees for purposes of Section 110.002 or 110.003.

SECTION \_\_\_\_\_. Section 203.005(a), Family Code, is amended to read as follows:

(a) The administering entity may authorize a domestic relations office to assess and collect:

(1) an initial operations fee not to exceed \$15 to be paid to the domestic relations office on each [the] filing of an original [a] suit, motion for modification, or motion for enforcement;

(2) in a county that has a child support enforcement cooperative agreement with the Title IV-D agency, an initial child support service fee not to exceed \$36 to be paid to the domestic relations office on the filing of an original [a] suit;

(3) a reasonable application fee to be paid by an applicant requesting services from the office;

(4) a reasonable attorney's fee and court costs incurred or ordered by the court;

(5) a monthly service fee not to exceed \$3 to be paid annually in advance by a managing conservator and possessory conservator for whom the domestic relations office provides child support services;

(6) community supervision fees as provided by Chapter 157 if community supervision officers are employed by the domestic relations office;

(7) a reasonable fee for preparation of a court-ordered social study;

(8) in a county that provides visitation services under Sections 153.014 and 203.004 a reasonable fee to be paid to the domestic relations office at the time the visitation services are provided;

(9) a fee to reimburse the domestic relations office for a fee required to be paid under Section 158.503(d) for filing an administrative writ of withholding;

(10) a reasonable fee for parenting coordinator services; and

(11) a reasonable fee for alternative dispute resolution services.

Amendment No. 7 was adopted.

### **Amendment No. 8**

Representative Hodge offered the following amendment to **SB 865**:

Amend **SB 865** (House committee report) as follows:

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

SECTION \_\_\_\_\_. Section 157.268, Family Code, is amended to read as follows:

Sec. 157.268. APPLICATION OF CHILD SUPPORT PAYMENT. Child support collected shall be applied in the following order of priority:

(1) current child support;

(2) non-delinquent child support owed;

(3) ~~interest on the principal amounts specified in Subdivisions (4) and (5);~~

~~(4)~~ the principal amount of child support that has not been confirmed and reduced to money judgment;

(4) ~~(5)~~ the principal amount of child support that has been confirmed and reduced to money judgment;

(5) interest on the principal amounts specified in Subdivisions (3) and (4); and

(6) the amount of any ordered attorney's fees or costs, or Title IV-D service fees authorized under Section 231.103 for which the obligor is responsible.

SECTION \_\_\_\_\_. Section 157.268, Family Code, as amended by this Act, applies only to child support collected on or after January 1, 2010.

(2) In SECTION 40(a) of the bill (page 19, line 10), strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(3) In SECTION 40 of the bill (page 19, between lines 16 and 17), insert the following:

(b) The change in law made by this Act to Section 157.268, Family Code, takes effect January 1, 2010.

(4) In SECTION 40 of the bill (page 19, line 17), strike "(b)" and substitute "(c)".

Amendment No. 8 was adopted.

### **Amendment No. 9**

Representative Shelton offered the following amendment to **SB 865**:

Amend **SB 865** (house committee report) on second reading by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 154.182(b), Family Code, is amended to read as follows:

(b) In determining the manner in which health care coverage for the child is to be ordered, the court shall render its order in accordance with the following priorities, unless a party shows good cause why a particular order would not be in the best interest of the child:

(1) if health insurance is available for the child through a parent's employment or membership in a union, trade association, or other organization at reasonable cost ~~[to the parent]~~, the court shall order that parent to include the child in the parent's health insurance;

(2) if health insurance is not available for the child under Subdivision (1) but is available to a parent at reasonable cost from another source, including the program under Section 154.1826 to provide health insurance in Title IV-D cases ~~[and at a reasonable cost]~~, the court may order that parent to provide health insurance for the child; or

(3) if health insurance coverage is not available for the child under Subdivision (1) or (2), the court shall order the obligor to pay the obligee, in addition to any amount ordered under the guidelines for child support, an amount, not to exceed nine percent of the obligor's annual ~~[monthly]~~ resources, as described by Section 154.062(b), as cash medical support for the child.

SECTION \_\_\_\_\_. Subchapter D, Chapter 154, Family Code, is amended by adding Sections 154.1826 and 154.1827 to read as follows:

Sec. 154.1826. HEALTH CARE PROGRAM FOR CERTAIN CHILDREN IN TITLE IV-D CASES. (a) In this section:

(1) "Health benefit plan issuer" means an insurer, health maintenance organization, or other entity authorized to provide health benefits coverage under the laws of this state.

(2) "Health care provider" means a physician or other person who is licensed, certified, or otherwise authorized to provide a health care service in this state.

(3) "Program" means the child health care program developed under this section.

(4) "Reasonable cost" has the meaning assigned by Section 154.181(e).

(5) "Third-party administrator" means a person who is not a health benefit plan issuer or agent of a health benefit plan issuer and who provides administrative services for the program, including processing enrollment of eligible children in the program and processing premium payments on behalf of the program.

(b) In consultation with the Texas Department of Insurance, the Health and Human Services Commission, and representatives of the insurance industry in this state, the Title IV-D agency shall develop and implement a statewide program to address the health care needs of children in Title IV-D cases for whom health insurance is not available to either parent at reasonable cost under Section 154.182(b)(1) or under Section 154.182(b)(2) from a source other than the program.

(c) The director of the Title IV-D agency may establish an advisory committee to consult with the director regarding the implementation and operation of the program. If the director establishes an advisory committee, the director may appoint any of the following persons to the advisory committee:

(1) representatives of appropriate public and private entities, including state agencies concerned with health care management;

(2) members of the judiciary;

(3) members of the legislature; and

(4) representatives of the insurance industry.

(d) The principal objective of the program is to provide basic health care services, including office visits with health care providers, hospitalization, and diagnostic and emergency services, to eligible children in Title IV-D cases at reasonable cost to the parents obligated by court order to provide medical support for the children.

(e) The Title IV-D agency may use available private resources, including gifts and grants, in administering the program.

(f) The Title IV-D agency shall adopt rules as necessary to implement the program. The Title IV-D agency shall consult with the Texas Department of Insurance and the Health and Human Services Commission in establishing policies and procedures for the administration of the program and in determining appropriate benefits to be provided under the program.

(g) A health benefit plan issuer that participates in the program may not deny health care coverage under the program to eligible children because of preexisting conditions or chronic illnesses. A child who is determined to be eligible for coverage under the program continues to be eligible until the termination of the parent's duty to pay child support as specified by Section 154.006. Enrollment of a child in the program does not preclude the subsequent enrollment of the child in another health care plan that becomes available to the

child's parent at reasonable cost, including a health care plan available through the parent's employment or the state child health plan under Chapter 62, Health and Safety Code.

(h) The Title IV-D agency shall contract with an independent third-party administrator to provide necessary administrative services for operation of the program.

(i) A person acting as a third-party administrator under Subsection (h) is not considered an administrator for purposes of Chapter 4151, Insurance Code.

(j) The Title IV-D agency shall solicit applications for participation in the program from health benefit plan issuers that meet requirements specified by the agency. Each health benefit plan issuer that participates in the program must hold a certificate of authority issued by the Texas Department of Insurance.

(k) The Title IV-D agency shall promptly notify the courts of this state when the program has been implemented and is available to provide for the health care needs of children described by Subsection (b). The notification must specify a date beginning on which children may be enrolled in the program.

(l) On or after the date specified in the notification required by Subsection (k), a court that orders health care coverage for a child in a Title IV-D case shall order that the child be enrolled in the program authorized by this section unless other health insurance is available for the child at reasonable cost, including the state child health plan under Chapter 62, Health and Safety Code.

(m) Payment of premium costs for the enrollment of a child in the program may be enforced by the Title IV-D agency against the obligor by any means available for the enforcement of a child support obligation, including income withholding under Chapter 158.

(n) The program is not subject to any provision of the Insurance Code or other law that requires coverage or the offer of coverage of a health care service or benefit.

(o) Any health information obtained by the program, or by a third-party administrator providing program services, that is subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) or Chapter 181, Health and Safety Code, is confidential and not open to public inspection. Any personally identifiable financial information or supporting documentation of a parent whose child is enrolled in the program that is obtained by the program, or by a third-party administrator providing program services, is confidential and not open to public inspection.

Sec. 154.1827. ADMINISTRATIVE ADJUSTMENT OF MEDICAL SUPPORT ORDER. (a) In each Title IV-D case in which a medical support order requires that a child be enrolled in a health care program under Section 154.1826, the Title IV-D agency may administratively adjust the order as necessary on an annual basis to reflect changes in the amount of premium costs associated with the child's enrollment.

(b) The Title IV-D agency shall provide notice of the administrative adjustment to the obligor and the clerk of the court that rendered the order.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 154.182(b), Family Code, takes effect September 1, 2009.

Amendment No. 9 was adopted.

**Amendment No. 10**

Representative Shelton offered the following amendment to **SB 865**:

Amend **SB 865** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 234.010, Family Code, is amended to read as follows:

Sec. 234.010. DIRECT DEPOSIT AND ELECTRONIC BENEFITS TRANSFER OF CHILD SUPPORT PAYMENTS. (a) The state disbursement unit authorized under this chapter may make a direct deposit of [transmit] a child support payment to an obligee by electronic funds transfer into [if the obligee maintains] an account with a financial institution maintained by the obligee. It is the responsibility of the obligee to notify the state disbursement unit of:

(1) the existence of an account;

(2) the appropriate routing information for direct deposit by electronic funds transfer into an account; and

(3) any modification to account information previously provided to the state disbursement unit, including information that an account has been closed.

(b) Except as provided by Subsection (d), the state disbursement unit shall deposit a child support payment by electronic funds transfer into a debit card account established for the obligee by the Title IV-D agency if the obligee:

(1) does not maintain an account with a financial institution;

(2) fails to notify the state disbursement unit of the existence of an account maintained with a financial institution; or

(3) closes an account maintained with a financial institution previously used to accept direct deposit of a child support payment without establishing a new account and notifying the state disbursement unit of the new account in accordance with Subsection (a) [The work group convened under this subchapter may develop a plan to assist an obligee who does not have an account with a financial institution to obtain an account].

(c) The Title IV-D agency shall:

(1) issue a debit card to each obligee for whom a debit card account is established under Subsection (b); and

(2) provide the obligee with instructions for activating and using the debit card [work group may determine whether it is feasible and cost effective for the state to administer an electronic benefits transfer system for child support obligees and may recommend implementation of such a system to the Title IV D agency].

(c-1) Chapter 604, Business & Commerce Code, does not apply to a debit card issued under Subsection (c).

(d) An obligee may decline in writing to receive child support payments by electronic funds transfer into an account with a financial institution or a debit card account and request that payments be provided by paper warrants if the obligee

alleges that receiving payments by electronic funds transfer would impose a substantial hardship [~~After receiving any recommendations by the work group under Subsection (e), the Title IV D agency or the vendor selected by the Title IV D agency to operate the state disbursement unit may provide for electronic benefits transfer, if the request for proposals issued by the Title IV D agency and any contract resulting from the selection of a vendor to provide the services specified in the request for proposals provides for electronic benefits transfer~~].

(e) A child support payment disbursed by the state disbursement unit by electronic funds transfer into an account with a financial institution maintained by the obligee or into a debit card account established for the obligee under Subsection (b) is solely the property of the obligee [~~The work group may recommend and the Title IV D agency may establish procedures to implement this section.~~].

~~[(f) The Title IV D agency, after receiving the recommendation of the work group, may require an obligee to receive payments by direct deposit to the obligee's bank account or by electronic benefits transfer to an account established by the Title IV D agency or the state disbursement unit if the account is established at no cost to the obligee].~~

SECTION \_\_\_\_\_. Section 72.101, Property Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not apply to money collected as child support that:

(1) is being held for disbursement by the state disbursement unit under Chapter 234, Family Code, or a local registry, as defined by Section 101.018, Family Code, pending identification and location of the person to whom the money is owed; or

(2) has been disbursed by the state disbursement unit under Chapter 234, Family Code, by electronic funds transfer into a child support debit card account established for an individual under Section 234.010, Family Code, but not activated by the individual.

SECTION \_\_\_\_\_. Subdivision (1), Subsection (a), Section 73.001, Property Code, is amended to read as follows:

(1) "Account" means funds deposited with a depository in an interest-bearing account, a checking or savings account, or a child support debit card account established under Section 234.010, Family Code, or funds received by a depository in exchange for the purchase of a stored value card.

Amendment No. 10 was adopted.

### **Amendment No. 11**

Representative Leibowitz offered the following amendment to **SB 865**:

Amend **SB 865** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 501.014(e), Government Code, is amended to read as follows:

(e) On notification by a court, the department shall withdraw from an inmate's account any amount the inmate is ordered to pay by order of the court under this subsection. On receipt of a valid court order requiring an inmate to pay child support, the department shall withdraw the appropriate amount from the inmate's account under this subsection, regardless of whether the court order is provided by the court or another person. The department shall make a payment under this subsection as ordered by the court to either the court or the party specified in the court order. The department is not liable for withdrawing or failing to withdraw money or making payments or failing to make payments under this subsection. The department shall make withdrawals and payments from an inmate's account under this subsection according to the following schedule of priorities:

- (1) as payment in full for all orders for child support;
- (2) as payment in full for all orders for restitution;
- (3) as payment in full for all orders for reimbursement of the Health and ~~Texas Department of~~ Human Services Commission for financial assistance provided for the child's health needs under Chapter 31, Human Resources Code, to a child of the inmate;
- (4) as payment in full for all orders for court fees and costs;
- (5) as payment in full for all orders for fines; and
- (6) as payment in full for any other court order, judgment, or writ.

Amendment No. 11 was adopted.

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

Representative Phillips offered the following amendment to **SB 865**:

Amend **SB 865** as follows:

- (1) On page 10, line 18, strike "Subsection (d),"
- (2) On page 10, line 19, between "amended" and "to", insert "by amending Subsection (d) and adding Subsection (e)".
- (3) On page 10, following line 27, insert the following:
  - (e) Notwithstanding Subsection (d), the court may award the petitioner costs of court and reasonable attorney's fees in a proceeding described by that subsection if the court finds that:
    - (1) on the date the motion for enforcement was filed, the respondent was not current in the payment of child support as ordered by the court; and
    - (2) the respondent made the child support payments described by Subsection (d) after the date the respondent was served notice of the motion or otherwise discovered that the motion for enforcement had been filed.
- (4) On page 18, line 10, between the period and "Section" insert "(a)".
- (5) On page 18, line 10, strike "157.162" and substitute "157.162(d)".
- (6) On page 18, between line 16 and 17, insert the following:
  - (b) The change in law made by Section 157.162(e), Family Code, as added by this Act, applies only to a motion for enforcement that is filed on or after the effective date of this Act. A motion for enforcement filed before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

Amendment No. 12 was adopted.



**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).

**SB 865 - (consideration continued)****Amendment No. 13**

Representative Villarreal offered the following amendment to **SB 865**:

Amend **SB 865** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 157.311(1), Family Code, is amended to read as follows:

(1) "Account" means:

(A) any type of a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, money market mutual fund account, certificate of deposit, or any other instrument of deposit in which an individual, as a signatory or not, has a beneficial ownership interest either in its entirety or on a shared or multiple party basis, including any accrued interest and dividends, and in which:

(i) the obligor has a community or separate property interest;

or

(ii) funds are held for the obligor's benefit or placed at the direction of the obligor, regardless of whether the funds are held in the name of a nominal owner other than the obligor; and

(B) a life insurance policy in which an individual has a beneficial ownership or liability insurance against which an individual has filed a claim or counterclaim.

SECTION \_\_\_\_\_. Section 157.313, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In addition to the information required under Subsection (a), a child support lien notice sent to a financial institution that applies to assets of a specified third party or nominal owner must contain the social security number, tax identification number, or account number of the third party or nominal owner.

SECTION \_\_\_\_\_. Section 157.314, Family Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) If a child support lien notice is delivered to a financial institution with respect to an account of the obligor, the institution shall immediately:

(1) provide the claimant with the last known address of the obligor and disclose to the claimant the amount in the account at the time of receipt of the notice; and

(2) notify any other person having an ownership interest in the account that the account has been frozen in an amount not to exceed the amount of the child support arrearage identified in the notice.

(e) On request, until the lien is satisfied, a financial institution to which a child support lien notice has been delivered shall provide the claimant with a statement showing all deposits and withdrawals involving the obligor's account that occurred from the date and time of receipt of the child support lien notice to the date of receipt of the request for information.

SECTION 4. Section 157.327, Family Code, is amended by amending Subsections (b), (c), and (f) and adding Subsections (b-1), (g), (g-1), (h), and (i) to read as follows:

(b) The notice under this section must:

(1) identify the amount of child support arrearages owing at the time the amount of arrearages was determined or, if the amount is less, the amount of arrearages owing at the time the notice is prepared and delivered to the financial institution; and

(2) direct the financial institution to pay to the claimant, not earlier than the 15th day or later than the 21st day after the date of delivery of the notice, an amount from the assets of the obligor or from funds due to the obligor at the time the levy is paid that are held or controlled by the institution or that should have been frozen by the institution, not to exceed the amount of the child support arrearages identified in the notice, unless:

(A) the institution is notified by the claimant that the obligor has paid the arrearages or made arrangements satisfactory to the claimant for the payment of the arrearages;

(B) the obligor or another person claiming an ownership interest in the account files, not later than the 10th day after the date of delivery of the notice required by Section 157.328, a suit under Section 157.323 or a motion under Subsection (g) requesting a hearing by the court; or

(C) if the claimant is the Title IV-D agency, the obligor has requested an agency review under Section 157.328.

(b-1) A notice of levy delivered to a financial institution that applies to assets or funds of a specified third party or nominal owner must include the social security number, tax identification number, or account number of the third party or nominal owner.

(c) A financial institution that receives a notice of levy under this section may not close an account in which the obligor has a beneficial ~~an~~ ownership interest, permit a withdrawal from any account the obligor owns, in whole or in part, or pay funds to the obligor or a nominal owner so that any amount remaining in the account is less than the amount of the arrearages identified in the notice, plus any fees due to the institution and any costs of the levy identified by the claimant.

(f) A financial institution may collect any fees and costs identified in Subsection (c) from the obligor but may not, except as otherwise provided by this subsection, deduct those ~~the~~ fees and costs ~~[identified in Subsection (c)]~~ from the obligor's assets before paying the appropriate amount to the claimant. A financial institution may deduct the following fees before paying the appropriate amount to the claimant:

(1) a reasonable processing fee; and

(2) a fee associated with early withdrawal of funds from a certificate of deposit or other interest-bearing account before the applicable maturity date.

(g) If a timely motion is filed and Subsection (g-1) is complied with by a person claiming an ownership interest in the account, other than the obligor, the court, after giving notice to all interested parties, shall hold a hearing to determine the extent, if any, to which the account contains assets of the obligor that are subject to a lien or levy under this subchapter. After the hearing:

(1) if the court determines that the account contains any of the obligor's assets that are subject to levy, the court shall specify the amount in the account subject to levy and order that amount to be applied against child support arrearages owed by the obligor; or

(2) if the court determines that the account does not contain any of the obligor's assets that are subject to a lien or levy, the court shall order the release of the child support lien or levy.

(g-1) Not later than the 15th day after the date that a motion is filed, a person claiming an ownership interest in the account shall provide to the claimant copies of account statements and all deposits and withdrawals for the previous six months on the account being contested. The timely production of documents under this subsection shifts the burden of proof to the claimant to prove the extent of the ownership interest of the obligor.

(h) A financial institution that surrenders assets in compliance with a court order under Subsection (g)(1) is not liable to the obligor, the account holder, or any other person for the assets surrendered.

(i) This subsection applies if a financial institution receives a notice of levy under this section with regard to an account for which the obligor is not included on the title or listed as a signatory. If a person claiming ownership in the account, other than the obligor, successfully establishes in a suit under Section 157.323 or a hearing under Subsection (g) that the obligor did not have any ownership interest in the account, the person may recover costs and reasonable attorney's fees incurred against the claimant.

SECTION \_\_\_\_\_. The changes in law made by this Act to Sections 157.311 and 157.313, Family Code, apply only to a child support lien notice filed on or after the effective date of this Act. A child support lien notice filed before the effective date of this Act is governed by the law in effect on the date the lien notice was filed, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. The changes in law made by this Act to Sections 157.314 and 157.327(f), Family Code, apply only to a financial institution that receives a lien notice or notice of levy under those sections on or after the effective date of this Act. A financial institution that receives a lien notice or notice of levy under those sections before the effective date of this Act is governed by the law in effect on the date the lien notice or notice of levy is received, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Sections 157.327(b-1), (g), (g-1), (h), and (i), Family Code, as added by this Act, apply only to a notice of levy delivered on or after the effective date of this Act. A notice of levy delivered before the effective date of this Act is governed by the law in effect on the date the notice of levy is delivered, and the former law is continued in effect for that purpose.

(2) In SECTION 25 of the bill, strike added Section 34.001(c), Civil Practice and Remedies Code (page 16, lines 8 and 9), and substitute the following:

(c) This section does not apply to a child support judgment or any other child support collection remedy authorized by the Family Code.

(3) Strike SECTION 39 of the bill (page 19, lines 6-9) and substitute the following appropriately numbered section:

SECTION \_\_\_\_\_. The changes in law made by this Act to Section 34.001, Civil Practice and Remedies Code, apply to each child support judgment or collection remedy, regardless of the date on which the judgment is rendered or the remedy is sought.

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

Representative Villarreal offered the following amendment to Amendment No. 13:

Amend Amendment No. 13 by Villarreal to **SB 865** as follows:

(1) On page 1, line 15, between "a" and "community" insert "present".

(2) On page 3, line 13, before "ownership" insert "present".

Amendment No. 14 was adopted.

(Marquez in the chair)

Amendment No. 13, as amended, failed of adoption by (Record 1028): 9 Yeas, 120 Nays, 2 Present, not voting.

Yeas — Farias; Gallego; Hartnett; Miklos; Naishtat; Oliveira; Olivo; Rodriguez; Villarreal.

Nays — Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Darby; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farrar; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hefflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; King, T.; Kleinschmidt; Kolkhorst; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Moody; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel.

Absent, Excused, Committee Meeting — Pitts; Raymond.

Absent — Allen; Castro; Crownover; Davis, J.; Davis, Y.; Hancock; Hopson; Hughes; Kent; King, P.; King, S.; Laubenberg; Morrison; Pierson; Quintanilla.

#### STATEMENTS OF VOTE

When Record No. 1028 was taken, I was in the house but away from my desk. I would have voted yes.

Allen

When Record No. 1028 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

**SB 865**, as amended, was passed to third reading. (Hunter recorded voting no.)

#### 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 4 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, 4 p.m. today, 3W.15, for a formal meeting, to consider pending business.

#### COMMITTEE GRANTED PERMISSION TO MEET

Representative Madden requested permission for the Committee on Corrections to meet while the house is in session, at 4 p.m. today, in 3W.9, to consider **SB 2340** and **SB 2584**.

Permission to meet was granted.

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Corrections, 4 p.m. today, 3W.9, for a formal meeting, to consider **SB 2340** and **SB 2584**.

#### LEAVE OF ABSENCE GRANTED

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

Riddle on motion of F. Brown.

## HCR 126 - NOTICE OF MOTION TO SUSPEND RULES

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 4:01 p.m., the chair announced that Representative S. Miller would, in at least one hour, be recognized for the purpose of suspending the regular order of business to take up **HCR 126** out of its regular order.

### MAJOR STATE CALENDAR SENATE BILLS SECOND READING

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

#### CSSB 1009 ON SECOND READING (Harper-Brown - House Sponsor)

**CSSB 1009**, A bill to be entitled An Act relating to the continuation and functions of the Commission on Jail Standards.

#### Amendment No. 1

Representative Madden offered the following amendment to **CSSB 1009**:

Amend **CSSB 1009** (house committee printing) in SECTION 9 of the bill as follows:

(1) In added Section 511.009(a)(17), Government Code (page 12, line 22), strike "and".

(2) In added Section 511.009(a)(18), Government Code (page 13, lines 3 through 5), strike "[based on the jail's history of compliance with commission standards and other high risk factors identified by the commission]." and substitute "; and".

(3) Immediately following added Section 511.009(a)(18), Government Code (page 13, between lines 5 and 6), insert the following:

(19) adopt reasonable rules establishing minimum standards for contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including rules that prohibit a sheriff from contracting with another entity to provide food services to or operate a commissary in a jail if the entity or a principal or owner of the entity has been convicted of a criminal offense under the laws of this state the prosecution of which:

(A) implicated an official of any county of this state; or

(B) involved a contract between the entity and a sheriff of any county of this state for the provision of food services to or the operation of a commissary in a jail [based on the jail's history of compliance with commission standards and other high risk factors identified by the commission].

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was amended by Amendment No. 5 and was adopted, as amended.)

**Amendment No. 2**

Representative Martinez Fischer offered the following amendment to **CSSB 1009**:

Amend **CSSB 1009** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 511, Government Code, is amended by adding Section 511.0102 to read as follows:

Sec. 511.0102. WAIVER OF CERTAIN PRISONERS IN CALCULATING JAIL POPULATION FOR COMPLIANCE DETERMINATIONS. In determining whether a county jail complies with a state law or a rule, standard, or procedure of the commission that is based on, or includes as a factor in compliance, the population of the jail, the commission may not include in the population of the jail any prisoner who is:

(1) detained for only a technical violation of the conditions of the prisoner's parole; or

(2) described by Section 511.0101(a)(1)(K).

SECTION \_\_\_\_\_. Section 511.0102, Government Code, as added by this Act, applies only to a compliance determination that is made on or after September 1, 2009. A compliance determination that is made before September 1, 2009, is governed by the law in effect at the time the compliance determination is made, and that law is continued in effect for that purpose.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Olivo offered the following amendment to **CSSB 1009**:

Amend **CSSB 1009** (house committee printing) as follows:

(1) In the recital to SECTION 12 of the bill (page 14, line 27), strike "Section 511.018" and substitute "Sections 511.018 and 511.019".

(2) In SECTION 12 of the bill, immediately following added Section 511.018, Government Code (page 15, between lines 22 and 23), insert the following:

Sec. 511.019. PUBLIC ACCESS TO INFORMATION REGARDING JAIL OPERATIONS. The commission shall adopt rules that require a jail under the commission's jurisdiction to allow members of the public reasonable access to a live person employed by the jail, in person or by telephone and during reasonable business hours seven days a week, to obtain publicly available information concerning the operation of the jail, including the jail's visitation policies.

**Amendment No. 4**

Representative Harper-Brown offered the following amendment to Amendment No. 3:

Amend Floor Amendment No. 3 to **CSSB 1009** by Olivo in added Section 511.019, Government Code (page 1, line 10) by striking "adopt rules" and substituting "review existing commission rules and determine whether it is necessary to adopt new rules".

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

**Amendment No. 1 - Vote Reconsidered**

Representative Madden moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

**Amendment No. 5**

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

Amend Amendment No. 1 by Madden to **CSSB 1009** in item (3) of the amendment by striking lines 12-26 of the amendment and substituting the following:

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety [based on the jail's history of compliance with commission standards and other high risk factors identified by the commission].

Amendment No. 5 was adopted.

Amendment No. 1, as amended, was adopted.

**CSSB 1009**, as amended, was passed to third reading.

**CSSB 1016 ON SECOND READING**  
**(Flynn, Gonzalez Toureilles, Hardcastle, Kolkhorst,**  
**McReynolds, et al. - House Sponsors)**

**CSSB 1016**, A bill to be entitled An Act relating to the continuation and functions of the Department of Agriculture and the Prescribed Burning Board and the abolition of the Texas-Israel Exchange Fund Board; providing penalties.

**LEAVE OF ABSENCE GRANTED**

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

Kolkhorst on motion of Geren.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, at 5 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.



## COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Natural Resources, 5 p.m. today, 3W.15, for a formal meeting, to consider pending business.

### LEAVE OF ABSENCE GRANTED

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

Maldonado on motion of Gattis.

### CSSB 1016 - (consideration continued)

#### Amendment No. 1

Representative Chisum offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** as follows:

On page 73, between line 13 and 14, insert the following, and renumber the subsequent sections appropriately:

SECTION 9.02. Chapter 12, Agriculture Code, is amended by adding Section 12.046 to read as follows:

Sec. 12.046. TEXAS RURAL INVESTMENT FUND. (a) In this section:

(1) "Fund" means the Texas Rural Investment Fund.

(2) "Rural community" means a municipality with a population of less than 50,000 or a county with a population of less than 200,000.

(b) The fund is a dedicated account in the general revenue fund and consists of:

(1) appropriations of money to the fund by the legislature;

(2) gifts, grants, including federal grants, and other donations received for the fund; and

(3) interest earned on the investment of money in the fund.

(c) The fund may be used by the department only to:

(1) pay for grants or loans to public or private entities for projects in rural communities that have strong local support, provide positive return on the state's investment, and stimulate one or more of the following:

(A) local entrepreneurship;

(B) job creation or retention;

(C) new capital investment;

(D) strategic economic development planning;

(E) individual economic and community development leadership

training;

(F) housing development; or

(G) innovative workforce education; and

(2) administer the grant and loan program under this section.

(d) In awarding a grant or loan of money from the fund for a project, the department shall consider:

(1) the project's effect on job creation and wages;

(2) the financial strength of the applicant;

- (3) the applicant's business history;
- (4) an analysis of the relevant business sector;
- (5) whether there is public or private sector financial support for the project; and
- (6) whether there is local support for the project.
- (e) The fund is exempt from the application of Sections 403.095 and 404.071, Government Code.
- (f) The department may accept grants, gifts, or donations from any source that are made for the purposes of this section. Money received under this subsection shall be deposited in the fund.
- (g) The department shall adopt rules to administer this section.

### **Amendment No. 1 - Point of Order**

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

The chair overruled the point of order.

### **Amendment No. 2**

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

Amend Amendment No. 1 to **CSSB 1016** by Chisum on page 1, between lines 19 and 20 of the amendment, by inserting the following:

(b-1) The department shall administer the fund and select recipients of grants and loans from the fund.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

### **Amendment No. 3**

Representative Gattis offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_ . Chapter 12, Agriculture Code, is amended by adding Section 12.0271 to read as follows:

Sec. 12.0271. RURAL ECONOMIC DEVELOPMENT AND INVESTMENT PROGRAM. (a) From funds appropriated for that purpose, the commissioner shall establish and administer a financial assistance program to encourage private economic development in rural areas. Financial assistance under the program may be provided only to:

- (1) a county with a population of not more than 75,000;
- (2) a municipality with a population of not more than 50,000; or
- (3) an economic development corporation that primarily represents a county or municipality described by this subsection.

(b) Financial assistance under Subsection (a) may be used only for a project relating to:

- (1) the acquisition or development of land, easements, or rights-of-way;
- (2) attracting new private enterprises to the county or municipality,

including:

- (A) manufacturing facilities;
  - (B) freight storage facilities;
  - (C) distribution warehouse centers; and
  - (D) other nonretail private enterprises;
- (3) the construction, extension, or other improvement of:
    - (A) water or waste disposal facilities; or
    - (B) transportation infrastructure; or

(4) any other activity relating to private economic development that the commissioner determines will encourage economic and infrastructure development in a rural area.

(c) To further a purpose described by Subsection (b), the commissioner may provide financial assistance to an eligible county, municipality, or economic development corporation by:

- (1) extending credit by direct loan, based on the credit of the county, municipality, or economic development corporation;
- (2) providing a credit enhancement;
- (3) effectively lowering interest rates;
- (4) financing a purchase or lease agreement in connection with an economic or infrastructure development project; or

(5) providing methods of leveraging money from sources other than this state that are related to the project for which the assistance is provided.

(d) A county, municipality, or economic development corporation that receives funds under Subsection (c) shall segregate the funds from other funds under the control of the county, municipality, or economic development corporation and use the funds only for a purpose described by this section. Any funds disbursed through the program must be repaid on terms determined by the department.

(e) The department shall adopt rules necessary to implement this section.

### **Amendment No. 3 - Point of Order**

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

The chair overruled the point of order.

### **Amendment No. 4**

Representative Villarreal offered the following amendment to Amendment No. 3:

Amend Amendment No. 3 to **CSSB 1016** by Gattis as follows:

(1) On page 1, line 16 of the amendment, between "corporation" and "that", insert "or community development financial institution".

(2) On page 2, line 8 of the amendment, between "municipality," and "or", insert "community development financial institution,".

(3) On page 2, line 10 of the amendment, between "municipality," and "or", insert "community development financial institution,".

(4) On page 2, line 20 of the amendment, between "municipality," and "or", insert "community development financial institution,".

Amendment No. 4 was adopted.

Amendment No. 3, as amended, 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:

Bolton on motion of Allen.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, at 5:30 p.m. today, in 3W.15, to consider **SB 14** and pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 5:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 14** and pending business.

### CSSB 1016 - (consideration continued)

#### Amendment No. 5

Representative Gonzalez Toureilles offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** (house committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles of the bill accordingly:

ARTICLE \_\_\_\_ . TEXAS RURAL DEVELOPMENT FUND

SECTION \_\_\_\_ .01. Section 487.001, Government Code, is amended by adding Subdivision (3) to read as follows:

(3) "Rural area" means an area that is predominately rural in character as defined by the office.

SECTION \_\_\_\_ .02. Subchapter C, Chapter 487, Government Code, is amended by adding Section 487.062 to read as follows:

Sec. 487.062. TRAINING. (a) The office may develop and administer a training program related to the programs and activities established under Subchapters S, T, U, V, W, and X.

(b) The office may contract with a public or private entity to develop and provide the training under this section.

SECTION \_\_\_\_ .03. Chapter 487, Government Code, is amended by adding Subchapters R through X to read as follows:

SUBCHAPTER R. TEXAS RURAL DEVELOPMENT FUND

Sec. 487.801. TEXAS RURAL DEVELOPMENT FUND. (a) The Texas Rural Development Fund is an account in the general revenue fund. The account is composed of:

(1) legislative appropriations;  
(2) gifts, donations, grants, and matching funds received under Subsection (b); and

(3) other money required by law to be deposited in the account.

(b) The office may solicit and accept gifts, donations, grants, and matching funds of money from the federal government, local governments, private corporations, or other persons to be used for the purposes of Subchapters S, T, U, V, W, and X.

(c) Income from money in the account shall be credited to the account.

(d) Money in the development fund may be used only for the purpose of implementing and maintaining the programs established under Subchapters S, T, U, V, W, and X.

SUBCHAPTER S. RURAL ENTREPRENEURSHIP AND BUSINESS INNOVATION PROGRAM

Sec. 487.851. DEFINITIONS. In this subchapter:

(1) "Microenterprise" means a business in a rural area with not more than five employees.

(2) "Minimum wage" means the minimum wage set by federal law as of January 1, 2009.

(3) "Program" means the rural entrepreneurship and business innovation program established under this subchapter.

(4) "Small business" means a business in a rural area with not more than 250 employees.

Sec. 487.852. PROGRAM. The office shall create a rural entrepreneurship and business innovation program to:

(1) assist in the development and expansion of businesses in rural areas;

(2) assist entrepreneurs in rural areas; and

(3) recruit out-of-state businesses to locate and transact business in rural areas.

Sec. 487.853. INCENTIVES. (a) The program shall offer incentives in the form of loans to entrepreneurs and businesses for purposes of the creation or retention of jobs in rural areas.

(b) An eligible business or entrepreneur may apply for a loan under the program on an application form prescribed by the office.

(c) To be eligible for a loan, a loan applicant must provide at least five percent of the equity for each project. The office may consider the amount of equity provided by an applicant in scoring a loan application. An eligible business or entrepreneur is not eligible for more than one loan for each created or retained job.

(d) The office may make a loan under the program to any of the following eligible businesses or entrepreneurs:

- (1) microenterprises;
- (2) small businesses;
- (3) businesses dependent on natural resources in developing value-added products;
- (4) tourism or recreation businesses;
- (5) entrepreneurs and businesses that expand broadband service access for rural areas; and
- (6) projects to develop infrastructure for the benefit of entrepreneurs and businesses in rural areas.

(e) The maximum loan amount to be made by the program is \$35,000 for each eligible employee position retained or created.

(f) A loan made by the program may be based on the following schedule:

(1) up to \$14,000 for each eligible employee position retained or created with wages greater than or equal to 170 percent and less than 200 percent of the minimum wage;

(2) up to \$21,000 for each eligible employee position retained or created with wages greater than or equal to 200 percent and less than 250 percent of the minimum wage;

(3) up to \$28,000 for each eligible employee position retained or created with wages greater than or equal to 250 percent and less than 300 percent of the minimum wage; and

(4) up to \$35,000 for each eligible employee position retained or created with wages greater than or equal to 300 percent of the minimum wage.

(g) After job creation, the office may forgive up to 25 percent of the total amount of a loan made under this section.

(h) A loan may not be used to attract a business from another location in this state, unless the office determines that the business would otherwise leave the state.

Sec. 487.854. LOAN TERMS. (a) Loan interest rates must be based on the capacity of the borrower and the risk of the project, as determined by the office.

(b) Loan interest rates may be as low as zero percent.

Sec. 487.855. SUPPORT SERVICES. The office may contract to provide services to entrepreneurs or businesses for purposes of implementing the program.

Sec. 487.856. CHALLENGE GRANTS. The office may award challenge grants under the program to promote the establishment of community-based organizations to work in partnership with communities in rural areas to assist entrepreneurs through economic development efforts in existence at the time of the organization's establishment.

#### SUBCHAPTER T. RURAL AREA REGIONAL PLANNING AND IMPLEMENTATION MATCHING GRANT PROGRAM

Sec. 487.901. DEFINITION. In this subchapter, "program" means the rural area regional planning and implementation matching grant program established under this subchapter.

Sec. 487.902. RURAL AREA REGIONAL PLANNING AND IMPLEMENTATION MATCHING GRANT PROGRAM. (a) The office shall create the rural area regional planning and implementation matching grant program to foster regional collaboration for community and economic development in rural areas.

(b) The office may award matching grants for the planning and implementation of regionally identified objectives in a rural area.

Sec. 487.903. ELIGIBLE ENTITIES. (a) To be awarded a matching grant under the program for a proposed project, an application, including a description of the project proposal, must be jointly submitted by two or more of the following entities in the form prescribed by the office:

(1) a municipality;

(2) a county;

(3) an economic development corporation;

(4) a community foundation;

(5) a faith-based organization;

(6) a hospital or clinic;

(7) an institution of higher education, as defined by Section 61.003, Education Code; or

(8) a commission, as defined by Section 391.002, Local Government Code.

(b) Entities that jointly submit an application under Subsection (a) must be physically located in at least:

(1) two or more adjacent rural counties; or

(2) two or more municipalities or census-designated places in a rural county.

Sec. 487.904. GRANT AWARDS. The office shall give preference to eligible applicants that demonstrate an inclusive planning and implementation process over other eligible applicants for an award of a matching grant under the program.

#### SUBCHAPTER U. RURAL CAPACITY AND LEADERSHIP

##### ENHANCEMENT PROGRAM

Sec. 487.951. DEFINITION. In this subchapter, "program" means the rural capacity and leadership enhancement program.

Sec. 487.952. PROGRAM. The office shall create the rural capacity and leadership enhancement program to assist municipalities and unincorporated communities in rural areas to:

(1) develop leadership capacity;

(2) improve the business practices of municipal government;

(3) increase awareness of the benefits of renewable energy;

(4) identify community assets that can be used to enhance community and economic development; and

(5) provide assistance for emergency services districts.

Sec. 487.953. RURAL LEADERSHIP CURRICULUM. The office may coordinate with an interested public junior college or public technical institute, as those terms are defined by Section 61.003, Education Code, that is located in a

rural area or a consortium of those colleges or institutes, the Texas Rural Leadership Program, or another appropriate leadership program to develop and maintain a rural leadership curriculum to implement the program.

Sec. 487.954. LEADERSHIP TRAINING. The office may award a stipend under the program to an individual who completes training based on the curriculum developed under Section 487.953.

#### SUBCHAPTER V. RURAL COMMUNITY ASSET STUDY MATCHING GRANT PROGRAM

Sec. 487.1001. DEFINITION. In this subchapter, "program" means the rural community asset study matching grant program.

Sec. 487.1002. RURAL COMMUNITY ASSET STUDY MATCHING GRANT PROGRAM. (a) The office shall create the rural community asset study matching grant program to assist communities in rural areas in identifying community assets.

(b) The office may issue matching grants to fund community asset studies in accordance with criteria established by the office.

Sec. 487.1003. ELIGIBLE ENTITIES. (a) To be awarded a matching grant under the program for a proposed project, an application, including a description of the project proposal, must be jointly submitted by two or more of the following entities in the form prescribed by the office:

- (1) a municipality;
- (2) a county;
- (3) an economic development corporation;
- (4) a community foundation;
- (5) a faith-based organization;
- (6) a hospital or clinic;
- (7) an institution of higher education, as defined by Section 61.003, Education Code; or
- (8) a commission, as defined by Section 391.002, Local Government Code.

(b) The office shall give preference to eligible applicants that demonstrate an inclusive planning and implementation process over other eligible applicants for an award of a matching grant under the program.

(c) The office shall develop criteria for eligible projects and for the awarding of matching grants under the program.

#### SUBCHAPTER W. TEXAS RURAL YOUTH CORPS PROGRAM

Sec. 487.1051. DEFINITIONS. In this subchapter:

(1) "Executive director" means the executive director of the Office of Rural Community Affairs.

(2) "Program" means the Texas rural youth corps program.

Sec. 487.1052. TEXAS RURAL YOUTH CORPS PROGRAM. (a) The office shall create the Texas rural youth corps program to encourage youth participation in civic improvement activities in rural areas. The program shall:

(1) provide youth in rural areas with opportunities to acquire job skills while participating in community service activities; and



(2) create opportunities for youth that allow rural communities to enhance existing community resources and improve economic conditions.

(b) The office may designate personnel as necessary to administer the program.

Sec. 487.1053. GRANTS. The executive director may award grants under the program to eligible entities for projects that meet the requirements of this subchapter.

Sec. 487.1054. ELIGIBLE ENTITIES. (a) Except as provided by Subsection (b), the following entities are eligible to submit an application as provided by Section 487.1056 to receive a grant for a proposed project under this subchapter:

(1) a nonprofit organization;

(2) a public agency that operates a community-based youth employment training program;

(3) a community housing development organization certified by this state;

(4) a youth organization;

(5) a corps-based community service organization; or

(6) another entity authorized by the office.

(b) Each eligible applicant that submits an application under Subsection (a) must demonstrate that the applicant has at least three years of successful experience operating programs for the benefit of youth, in particular disadvantaged or at-risk youth populations.

Sec. 487.1055. ELIGIBLE PROJECTS. To receive a grant under the program, a proposed project of an eligible applicant must provide, by using the services and skills of youth participants who are at least 12 years of age but younger than 19 years of age, at least one of the following services to the rural community in which the project is located:

(1) rehabilitation or construction of energy-efficient, affordable housing for:

(A) elderly individuals;

(B) veterans of the United States armed forces; or

(C) low-income individuals and families;

(2) sustainable construction or rehabilitation of:

(A) historic properties;

(B) community facilities;

(C) business incubators;

(D) health care facilities;

(E) cultural districts; or

(F) parks or cemeteries owned or supported by funds of public or

nonprofit entities;

(3) increased access to information on new technology and technological advances, including communications or renewable energy technologies;

(4) documentation of community history;

(5) identification and analysis of community assets through a community asset study; and

(6) marketing services of community assets, amenities, and history identified in a community history documentation or community asset study.

Sec. 487.1056. GRANT APPLICATION. A grant application for a proposed project must be filed with the office in a form prescribed by the office. Each application must include:

(1) the amount of grant money requested;

(2) a description of the proposed project;

(3) a description of the applicant's qualifications, including the applicant's experience with youth, educational groups, and community groups;

(4) a list of proposed sites for construction or rehabilitation of housing or other buildings, if applicable;

(5) a description of proposed sustainable construction or rehabilitation activities, including an implementation schedule, if applicable;

(6) a description of the applicant's proposed procedures for recruiting and selecting participants in the project;

(7) a proposed budget;

(8) a description of proposed financing, if applicable;

(9) a list of relevant contracts or other arrangements between the applicant and public agencies to facilitate project implementation;

(10) a list of prospective donations, grants, or in-kind contributions that will supplement grant money received under the program; and

(11) other criteria as considered necessary by the office.

Sec. 487.1057. PROJECT SELECTION; CRITERIA. (a) The office shall establish criteria for selecting projects for the awarding of a grant under this subchapter.

(b) In establishing criteria under Subsection (a), the office shall:

(1) give preference to an applicant who can document the existence of matching contributions from other sources and support from local organizations, community leaders, and elected officials; and

(2) give preference to projects that provide participants with an opportunity to earn scholarship awards toward college tuition expenses.

(c) In establishing criteria under Subsection (a), the office may:

(1) give preference to an applicant who has experience in providing the services proposed to be provided under the project; and

(2) give preference to projects that assist youths who are at least 12 years of age but younger than 19 years of age who:

(A) are not attending high school and have not received a high school diploma or high school equivalency certificate; or

(B) attend high school or a program leading to a high school equivalency certificate, but have been identified as being at risk of dropping out of high school or the program leading to a high school equivalency certificate.

Sec. 487.1058. ADVISORY BOARD; PARTICIPANT COUNCIL. On receipt of a grant under the program, the successful grantees shall establish:

(1) an advisory board for the project that includes:

- (A) senior staff that manage and operate the project;
  - (B) employers and business and community leaders of the community; and
  - (C) project participants; and
- (2) a project participant council to provide comments and suggestions regarding project policies.

Sec. 487.1059. ASSISTANCE FOR GRANTEES. The office shall provide grantees awarded a grant under the program access to curriculum materials created under Section 487.953, in particular materials that are designed to develop:

- (1) leadership ethics;
- (2) active citizenship;
- (3) a sense of personal responsibility;
- (4) critical thinking skills;
- (5) decision-making skills;
- (6) problem-solving skills; and
- (7) negotiation skills.

Sec. 487.1060. OTHER FUNDING SOURCES REQUIRED. Up to 50 percent of a proposed project's budget must be derived from a source other than the award of a grant or other incentive from the office, as determined by the office.

Sec. 487.1061. LIMIT ON ADMINISTRATIVE EXPENSES. A grantee may not spend grant money for more than 15 percent of a proposed project's administrative costs.

Sec. 487.1062. REPORTING REQUIREMENT. The office must include the following information regarding the program in its biennial report to the legislature under Section 487.056:

- (1) the total number of grants and the total amount of grant money awarded under the program;
- (2) the geographical distribution of grants awarded; and
- (3) the number of youth and other persons participating in program-funded projects.

#### SUBCHAPTER X. RURAL WEALTH CREATION AND RETENTION PROGRAM

Sec. 487.1101. DEFINITION. In this subchapter, "program" means the rural wealth creation and retention program.

Sec. 487.1102. RURAL WEALTH CREATION AND RETENTION PROGRAM. The office shall create a rural wealth creation and retention program to assist rural communities in:

- (1) identifying community wealth;
- (2) educating residents about the benefits of charitable giving; and
- (3) encouraging the creation of community foundations in those areas to build sustainable local wealth and decrease long-term dependence on state and federal resources.

Sec. 487.1103. CONTRACT FOR SERVICES. (a) The office may contract with other entities to provide services under the program.

(b) In making a decision to contract with an entity under Subsection (a), the office shall give preference to an entity with a proven history of providing assistance to community foundations.

Sec. 487.1104. SUPPORT SERVICES. The office, or a contracting entity under Section 487.1103, may provide support services for the implementation of the program, including financial management, strategic development, and education training.

Sec. 487.1105. FEE. The office, or a contracting entity under Section 487.1103, may charge a fee for services provided under the program. The amount of the fee shall be determined by the office.

SECTION \_\_\_\_.04. Not later than March 1, 2010, the board of the Office of Rural Community Affairs shall adopt any necessary rules for the fund established under Subchapter R, Chapter 487, Government Code, as added by this article, and the programs established under Subchapters S through X, Chapter 487, Government Code, as added by this article.

SECTION \_\_\_\_.05. Implementation of the programs established under Subchapters S through X, Chapter 487, Government Code, as added by this article, is contingent on appropriation of funding by the legislature.

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

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 6 p.m. today, in 3W.15, to consider the calendar.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 6 p.m. today, 3W.15, for a formal meeting, to consider the calendar.

#### **SB 14 - REMARKS**

REPRESENTATIVE HERRERO: Chairman Smithee, I want to thank you, first of all, for coming down and helping me address this issue. As I let you know, **SB 14**, as we all know deals with Texas Windstorm Insurance, correct?

REPRESENTATIVE SMITHEE: Yes.

HERRERO: And that's a very important issue, as it pertains to all coastal, tier-one communities, and I know that you are aware of that as well, correct?

SMITHEE: I'd say to every county in Texas, yes.

HERRERO: Exactly. In fact, it goes beyond the tier-one coastal communities—it's to the state as a whole—because it's a very important issue for the state, correct?

SMITHEE: That's correct.

HERRERO: I had previously filed an objection to suspending the rules as it pertained to **SB 14** because I wanted to be able to make sure that, as this bill progresses through the process, that the body as a whole would have the opportunity to review, debate, and discuss the provisions in that bill. I don't know if you were aware of that or not, but that's the basis for my objection. Does that sound like a reasonable objection?

SMITHEE: That's fine—I wasn't aware of it until just now—but that's fine.

HERRERO: I apologize to you, Chairman Smithee, because I had not brought it to your attention, but I had filed it with the parliamentarian. A part of it was that I wanted to make sure that, not just that it's debatable within the body, but that if there are people that have concerns or issues with the provisions of the bill, that they also have an opportunity to voice their opinions in the committee process. I know that you respect that process as well, correct?

SMITHEE: Yes.

HERRERO: In fact, a lot of the people in the Corpus Christi community had, and continue to have, opposition to any provision in the Texas Windstorm Insurance provision that negatively prejudices or discriminates solely to people that are living in the coastal community. Are you aware of that being one of the arguments?

SMITHEE: Yes, I've heard that argument.

HERRERO: I know that we've talked to some of the other members, as you have, and I want to thank you for doing so—other representatives that are continuing to work on this very important issue. I know that we're making progress on what we think will be something good, not just for the coastal communities, but for the state as a whole. Is that your understanding, as well?

SMITHEE: That's what we've been working on pretty much full-time for the last few weeks.

HERRERO: I want to thank you for that time, because I know that it takes up a lot of time and energy. Can you tell me then what your plan is in suspending the rules as it pertains to **SB 14**?

SMITHEE: Actually, all I asked was for permission to meet. Here's the deal, we have a substitute that was negotiated between myself and the coastal members of the committee—there are four of those coastal members. The coastal members were very adequately represented on that particular committee. So, we finally reached an agreement as to a version that we could vote out of committee. I didn't do what I did—ask permission to meet—until I had the thumbs-up from every member of the committee that it was okay. I received that a few minutes ago, and as soon as I received it, I asked for permission to introduce—or for permission to meet, I should say.

HERRERO: I want to thank you for sharing that with me. The timing is where our messages got crossed. Where I had previously filed that objection two days ago, that message to me had not been conveyed. That is my understanding as well—that the issues are being worked out and being discussed, and again, I want

to thank you for doing that. Just so you know, the intent is not asking that every bill in insurance committee not have its opportunity; but that as it pertains to that specific bill because it is a very important issue that constituents have expressed to me. I want to thank you again for your time, your patience, and your willingness to come back for reconsideration.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, at 5:30 p.m. today, in 3W.15, to consider **SB 14** and pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 5:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 14** and pending business.

### CSSB 1016 - (consideration continued)

Amendment No. 5 was withdrawn.

### Amendment No. 6

Representative Hardcastle offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** (house committee printing) by adding the following appropriately numbered SECTIONS to Article 4 of the bill and renumbering subsequent SECTIONS of that Article accordingly:

SECTION 4. \_\_\_\_\_. Title 3, Agriculture Code, is amended by adding Chapter 50D to read as follows:

CHAPTER 50D. TEXAS BIOENERGY POLICY COUNCIL AND TEXAS  
BIOENERGY RESEARCH COMMITTEE  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 50D.001. PURPOSE. The purpose of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee is to promote the goal of making biofuels a significant part of the energy industry in this state not later than January 1, 2019.

Sec. 50D.002. DEFINITIONS. In this chapter:

(1) "Alternative chemical feedstock" means a feedstock that is produced by a thermochemical process that converts alternative sources of fuel, including biomass, or other renewable sources, to a raw material to be used in the chemical manufacturing process.

(2) "Policy council" means the Texas Bioenergy Policy Council.

(3) "Research committee" means the Texas Bioenergy Research Committee.

Sec. 50D.003. ADMINISTRATIVE SUPPORT. The department:

(1) shall provide administrative support, including staff, to the policy council; and

(2) may allocate appropriate administrative support to the research committee.

[Sections 50D.004-50D.010 reserved for expansion]

SUBCHAPTER B. TEXAS BIOENERGY POLICY COUNCIL

Sec. 50D.011. COMPOSITION. (a) The policy council is composed of the following 18 members:

(1) the commissioner, who serves as chair of the policy council;

(2) one representative of the Railroad Commission of Texas;

(3) one representative of the Texas Commission on Environmental

Quality;

(4) one representative of the Public Utility Commission of Texas;

(5) one representative of the Texas Water Development Board;

(6) the chancellor of The Texas A&M University System, or the person designated by the chancellor;

(7) the chancellor of the Texas Tech University System, or the person designated by the chancellor;

(8) the chancellor of The University of Texas System, or the person designated by the chancellor;

(9) one member of the senate appointed by the lieutenant governor;

(10) one member of the house of representatives appointed by the speaker of the house of representatives; and

(11) eight members appointed by the governor, with each of the following industries or groups represented by one member:

(A) research and development of feedstock and feedstock production;

(B) retail distribution of energy;

(C) transportation of biomass feedstock;

(D) agricultural production for bioenergy production or agricultural waste used for production of bioenergy;

(E) production of biodiesel from nonfood feedstocks;

(F) production of ethanol from nonfood feedstocks;

(G) bio-based electricity generation; and

(H) chemical manufacturing.

(b) The eight members of the policy council appointed by the governor serve at the governor's pleasure and have two-year staggered terms, with the terms of either three or four members expiring on January 1 of each year.

(c) The governor shall fill any vacancy in a position appointed by the governor for the remainder of the unexpired term.

(d) Appointments to the policy council must be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(e) The policy council is subject to Chapters 551 and 2001, Government Code.

Sec. 50D.012. REMOVAL OF POLICY COUNCIL MEMBERS. (a) A member of the policy council may be removed from the policy council if the member:

(1) is not able to devote the time necessary to perform the member's duties as a member;

(2) cannot because of illness or disability discharge the member's duties or cannot discharge those duties for a substantial part of the term for which the member is appointed; or

(3) is absent from more than half of the regularly scheduled policy council meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the policy council.

(b) An action of the policy council is not invalid because a ground for removal of a policy council member exists at the time the action is taken.

(c) If the commissioner has knowledge that a potential ground for removal of a policy council member exists, the commissioner shall notify the governor and attorney general of the potential ground for removal.

Sec. 50D.013. DUTIES OF POLICY COUNCIL. (a) The policy council shall:

(1) provide a vision for unifying this state's agricultural, energy, and research strengths in a successful launch of a cellulosic biofuel and bioenergy industry;

(2) foster development of cellulosic-based and bio-based fuels and build on the Texas emerging technology fund's investments in leading-edge energy research and efforts to commercialize the production of bioenergy;

(3) pursue the creation of a next-generation biofuels energy research program at a university in this state;

(4) work to procure federal and other funding to aid this state in becoming a bioenergy leader;

(5) study the feasibility and economic development effect of a blending requirement for biodiesel or cellulosic fuels;

(6) pursue the development and use of thermochemical process technologies to produce alternative chemical feedstocks;

(7) study the feasibility and economic development of the requirements for pipeline-quality, renewable natural gas; and

(8) perform other advisory duties as requested by the commissioner regarding the responsible development of bioenergy resources in this state.

(b) The policy council shall meet regularly as necessary at the call of the commissioner.

Sec. 50D.014. REIMBURSEMENT OF EXPENSES. A member of the policy council may not receive compensation for service on the council. Subject to availability of funds, a policy council member may receive reimbursement for the actual and necessary expenses incurred while conducting policy council business.

Sec. 50D.015. COORDINATION WITH FEDERAL GOVERNMENT ON BIOENERGY POLICY. (a) In this section, "state agency" has the meaning assigned by Section 315.002, Government Code.

(b) The policy council shall take reasonable steps to track the development of federal bioenergy policy and provide information relating to federal regulatory developments to each affected state agency.



(c) Not later than October 1, 2009, the Texas Commission on Environmental Quality shall request a determination by the United States Environmental Protection Agency that this state will not lose nitrogen oxide emission reduction credits currently recognized as part of the state implementation plan if:

(1) this state allows the use of biodiesel and biodiesel blends with no additives; and

(2) the final blend of fuel complies with state and federal standards for cetane and aromatic hydrocarbon content.

(d) If the Texas Commission on Environmental Quality receives a determination from the United States Environmental Protection Agency that this state will not lose nitrogen oxide emission reduction credits as a result of the use of biodiesel or biodiesel blends with no additives, or if the commission independently makes that determination, the commission may not adopt or implement rules that restrict the production or distribution of biodiesel or biodiesel blends in a manner more stringent than provided by federal law.

[Sections 50D.016-50D.020 reserved for expansion]

SUBCHAPTER C. TEXAS BIOENERGY RESEARCH COMMITTEE

Sec. 50D.021. COMPOSITION. (a) The research committee is composed of the following 16 members:

(1) the commissioner or the person designated by the commissioner, who serves as the chair of the research committee;

(2) one representative of the Railroad Commission of Texas;

(3) one representative of the Texas Commission on Environmental Quality;

(4) one representative of the Public Utility Commission of Texas;

(5) one representative of the Texas Water Development Board;

(6) one researcher or specialist in the bioenergy field from each of the following university systems, appointed by the chancellor of the system:

(A) The Texas A&M University System;

(B) the Texas Tech University System; and

(C) The University of Texas System; and

(7) eight members, with a member appointed by each policy council member appointed by the governor under Section 50D.011(a)(11).

(b) The eight members of the research committee appointed under Subsection (a)(7) serve at the governor's pleasure and have two-year staggered terms, with the terms of either three or four members expiring on January 1 of each year.

(c) The governor shall fill any vacancy in a position appointed under Subsection (a)(7) for the remainder of the unexpired term.

(d) Appointments to the research committee must be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(e) The research committee is subject to Chapters 551 and 2001, Government Code.

Sec. 50D.022. REMOVAL OF RESEARCH COMMITTEE MEMBERS.

(a) A member of the research committee may be removed from the research committee if the member:

(1) is not able to devote the time necessary to perform the member's duties as a member;

(2) cannot because of illness or disability discharge the member's duties or cannot discharge those duties for a substantial part of the term for which the member is appointed; or

(3) is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the committee.

(b) An action of the research committee is not invalid because a ground for removal of a committee member exists at the time the action is taken.

(c) If the commissioner has knowledge that a potential ground for removal of a committee member exists, the commissioner shall notify the governor and attorney general of the potential ground for removal.

Sec. 50D.023. PURPOSES AND DUTY OF RESEARCH COMMITTEE.

(a) The research committee is a research consortium among academic and technical research leadership, with active involvement by all sectors of the economy interested in bioenergy development.

(b) The research committee shall:

(1) identify and research appropriate and desirable biomass feedstock for each geographic region of this state;

(2) investigate logistical challenges to the planting, harvesting, and transporting of large volumes of biomass and provide recommendations to the policy council that will aid in overcoming barriers to the transportation, distribution, and marketing of bioenergy;

(3) identify strategies for and obstacles to the potential transition of the agriculture industry in western regions of this state to dryland bioenergy crops that are not dependent on groundwater resources;

(4) explore regions of this state, including coastal areas, that may contain available marginal land for use in growing bioenergy feedstocks;

(5) study the potential for producing oil from algae;

(6) study the potential for the advancement of thermochemical process technologies to produce alternative chemical feedstocks;

(7) study the potential for producing pipeline-quality natural gas from renewable sources; and

(8) perform other research duties as requested by the commissioner relating to the responsible development of bioenergy resources in this state.

(c) The research committee shall meet at the call of the commissioner.

Sec. 50D.024. REIMBURSEMENT OF EXPENSES. A member of the research committee may not receive compensation for service on the committee. Subject to availability of funds, a research committee member may receive reimbursement for the actual and necessary expenses incurred while conducting research committee business.

SECTION 4.\_\_\_\_. (a) As soon as practicable after the effective date of this Act, the appropriate persons shall appoint the members of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee established by Sections 50D.011 and 50D.021, Agriculture Code, as added by this Act.

(b) Not later than the 30th day after the date the final member is appointed to the Texas Bioenergy Policy Council, the commissioner of agriculture shall call the first meeting of the policy council.

#### **Amendment No. 7**

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

Amend Amendment No. 6 to **CSSB 1016** by Hardcastle on page 1, line 13 of the amendment, by striking "2019" and substituting "2018".

Amendment No. 7 was withdrawn.

#### **Amendment No. 8**

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

Amend the Hardcastle amendment to **CSSB 1016** (house committee printing) as follows:

(1) On page 6, line 7, between "Texas" and the semi-colon, insert "designated by the commission".

(2) On page 6, line 9, between "Quality" and the semi-colon, insert "designated by the commission".

(3) On page 6, line 11, between "Texas" and the semi-colon, insert "designated by the commission".

(4) On page 6, line 13, between "Board" and the semi-colon, insert "designated by the board".

Amendment No. 8 was adopted.

#### **Amendment No. 9**

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

Amend the Hardcastle amendment to **CSSB 1016** (house committee printing) as follows:

(1) On page 1, strike lines 15-19 and renumber subsequent Subdivisions accordingly.

(2) On page 2, line 24, strike "eight" and substitute "seven".

(3) On page 3, line 5, insert "and".

(4) On page 3, strike lines 6-7 and substitute:

(G) bio-based electricity generation.

(5) On page 4, strike lines 22-23 and renumber subsequent Subdivisions accordingly.

(6) On page 6, line 23, strike "eight" and substitute "seven".

(7) On page 8, strike lines 12-14 and renumber remaining Subdivisions accordingly.

Amendment No. 9 was withdrawn.

#### **Amendment No. 10**

Representative Y. Davis offered the following amendment to Amendment No. 6:

Amend the Hardcastle amendment to **CSSB 1016** (house committee printing) as follows:

(1) On page 2, line 7, between "Texas" and the semi-colon, insert "designated by the commission".

(2) On page 2, line 9, between "Quality" and the semi-colon, insert "designated by the commission".

(3) On page 2, line 11, between "Texas" and the semi-colon, insert "designated by the commission".

(4) On page 2, line 13, between "Board" and the semi-colon, insert "designated by the board".

Amendment No. 10 was adopted.

Amendment No. 6, as amended, was adopted.

#### **Amendment No. 11**

Representative Hardcastle offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** (house committee report) in SECTION 9.19 of the bill, by striking added Section 144.041(g), Agriculture Code (page 81, lines 5 through 9), and substituting the following:

(g) The recording of marks and brands at a point of sale for use by an association authorized to inspect livestock under 7 U.S.C. Section 217a does not serve as a record under this chapter. An association authorized to inspect livestock under 7 U.S.C. Section 217a has no duty to verify ownership at a point of sale.

Amendment No. 11 was adopted.

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

Representative Isett offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to ARTICLE 7 of bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 7.\_\_\_\_. Section 1951.002(16), Occupations Code, is amended to read as follows:

(16) "Technician" means a person who holds a license under this chapter and who, under [~~the~~] direct supervision of a certified noncommercial applicator or, as an employee of a holder of a structural pest control business license, performs supervised pesticide applications, maintains or uses structural

pest control devices, makes sales presentations, or identifies pest infestation or damage. The term does not include a person whose duties are solely clerical or are otherwise completely disassociated with pest control.

SECTION 7. \_\_\_\_\_. Section 1951.003, Occupations Code, is amended to read as follows:

Sec. 1951.003. BUSINESS OF STRUCTURAL PEST CONTROL. (a) In this chapter, a person is engaged in the "business of structural pest control" if the person performs~~[], offers to perform, or advertises for or solicits the person's performance of]~~ any of the following services for compensation, including services performed as a part of the person's employment:

(1) identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of:

(A) arthropods, including insects, spiders, mites, ticks, and related pests, wood-infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals that may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures or their contents; or

(B) pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street;

(2) making oral or written inspection reports, recommendations, estimates, or bids with respect to an infestation described by Subdivision (1); or

(3) making contracts, or submitting bids based on an inspection for services or performing services designed to prevent, control, or eliminate an infestation described by Subdivision (1) by the use of insecticides, pesticides, rodenticides, fumigants, allied chemicals or substances, or mechanical devices.

(b) A person is not engaged in the business of structural pest control if the person is a clerical employee or a manual laborer and the person does not:

(1) identify pests;

(2) make inspections, recommendations, estimates, bids, or contracts;

(3) provide estimates, bids, or contracts based on an inspection; or

(4) apply insecticides, pesticides, rodenticides, fumigants, allied chemicals, or other related substances regulated by the department.

SECTION 7. \_\_\_\_\_. Section 1951.101(a), Occupations Code, is amended to read as follows:

(a) The committee consists of nine members appointed by the commissioner as follows:

(1) two members who are experts in structural pest control application;

(2) three members who represent the public;

(3) one member from an institution of higher education who is knowledgeable in the science of pests and pest control;

(4) one member who represents the interests of structural pest control operators and who is appointed based on recommendations provided by a trade association of operators;

(5) one member who represents the interests of consumers ~~[and who is appointed based on recommendations provided by consumer advocacy groups or associations];~~ and

(6) the commissioner of state health services or the commissioner's designee.

SECTION 7.\_\_\_\_. Section 1951.105, Occupations Code, is amended to read as follows:

Sec. 1951.105. RULES GOVERNING COMMITTEE; COMMITTEE MEETINGS. (a) The department shall adopt rules for the operation of the committee, including rules governing:

- (1) the purpose, role, responsibility, and goals of the committee;
- (2) the quorum requirements for the committee;
- (3) the qualifications required for members of the committee, which may include experience and geographic representation requirements;
- (4) the appointment process for the committee;
- (5) the members' terms;
- (6) the training requirements;
- (7) a process to regularly evaluate the effectiveness of the committee;

and

(8) a requirement that the committee comply with Chapter 551, Government Code.

(b) The committee shall:

- (1) meet quarterly;
- (2) operate under Robert's Rules of Order; and
- (3) record the minutes of each meeting.

SECTION 7.\_\_\_\_. Section 1951.205(a), Occupations Code, is amended to read as follows:

(a) The department, with the advice of the committee, shall adopt rules as authorized under this chapter governing the methods and practices of structural pest control that the department determines are necessary to protect the public's health and welfare and prevent adverse effects on human life and the environment. Each rule adopted must cite the section of this chapter that authorizes the rule.

SECTION 7.\_\_\_\_. Section 1951.212(b), Occupations Code, is amended to read as follows:

(b) The department shall use the structural pest control ~~[an existing]~~ advisory committee ~~[or create a new advisory committee]~~ to assist the department in developing the standards for the integrated pest management program. In developing the standards, the advisory committee shall consult with a person knowledgeable in the area of integrated pest management in schools.

SECTION 7.\_\_\_\_. Section 1951.301, Occupations Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) A person engaged in the business of structural pest control must hold a structural pest control business license for each place of business, including each branch office. A certified commercial applicator, certified noncommercial applicator, or licensed technician is not required to obtain a separate license for each branch office of an employer.

(f) A certified commercial applicator or technician license must be associated with a business license holder. The name of the employer of a licensed commercial applicator or technician must be printed on the face of the license issued to a commercial applicator or technician.

SECTION 7.\_\_\_\_. Section 1951.308, Occupations Code, is amended to read as follows:

Sec. 1951.308. LICENSE EXPIRATION. A license issued under this chapter expires at the end of the license period as determined by department rule. ~~[(a) The department by rule may adopt a system under which licenses expire on various dates during the year.~~

~~[(b) For the year in which the license expiration date is changed, license fees payable on December 31 shall be prorated on a monthly basis so that each license holder pays only that portion of the license fee that is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total license renewal fee is payable.]~~

SECTION 7.\_\_\_\_. Section 1951.453, Occupations Code, is amended to read as follows:

Sec. 1951.453. PEST CONTROL INFORMATION FOR INDOOR TREATMENTS: RESIDENTIAL PROPERTY. (a) For an indoor treatment at a private residence that is not rental property, a certified applicator or technician shall make available ~~[-~~

~~[(1) give] a pest control information sheet developed under Section 1951.254 to the owner of the residence before each treatment~~ ~~[- or~~

~~[(2) if the owner is not available at the time treatment begins, leave the information sheet in a conspicuous place in the residence].~~

(b) For an indoor treatment at a residential rental property with fewer than five rental units, a certified applicator or technician shall make available ~~[- leave] a pest control information sheet developed under Section 1951.254 to the tenant of~~ ~~[- in] each unit~~ ~~[at the time of each treatment].~~

(c) For an indoor treatment at a residential rental property with five or more rental units, a certified applicator or technician shall make available ~~[- provide] a pest control information sheet developed under Section 1951.254 and a pest control sign developed under that section to the owner or manager of the property. The owner or manager or an employee or agent of the owner or manager, other than the certified applicator or technician, shall notify residents who live in the direct area of the treatment or in an adjacent area by:~~

(1) posting the sign in an area of common access at least 48 hours before each planned treatment; or

(2) leaving the information sheet on the front door of each unit or in a conspicuous place inside each unit at least 48 hours before each planned treatment.

SECTION 7.\_\_\_\_. Section 1951.454, Occupations Code, is amended to read as follows:

Sec. 1951.454. PEST CONTROL INFORMATION FOR INDOOR TREATMENTS: WORKPLACE. For an indoor treatment at a workplace, a certified applicator or technician shall make available ~~[- provide] a pest control~~

information sheet developed under Section 1951.254 and a pest control sign developed under that section to the employer or the building manager. The employer or building manager or an employee or agent of the owner or manager, other than the certified applicator or technician, shall notify the persons who work at the workplace of the date of the planned treatment by:

(1) posting the sign in an area of common access that the persons are likely to check on a regular basis at least 48 hours before each planned treatment; and

(2) providing the information sheet to any person working in the building on a request made by the person during normal business hours.

SECTION 7.\_\_\_\_. Section 1951.455(a), Occupations Code, is amended to read as follows:

(a) For an indoor treatment at a building that is a hospital, nursing home, hotel, motel, lodge, warehouse, food-processing establishment, school, or day-care center, a certified applicator or technician shall make available [~~provide~~] a pest control information sheet developed under Section 1951.254 and a pest control sign developed under that section to the chief administrator or building manager. The chief administrator or building manager shall notify the persons who work in the building of the treatment by:

(1) posting the sign in an area of common access that the persons are likely to check on a regular basis at least 48 hours before each planned treatment; and

(2) providing the information sheet to a person working in the building on request of the person.

SECTION 7.\_\_\_\_. Sections 1951.457(a) and (b), Occupations Code, are amended to read as follows:

(a) For an outdoor treatment at a private residence that is not rental property, a certified applicator or technician shall make available [~~leave~~] a pest control information sheet developed under Section 1951.254 at the residence before the treatment begins.

(b) For an outdoor treatment at a residential rental property with fewer than five rental units, a certified applicator or technician shall make available [~~leave~~] a pest control information sheet at each unit at the time of treatment.

(2) In SECTION 7.07 of the bill, between Subdivisions (3) and (4) of that SECTION (page 68, between lines 12 and 13), insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

( ) Subsection (d), Section 1951.456;

### **Amendment No. 13**

Representative Gutierrez offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 to **CSSB 1016** by Isett by adding the following to the end of the amendment:

(3) In SECTION 9.03 of the bill, strike added Sections 12.048(a)(3)-(5), Agriculture Code (page 74, lines 7-13), and substitute the following:



(3) requests a determination of eligibility for a license issued by the department; or

(4) is an employee, volunteer, or intern of the department, or an applicant to be an employee, volunteer, or intern of the department.

Amendment No. 13 was adopted.

Amendment No. 12, as amended, was adopted.

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

Representative Hilderbran offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** (house committee report) by adding the following appropriately numbered SECTION to Article 9 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 9.\_\_\_\_. Subsection (a), Section 11.005, Agriculture Code, is amended to read as follows:

(a) To be eligible for election as commissioner or appointment to fill a vacancy in the office of commissioner, a person must:

(1) have worked, for at least five years preceding the calendar year in which the person is elected or appointed to the person's initial term, in the livestock industry, in the grain industry, or for the Texas Agricultural Council or another agricultural producer association; and

(2) meet at least one of the following qualifications:

(A) have been engaged, for at least five of the 10 years preceding the year in which the person is elected or appointed to the person's initial term, in the business of agriculture;

(B) [~~2~~] have worked, for the five-year period preceding the calendar year in which the person is elected or appointed to the person's initial term, for a state or federal agency in a position directly related to agriculture; or

(C) [~~3~~] have owned or operated, for at least five of the 10 years preceding the year in which the person is elected or appointed to the person's initial term, farm, ranch, or timber land that qualifies for agricultural use appraisal under Subchapter C, Chapter 23, Tax Code, and be participating, in the calendar year in which the person is elected or appointed to the person's initial term, in a farm program administered by the federal Agricultural Stabilization and Conservation Service.

#### **Amendment No. 15**

Representative Hilderbran offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 to **CSSB 1016** by Hilderbran (81R33127) by striking page 1, line 10, through page 2, line 1, of the amendment and substituting the following:

(1) have been engaged, for at least five of the 10 years preceding the year in which the person is elected or appointed to the person's initial term, in the business of agriculture;

(2) have worked, for the five-year period preceding the calendar year in which the person is elected or appointed to the person's initial term, for a state or federal agency in a position directly related to agriculture; ~~[or]~~

(3) have owned or operated, for at least five of the 10 years preceding the year in which the person is elected or appointed to the person's initial term, farm, ranch, or timber land that qualifies for agricultural use appraisal under Subchapter C, Chapter 23, Tax Code, and be participating, in the calendar year in which the person is elected or appointed to the person's initial term, in a farm program administered by the federal Agricultural Stabilization and Conservation Service; or

(4) have worked, for at least five years at any time before the calendar year in which the person is elected or appointed to the person's initial term, for the Texas Agricultural Council, an organization that is a member of the Texas Agricultural Council, or another agricultural producer association.

Amendment No. 15 was adopted.

### LEAVE OF ABSENCE GRANTED

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

Otto on motion of Orr.

### CSSB 1016 - (consideration continued)

#### Amendment No. 16

Representative Veasey offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 to **CSSB 1016** by Hilderbran (barcode number 815428) as follows:

(1) On page 1, line 2 of the amendment, strike "SECTION" and substitute "SECTIONS".

(2) At the end of the amendment, insert the following:

SECTION 9.\_\_\_\_. Section 13.1011, Agriculture Code, is amended by adding Subsection (e) to read as follows:

(e) The department shall adopt rules that prohibit the sale from a pump of gasoline or diesel fuel that is priced in fractions of a cent.

Amendment No. 16 was withdrawn.

Amendment No. 14, as amended, was adopted.

### REMARKS ORDERED PRINTED

Representative Herrero moved to print remarks between Representative Smithee and Representative Herrero regarding the Committee on Insurance meeting announcement.

The motion prevailed.

**CSSB 1016 - (consideration continued)****Amendment No. 17**

Representative Martinez offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** (house committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles of the bill accordingly:

ARTICLE \_\_\_\_\_. ESTABLISHMENT OF THE OFFICIAL CITRUS PRODUCERS' PEST AND DISEASE MANAGEMENT CORPORATION  
SECTION \_\_\_\_\_.01. Subtitle B, Title 5, Agriculture Code, is amended by adding Chapter 80 to read as follows:

CHAPTER 80. OFFICIAL CITRUS PRODUCERS' PEST AND DISEASE MANAGEMENT CORPORATION

Sec. 80.001. FINDINGS AND DECLARATION OF POLICY. (a) The legislature finds that:

(1) the insect known as the Asian citrus psyllid and the disease known as citrus greening are public nuisances and menaces to the citrus industry, and their control and suppression is a public necessity;

(2) because of the natural migration patterns of the Asian citrus psyllid, the control and suppression of the nuisance can best be accomplished by dividing the commercial citrus-growing areas into separate zones so that integrated pest management programs may be developed for each zone;

(3) there is a need for a quasi-governmental entity acting under the supervision and control of the commissioner whose members are actual citrus producers who would be represented on the board of the entity by directors elected by them to manage control and suppression programs and to furnish expertise in the field of insect control and suppression, because such an entity would enhance the interest and participation of citrus producers in the program;

(4) citrus producers, in partnership with the state and federal governments, have made significant investments toward the suppression of these pests and disease in this state; and

(5) it is essential to the well-being of the citrus industry and the agricultural economy of this state that the investments of the citrus producers and the state and federal governments be protected.

(b) It is the intent of the legislature that the program of control and suppression of the Asian citrus psyllid be carried out with the best available integrated pest management techniques.

(c) The department may recover costs for administration of this chapter.

Sec. 80.002. DESIGNATION OF ENTITY TO CARRY OUT ASIAN CITRUS PSYLLID AND CITRUS GREENING CONTROL AND SUPPRESSION. (a) The Texas Citrus Pest and Disease Management Corporation, Inc., a Texas nonprofit corporation, shall be recognized by the department as the entity to plan, carry out, and operate suppression programs to manage and control the Asian citrus psyllid and citrus greening in citrus plants in the state under the supervision of the department as provided by this chapter.

(b) The commissioner may terminate the corporation's designation as the entity recognized to carry out Asian citrus psyllid control and management by giving 45 days' written notice to the corporation and by designating a successor entity. If the commissioner designates a successor to the corporation, the successor has all the powers and duties of the corporation under this chapter. Any successor to the corporation shall assume and shall be responsible for all obligations and liabilities relating to any notes, security agreements, assignments, loan agreements, and any other contracts or other documents entered into by the corporation with or for the benefit of any financial institution or its predecessor, successor, or assignee.

Sec. 80.003. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the Texas Citrus Pest and Disease Management Corporation, Inc.

(2) "Asian citrus psyllid" means Diaphorina citri Kuwayama.

(3) "Commissioner" means the commissioner of agriculture.

(4) "Citrus" means:

(A) a citrus plant;

(B) a part of a citrus plant, including trees, limbs, flowers, roots, and leaves; or

(C) citrus products.

(5) "Citrus greening" means the disease caused by the Asian citrus psyllid.

(6) "Citrus producer" means a person who grows citrus and receives income from the sale of citrus. The term includes an individual who as owner, landlord, tenant, or sharecropper is entitled to share in the citrus grown and available for marketing from a farm or to share in the proceeds from the sale of the citrus from the farm.

(7) "Suppression" means control of the numbers and migration of the Asian citrus psyllid to the extent that the commissioner does not consider further management of the Asian citrus psyllid necessary to prevent economic loss to citrus producers.

(8) "Pest management zone" means a geographic area designated by the commissioner in accordance with Section 80.005 in which citrus producers by referendum approve their participation in a citrus pest control program.

(9) "Corporation" means the Texas Citrus Pest and Disease Management Corporation, Inc., a Texas nonprofit corporation.

(10) "Host" means a plant or plant product in which the Asian citrus psyllid is capable of completing any portion of its life cycle.

(11) "Infested" means the presence of the Asian citrus psyllid in any life stage or the existence of generally accepted entomological evidence from which it may be concluded with reasonable certainty that the Asian citrus psyllid is present.

(12) "Integrated pest management" means the coordinated use of pest and environmental information with available pest control methods, including pesticides, natural predator controls, cultural farming practices, and climatic

conditions, to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment.

(13) "Regulated article" means an article carrying or capable of carrying the Asian citrus psyllid, including citrus plants, nursery plants, citrus rootstock, or other hosts.

Sec. 80.004. ADVISORY COMMITTEES. (a) The commissioner may appoint an advisory committee for an existing pest management zone or an area of the state that is to be considered by the commissioner for designation as or inclusion in a pest management zone. The committee shall gather advice, input, and guidance from citrus producers from the area represented by the committee concerning the interest in and concerns about the implementation of this chapter.

(b) Each advisory committee may consider and make recommendations to the commissioner and the corporation concerning:

(1) the geographic boundaries for a proposed pest management zone;

(2) the amount of local interest in operating a suppression program;

(3) the basis and amount of an assessment necessary to support a suppression program;

(4) ongoing implementation of a suppression program approved by growers in a pest management zone; and

(5) any other matter requested by the commissioner or the corporation.

(c) Each advisory committee appointed under this section must include a sufficient number of citrus producers to ensure adequate representation across the pest management zone and other persons as determined by the commissioner.

(d) An advisory committee established under this section is subject to Chapters 551 and 552, Government Code.

Sec. 80.005. CREATION OF PEST MANAGEMENT ZONES. (a) The commissioner by rule may designate an area of this state as a proposed pest management zone.

(b) The commissioner may hold a public hearing in the proposed pest management zone to discuss the proposed geographic boundaries of the zone. The public hearing may include any other topic allowed under this chapter.

(c) After the adoption of a rule under Subsection (a), the commissioner shall conduct a referendum under Section 80.006.

Sec. 80.006. PEST MANAGEMENT ZONE REFERENDA. (a) The commissioner shall conduct a referendum in each proposed pest management zone to determine whether citrus producers want to establish a pest management zone.

(b) Pest management zone referenda shall be conducted under the procedures provided by Section 80.016.

(c) A proposed pest management zone referendum ballot must include or be accompanied by information about the proposed pest management zone, including:

(1) a statement of the purpose of the Asian citrus psyllid suppression program;

(2) the geographic area included in the proposed pest management zone;

(3) a general summary of rules adopted by the commissioner under Sections 80.016, 80.020, and 80.022, including a description of:

(A) citrus producer responsibilities; and

(B) penalties for noncompliance with rules adopted under this chapter; and

(4) an address and toll-free telephone number that a citrus producer may use to request more information about the referendum or the Asian citrus psyllid suppression program.

(d) If a referendum to establish a pest management zone is not approved, the concurrent election of a board member from the proposed pest management zone under Section 80.007 has no effect, and the commissioner shall appoint a representative to the board from the area.

(e) The corporation may request the commissioner to call additional referenda in a proposed pest management zone in which a referendum has not been approved. An additional pest management zone referendum and concurrent board election may not be held before the first anniversary of the date of the preceding referendum.

(f) After the approval of any referendum, the eligible voters shall be allowed, by subsequent referenda, to vote on whether to continue their assessments. The requirements for an initial referendum must be complied with in a subsequent referendum.

Sec. 80.007. BOARD ELECTIONS. (a) The initial election for board members from a proposed pest management zone shall be held concurrently with a pest management zone referendum held under Section 80.006. Each pest management zone must be represented on the board and remain represented on the board until suppression operations are concluded and all debt of the pest management zone is paid.

(b) A board election shall be conducted under the procedures provided by this section and Section 80.016.

(c) A citrus producer who is eligible to vote in a referendum or election under this chapter is eligible to be a candidate for and member of the board if the person has at least seven years of experience as a citrus producer and otherwise meets the qualifications for the office.

(d) A citrus producer who wants to be a candidate for the board must meet the qualifications for board membership and file an application with the commissioner. The application must be:

(1) filed not later than the 30th day before the date set for the board election;

(2) on a form approved by the commissioner; and

(3) signed by at least 10 citrus producers who are eligible to vote in the board election.

(e) On receipt of an application and verification that the application meets the requirements of Subsection (d), an applicant's name shall be placed on the ballot for the board election.

(f) An eligible voter may vote for a citrus producer whose name does not appear on the official ballot by writing that person's name on the ballot.

(g) A board election must be preceded by at least 45 days' notice published in one or more newspapers published and distributed in the proposed or established pest management zone. The notice shall be published not less than once a week for three consecutive weeks. Not later than the 45th day before the date of the election, direct written notice of the election shall be given to each Texas AgriLife Extension Service agent in the pest management zone.

(h) Each board member shall be sworn into office by a representative of the commissioner by taking the oath of office required for elected officers of the state.

Sec. 80.008. COMPOSITION OF BOARD. (a) The board is composed of members elected from each pest management zone established by referendum, members appointed by the commissioner from other citrus-growing areas of the state, and members appointed by the commissioner under Subsection (b). The commissioner shall appoint an initial board composed of 15 members. Except as provided by Subsection (b), the term of each board position may not exceed four years.

(b) In making appointments under this section, the commissioner shall appoint the following board members, selected from a variety of citrus-growing regions of the state, for four-year terms:

(1) an agricultural lender;

(2) an independent entomologist who is an integrated pest management specialist;

(3) two representatives from industries allied with citrus production;  
and

(4) a representative from the pest control industry.

(c) The commissioner may change the number of board positions or the pest management zone representation on the board to accommodate changes in the number of pest management zones. A change under this subsection may not contravene another provision of this chapter.

(d) A vacancy on the board shall be filled by appointment by the commissioner for the unexpired term.

(e) On 30 days' notice and opportunity for hearing, the commissioner may replace any unelected board member of the corporation.

Sec. 80.009. POWERS OF BOARD AND COMMISSIONER. (a) The board may:

(1) conduct programs consistent with the declaration of policy stated in Section 80.001;

(2) accept, as necessary to implement this chapter, gifts and grants;

(3) borrow money, with the approval of the commissioner, as necessary to execute this chapter;

(4) take other action and exercise other authority as necessary to execute any act authorized by this chapter or the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); and

(5) form an advisory committee composed of individuals from this state, other states, or other countries and change membership on the committee, as necessary. Any advisory committee created under this subdivision for the purpose of establishing treatment methods shall include among its members persons with knowledge of the effects of different treatments on the health of agricultural workers, the local population, and the ecosystem, including but not limited to the effects of a particular method of treatment on beneficial organisms and wildlife, the potential for secondary infestations from nontarget pests, and the potential for pest resistance to particular methods of treatment.

(b) On petition of at least 30 percent of the citrus producers eligible to vote in the proposed area, the commissioner may, or at the commissioner's discretion, the commissioner by rule may add an area to a pest management zone or transfer an area or county from one zone to another zone if:

(1) citrus production has begun or could begin in the area;

(2) the area is adjacent to a pest management zone or is in an area with biological characteristics similar to the pest management zone; and

(3) the addition is approved in a referendum held in the area.

(c) The board must adopt a procurement policy, subject to approval by the commissioner, outlining the procedures to be used in purchasing.

(d) The commissioner at any time may inspect the books and other financial records of the corporation.

Sec. 80.010. BOARD DUTIES. (a) The board shall have an annual independent audit of the books, records of account, and minutes of proceedings maintained by the corporation prepared by an independent certified public accountant or a firm of independent certified public accountants. The audit must include information for each zone in which a suppression program has been conducted under this chapter. The audit shall be filed with the board, the commissioner, and the state auditor and be made available to the public by the corporation or the commissioner. The transactions of the corporation are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

(b) Not later than the 45th day after the last day of the fiscal year, the board shall submit to the commissioner a report itemizing all income and expenditures and describing all activities of the corporation during the fiscal year.

(c) The corporation shall provide fidelity bonds in amounts determined by the board for employees or agents who handle money for the corporation.

(d) The corporation and the board are state agencies for the following purposes only:

(1) exemption from taxation, including exemption from sales and use taxes and taxes under Chapter 152, Tax Code; and

(2) exemption from vehicle registration fees.

(e) Funds collected by the corporation are not state funds and are not required to be deposited in the state treasury. The corporation shall deposit all money collected under this chapter in a bank or other depository approved by the commissioner.

(f) The board shall collect data on the type and quantity of pesticides used in accordance with this chapter. The data shall be filed with the commissioner.



(g) All money collected under this chapter shall be used solely to finance programs approved by the commissioner as consistent with this chapter.

(h) The corporation is subject to the requirements of:

(1) the open meetings law, Chapter 551, Government Code; and

(2) the public information law, Chapter 552, Government Code.

(i) A board member may not vote on any matter in which the member has a direct pecuniary interest. A board member is subject to the same restrictions as a local public official under Chapter 171, Local Government Code.

Sec. 80.011. ADMINISTRATIVE REVIEW. (a) The commissioner by rule shall establish procedures for the informal review and resolution of a claim arising out of certain acts taken by the corporation under this chapter. Rules established under this section shall include a designation of the acts that are subject to review under this subsection and the appropriate remedial action, as authorized by this chapter.

(b) A person dissatisfied with the department's informal resolution of a claim under procedures adopted under Subsection (a) may appeal the department's decision to the commissioner.

(c) A decision issued by the commissioner on a claim appealed under Subsection (b) is the final administrative action of the department and is subject to judicial review under Chapter 2001, Government Code.

(d) This section does not constitute a waiver of the state's immunity from liability.

Sec. 80.012. CONTRACTING. (a) For a purchase of goods and services under this chapter, the corporation may purchase goods and services that provide the best value for the corporation.

(b) In determining the best value for the corporation, the purchase price and whether the goods or services meet specifications are the most important considerations. However, the corporation may consider other relevant factors, including:

(1) the quality and reliability of the goods and services;

(2) the delivery terms;

(3) indicators of probable vendor performance under the contract,

including:

(A) past vendor performance;

(B) the vendor's financial resources and ability to perform;

(C) the vendor's experience or demonstrated capability and responsibility; and

(D) the vendor's ability to provide reliable maintenance agreements and support;

(4) the cost of any employee training associated with a purchase; and

(5) other factors relevant to determining the best value for the corporation in the context of a particular purchase.

Sec. 80.013. BOARD MEMBER COMPENSATION. Board members serve without compensation but are entitled to reimbursement for reasonable and necessary expenses incurred in the discharge of their duties.

Sec. 80.014. DISCONTINUATION OF PROGRAM AND CORPORATION AND DISPOSITION OF FUNDS ON DISCONTINUANCE.

(a) On the determination by the corporation that the Asian citrus psyllid suppression program has been completed in all pest management zones established under this chapter, the corporation shall provide notice of the completion to the commissioner along with a request for discontinuance of the control and suppression program and collection of the assessment. Any request under this subsection must include documentation supporting the fact that the Asian citrus psyllid is no longer a threat to the state's citrus industry and a plan for discontinuance of the program and assessment.

(b) The commissioner shall determine whether or not the further suppression of the Asian citrus psyllid is necessary in the pest management zones and approve or disapprove discontinuance of the corporation and the plan for dissolution.

(c) On completion of the dissolution, the corporation shall file a final report with the commissioner, including a financial report, and submit all remaining funds into the trust of the commissioner. Final books of the corporation shall be filed with the commissioner and are subject to audit by the department.

(d) The commissioner shall pay from the corporation's remaining funds all of the corporation's outstanding obligations.

(e) Funds remaining after payment under Subsection (d) shall be returned to contributing citrus producers on a pro rata basis.

(f) If 30 percent or more of the citrus producers eligible to vote within a zone participating in the program present to the commissioner a petition calling for a referendum of the qualified voters on the proposition of discontinuing the program, the commissioner shall conduct a referendum for that purpose.

(g) The commissioner shall give notice of the referendum, the referendum shall be conducted, and the results shall be declared in the manner provided by law for the original referendum and election, with any necessary exceptions provided by rule of the commissioner.

(h) The commissioner shall conduct the referendum before the 90th day after the date the petition was filed, except that a referendum may not be held before the second anniversary of any other referendum in the pest management zone pertaining to establishing or discontinuing the pest management zone.

(i) Approval of the proposition requires the same vote as required in a referendum under Section 80.016(g). If the proposition is approved, the suppression program is abolished and the pest management zone ceases to exist on payment of all debts of the pest management zone.

Sec. 80.015. ASSESSMENT REFERENDA. (a) The commissioner shall propose the assessment needed in each pest management zone to ensure the stability of the citrus industry by suppressing the public nuisance caused by the Asian citrus psyllid.

(b) The commissioner shall propose in a referendum the:

(1) maximum assessment to be paid by citrus producers having production in the pest management zone; and

(2) time for which the assessment will be made.

(c) With the commissioner's approval, the corporation may make an assessment in a pest management zone at a level less than the assessment approved by the referendum.

(d) The commissioner shall conduct an assessment referendum under the procedures provided by Section 80.016.

(e) If an assessment referendum is approved, the corporation may collect the assessment.

(f) An assessment levied on citrus producers in a pest management zone may be applied only to:

(1) pest control in that zone;

(2) the corporation's operating costs, including payments on debt incurred for a corporation activity, except that the funds of one zone may not be used to pay another zone's bank loans or debts; and

(3) the conducting of other programs consistent with the declaration of policy stated in Section 80.001.

(g) The assessment shall be adequate and necessary to achieve the goals of this chapter. The amount of the assessment shall be determined by criteria established by the commissioner, including:

(1) the extent of infestation;

(2) the amount of acreage planted;

(3) historical efforts to suppress;

(4) the growing season;

(5) epidemiology;

(6) historical weather conditions; and

(7) the costs and financing of the program.

(h) The commissioner shall give notice of and hold a public hearing in the pest management zone regarding the proposed assessment referendum. Before the referendum, the commissioner shall review and approve:

(1) the amount of the assessment;

(2) the basis for the assessment;

(3) the time for payment of the assessment;

(4) the method of allocation of the assessment among citrus producers;

(5) the restructuring and repayment schedule for any preexisting debt;

and

(6) the amount of debt to be incurred in the pest management zone.

(i) The commissioner shall on a zone-by-zone basis set the date on which assessments are due and payable.

(j) Each year, the commissioner shall review and approve the corporation's operating budget.

(k) The corporation shall prepare and mail billing statements to each citrus producer subject to the assessment that state the amount due and the due date. The assessments shall be sent to the corporation.

Sec. 80.016. CONDUCT OF BOARD ELECTIONS AND REFERENDA; BALLOTING. (a) The commissioner shall conduct a referendum or board election authorized under this chapter.

(b) The corporation shall bear all expenses incurred in conducting a referendum or board election.

(c) The commissioner shall adopt rules for voting in board elections and referenda to establish pest management zones. Rules adopted under this subsection must include provisions for determining:

(1) who is a citrus producer eligible to vote in an election or referendum;

(2) whether a board member is elected by a plurality or a majority of the votes cast; and

(3) the area from which each board member is elected.

(d) A citrus producer having citrus production in a proposed or established pest management zone is entitled to:

(1) vote in a referendum concerning the pest management zone; and

(2) elect board members to represent the pest management zone.

(e) An eligible citrus producer may vote only once in a referendum or board election.

(f) Ballots in a referendum or board election shall be mailed directly to a central location, as determined by the commissioner. A citrus producer eligible to vote in a referendum or board election who has not received a ballot from the commissioner, corporation, or another source shall be offered the option of requesting a ballot by mail or obtaining a ballot at the office of the Texas AgriLife Extension Service or a government office distributing ballots in a county in the proposed or established zone in which the referendum or board election is conducted.

(g) A referendum is approved if:

(1) at least two-thirds of those voting vote in favor of the referendum;

or

(2) those voting in favor of the referendum cultivate more than 50 percent, as determined by the commissioner, of the citrus acreage in the relevant pest management zone.

(h) If a referendum under this chapter is not approved, the commissioner may conduct another referendum. A referendum under this subsection may not be held before the first anniversary of the date on which the previous referendum on the same issue was held.

(i) A public hearing regarding the proposed suppression program, including information regarding regulations to be promulgated by the commissioner, may be held by the commissioner in each of several locations in each Asian citrus psyllid pest management zone.

(j) Individual voter information, including an individual's vote in a referendum or board election conducted under this section, is confidential and is not subject to disclosure under Chapter 552, Government Code.

Sec. 80.017. PAYMENT OF ASSESSMENTS; ASSESSMENT LIENS. (a) A citrus producer who fails to pay an assessment levied under this chapter when due may be subject, after reasonable notice and opportunity for hearing, to a penalty set by the commissioner. In determining the amount of the penalty to be assessed, the commissioner shall consider:

(1) the seriousness of the violation, including the nature, circumstances, and extent of the violation;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) the economic situation of the citrus producer; and

(5) any other matter that justice may require.

(b) The corporation may develop a compliance certificate program to manage the payment and collection of an assessment levied under this chapter. Under the program the corporation, subject to department rules, may issue a compliance certificate for citrus for which an assessment has been paid.

(c) In addition to any other remedies for the collection of assessments and penalties, the commissioner may adopt rules relating to the compliance certificate program for suppression assessments. The rules may include:

(1) provisions establishing and relating to the obligations of growers, packers, and buyers in due course of citrus produced in active pest management zones to ensure that assessments are paid within a prescribed time period;

(2) provisions allowing incentives in the form of discounted assessments for growers who pay assessments within a prescribed time period;

(3) provisions establishing penalties and interest against growers who pay assessments after a prescribed time period; and

(4) other provisions the commissioner determines are proper.

(d) In addition to any other remedies for the collection of assessments and penalties, an assessment lien in favor of the corporation attaches and is perfected 60 days after the date the corporation mails notice of the assessment on citrus produced and harvested that year from the acreage that is subject to the assessment that is due and unpaid. An assessment lien is not an agricultural lien for the purposes of Chapter 9, Business & Commerce Code, and is not subject to the provisions of that chapter. An assessment lien is subject to and preempted by the Food Security Act of 1985 (7 U.S.C. Section 1631 et seq.) and shall be treated under that Act in the same manner as a security interest created by the seller. A buyer of citrus takes free of the assessment lien if the buyer:

(1) receives a compliance certificate issued by the corporation when the buyer purchases the citrus that certifies that the assessment has been paid to the corporation;

(2) pays for the citrus by a check on which the department is named as a joint payee;

(3) does not receive notice of the assessment lien as required by the Food Security Act of 1985 (7 U.S.C. Section 1631 et seq.); or

(4) buys the citrus from a person other than the producer of the citrus.

(e) The corporation may assign, with the approval of the commissioner, assessments or liens in favor of the corporation as collateral for a loan to the corporation only if the proceeds of the loan are designated for use in the pest management zone from which the assessments or liens originated.

(f) If the department believes that a violation of this section or a rule adopted under this section has occurred, the department may investigate and, during normal business hours, audit and inspect the records of the person who is the subject of the investigation.

Sec. 80.018. EXEMPTION FROM ASSESSMENT PENALTIES. (a) The commissioner by rule shall adopt criteria to exempt from payment of an assessment penalty under Section 80.017 a citrus producer for whom payment would impose an undue financial burden.

(b) A citrus producer is not eligible for an exemption under this section for a year in which the amount computed by subtracting the assessments and penalties due under this chapter from the citrus producer's net income subject to federal income taxation in the previous year is greater than \$15,000.

(c) A citrus producer who applies for an exemption under this section must use a form prescribed by the commissioner. A citrus producer must file a separate application form for each year for which the citrus producer claims an exemption.

(d) The commissioner may establish a payment plan for a citrus producer applying for an exemption under this section.

(e) The commissioner shall promptly notify an applicant of the determination regarding the applicant's request for an exemption.

(f) If an exemption under this section is denied, assessments and penalties for the year for which the application is made are due on the later of:

(1) the date on which they would be due in the absence of an application for exemption; or

(2) 30 days after the date the applicant receives notice of the denial.

(g) In addition to the authority provided under Subsections (a)-(f), the commissioner may reduce or waive an assessment penalty as appropriate and necessary.

Sec. 80.019. ENTRY OF PREMISES; SUPPRESSION ACTIVITIES; INSPECTIONS. The department, the corporation, or a designated representative of either entity may enter citrus groves or other premises to carry out the purposes of this chapter, which include the treatment and monitoring of growing citrus or other host plants. The department, the corporation, or a designated representative of either entity may inspect groves or premises in this state for the purpose of determining whether the property is infested with the Asian citrus psyllid or citrus greening. An inspection must be conducted during reasonable daylight hours. The department shall give notice by publication of the planned schedule of dates for entry by the department, the corporation, or a designated representative of either entity, to the owner or occupant of the groves or premises to carry out the purposes of this chapter, including treatment, monitoring, or inspection functions. The department shall publish notice of the planned schedule to enter the groves or premises in a newspaper of general circulation in the pest management zone not less than once a week for two weeks immediately before the scheduled dates of entry. In addition to the notice published by the department, the corporation shall

post notice of the planned schedule to enter groves or premises to carry out the purposes of this chapter at the county courthouse of each county in the pest management zone not later than the 15th day before the planned dates of entry.

Sec. 80.020. AUTHORITY TO PROHIBIT PLANTING OF CITRUS AND REQUIRE PARTICIPATION IN SUPPRESSION PROGRAM. (a) The commissioner may adopt reasonable rules regarding areas where citrus may not be planted in a pest management zone if there is reason to believe planting will jeopardize the success of the program or present a hazard to public health or safety.

(b) The commissioner may adopt rules requiring all growers of citrus in a pest management zone to participate in an Asian citrus psyllid suppression program and growers of commercial citrus to participate in pest and disease management programs that include cost sharing as required by the rules.

(c) Notice of a prohibition or requirement shall be given by publication for one day each week for three successive weeks in a newspaper having general circulation in the affected area.

(d) The commissioner may adopt a reasonable schedule of penalty fees to be assessed against growers in a designated pest management zone who do not meet the requirements of the rules issued by the commissioner relating to reporting of acreage and participation in cost sharing. A penalty fee may not exceed \$50 per acre.

Sec. 80.021. AUTHORITY FOR DESTRUCTION OR TREATMENT OF CITRUS IN PEST MANAGEMENT ZONES; COMPENSATION PAYABLE. The department may destroy or treat, and establish procedures for the purchase and destruction of, citrus plants or hosts in pest management zones if the department determines the action is necessary to carry out the purposes of this chapter. The department is not liable to the owner or lessee for the destruction of or injury to any citrus that was planted in a pest management zone after the date notice is published as required by this chapter. The corporation is liable for the destruction of citrus if the citrus was planted in a pest management zone before the date that notice is published.

Sec. 80.022. AUTHORITY TO ADOPT RULES. (a) The commissioner shall adopt rules to protect individuals, livestock, wildlife, and honeybee colonies on any premises in a pest management zone on which citrus plants are being grown that have been or are being treated to control or suppress the Asian citrus psyllid and citrus greening.

(b) Rules adopted under this section shall establish the criteria by which the corporation develops its procedures and methods of treatment, which shall:

(1) establish a methodology for determining when Asian citrus psyllid population levels have reached economic significance or when citrus greening is present;

(2) establish an effective treatment regimen that seeks to provide the least possible risk to workers, the public, and the environment;

(3) minimize the effects of the use of pesticides on long-term control methods, including but not limited to the effect a particular pesticide may have on biological controls;

(4) establish methods for monitoring Asian citrus psyllids, citrus greening, and secondary pests;

(5) establish methods for verifying pesticide use reduction; and

(6) consider the acute and chronic toxicity of particular pesticides and the quantity of particular pesticides needed. Pest management zone treatment plans may take into account the potential for the use of smaller quantities of more toxic substances to result in fewer health and environmental risks than larger quantities of less toxic substances.

(c) The commissioner may adopt other reasonable rules necessary to carry out the purposes of this chapter. All rules issued under this chapter must be adopted and published in accordance with the laws of this state.

(d) An advisory committee may be established to assist the commissioner in the development of rules under this section. The advisory committee may be composed of:

(1) three citrus producers from the commercial citrus growing area of the state, appointed by the commissioner;

(2) three entomologists with knowledge of the principles of integrated pest management, at least one of whom has special knowledge of nonchemical or biological pest control, appointed by the commissioner;

(3) two individuals with experience representing the general interests of the environment, appointed by the chair of the Texas Commission on Environmental Quality;

(4) an environmental engineer with expert knowledge of ground and surface water protection from contamination, appointed by the chair of the Texas Commission on Environmental Quality; and

(5) a toxicologist, appointed by the commissioner of state health services.

Sec. 80.023. REPORTS. Each person in an active pest management zone growing citrus in this state shall furnish to the corporation on forms supplied by the corporation information that the corporation requires concerning the size and location of all commercial citrus orchards and of noncommercial citrus grown for ornamental or other purposes. The corporation may provide an incentive for early and timely reporting.

Sec. 80.024. DOCUMENTING REGULATED ARTICLES. To implement this chapter, the department may issue or authorize issuance of:

(1) a certificate that indicates that a regulated article is not infested with the Asian citrus psyllid; and

(2) a permit that provides for the movement of a regulated article to a restricted destination for limited handling, use, or processing.

Sec. 80.025. COOPERATIVE PROGRAMS AUTHORIZED. (a) The corporation may carry out programs to destroy and manage the Asian citrus psyllid and citrus greening in this state by cooperating through written agreements, as approved by the commissioner, with:

(1) an agency of the federal government;

(2) a state agency;



(3) an appropriate agency of a foreign country contiguous to the affected area to the extent allowed by federal law;

(4) a person who is engaged in growing, processing, marketing, or handling citrus;

(5) a group of persons in this state involved in similar programs to carry out the purposes of this chapter; or

(6) an appropriate state agency of another state contiguous to the affected area, to the extent allowed by federal law, the law of the contiguous state, and the law of this state.

(b) An agreement entered into under this section may provide for cost sharing and for division of duties and responsibilities under this chapter and may include other provisions to carry out the purposes of this chapter.

Sec. 80.026. ORGANIC CITRUS PRODUCERS. (a) The commissioner shall develop rules and procedures to:

(1) protect the eligibility of organic citrus producers to be certified by the commissioner;

(2) ensure that organic and transitional certifications by the commissioner continue to meet national certification standards in order for organic citrus to maintain international marketability; and

(3) in all events maintain the effectiveness of the Asian citrus psyllid suppression program and citrus greening management administered under this chapter.

(b) The board may not treat or require treatment of organic citrus groves with chemicals that are not approved for use on certified organic citrus. Rules adopted under Subsection (a) may provide indemnity for the organic citrus producers for reasonable losses that result from a prohibition of production of organic citrus or from any requirement of destruction of organic citrus.

Sec. 80.027. PENALTIES. (a) A person who violates this chapter or a rule adopted under this chapter or who alters, forges, counterfeits, or uses without authority a certificate, permit, or other document issued under this chapter or under a rule adopted under this chapter commits an offense.

(b) An offense under this section is a Class C misdemeanor.

(c) If the commissioner determines that a violation of this chapter or a rule adopted under this chapter has occurred, the commissioner may request that the attorney general or the county or district attorney of the county in which the alleged violation occurred or is occurring file suit for civil, injunctive, or other appropriate relief.

Sec. 80.028. SUNSET PROVISION. (a) The board of directors of the official citrus producers' pest and disease management corporation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2021.

(b) The commissioner may order the dissolution of the corporation at any time the commissioner determines that the purposes of this chapter have been fulfilled or that the corporation is inoperative and abandoned. Dissolution shall be conducted in accordance with Section 80.014.

(c) If the corporation is abolished or the suppression program discontinued for any reason, assessments approved, levied, or otherwise collectible on the date of abolishment remain valid as necessary to pay the financial obligations of the corporation.

Sec. 80.029. ANNUAL REPORT. The board shall issue to the commissioner and the appropriate oversight committee in the house of representatives an annual report detailing its efforts to carry out the purposes of this chapter.

Sec. 80.030. EXEMPTION TAXATION. All payments, contributions, funds, and assessments received or held by the corporation under this chapter are exempt from state or local taxation, levies, sales, and any other process and are unassignable.

Sec. 80.031. USE OF BIO-INTENSIVE CONTROLS. (a) The commissioner shall develop and adopt rules to allow a citrus producer in a suppression program to use biological, botanical, or other nonsynthetic pest control methods. In developing rules, the commissioner shall consider:

(1) scientific studies and field trials of the effectiveness of a proposed alternative control method;

(2) the feasibility of using a proposed alternative control technique within a particular region;

(3) the degree of monitoring necessary to establish the success of the use of a proposed alternative control; and

(4) methods to prevent the use of substances that would impede the use of alternative controls and the promotion of beneficial insect populations.

(b) A citrus producer that chooses to use an alternative method of control as provided in Subsection (a) shall notify the board. The board and the citrus producer shall coordinate their actions to prevent the use of substances that would impede the use of alternative controls and the promotion of beneficial insect populations.

(c) The citrus producer shall pay any additional cost of bio-intensive control in addition to any assessment.

Sec. 80.032. VENUE. Venue for an action arising out of this chapter in which the corporation is a party is in Travis County.

(Speaker in the chair)

Amendment No. 17 was adopted.

### **Amendment No. 18**

Representative Chisum offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** (house committee printing) on line 10, page 81, by adding a new SECTION 9.20 to the bill, and renumbering subsequent SECTIONS accordingly:

SECTION 9.20. Section 251.005, Agriculture Code, is amended by adding subsection (e) to read as follows:

(e) A governmental requirement of a political subdivision of the state does not apply to conduct on an agricultural operation described by Section 49.02(f), Penal Code.

Amendment No. 18 was adopted.

**Amendment No. 19**

Representative Herrero offered the following amendment to **CSSB 1016**:

Amend **CSSB 1016** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly: , as follows:

(1) SECTION \_\_\_\_\_. Chapter 58, Agriculture Code, is amended by adding the following:

A contractor must ensure that claims for reimbursement are postmarked or received by TDA no later than 60 days after the end of the claim month. The Texas Department of Agriculture shall allow contracting sponsoring institutions of the USDA Child and Adult Care Food Program to submit corrections to the claims each month without restriction consistent with 7 CFR 226.10(e). Submission of amended claims shall not result in adverse action, up to and including placement in the Serious Deficiency Process.

Amendment No. 19 was withdrawn.

**CSSB 1016**, as amended, was passed to third reading.

**HCR 126 - RULES SUSPENDED**

Pursuant to notice of intent given earlier today, Representative S. Miller moved to suspend the regular order of business and all necessary rules to consider **HCR 126** at this time.

The motion prevailed.

(Callegari in the chair)

**HCR 126**  
**(by S. Miller)**

**HCR 126**, Designating the Mills County Goat and BBQ Cook-off as the official Texas State Goat Barbecue Championship Cook-off.

**Amendment No. 1**

Representative S. Miller offered the following amendment to **HCR 126**:

Amend **HCR 126** as follows:

(1) On page 2, line 1, after "Mills County Goat and BBQ Cook-off as" strike the word "the" and replace it with "an".

Amendment No. 1 was adopted.

**HCR 126**, as amended, was adopted by (Record 1029): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Button; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; 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; Callegari(C).

Absent, Excused — Bolton; Cohen; Kolkhorst; Kuempel; Maldonado; Riddle.

Absent, Excused, Committee Meeting — Otto; Pitts; Raymond.

Absent — Brown, B.; Burnam; Davis, Y.; Edwards; Hodge; Isett.

(Lucio in the chair)

### **HB 2063 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2063**, A bill to be entitled An Act relating to the enforcement of rules by a groundwater conservation district.

### **HB 2063 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE RITTER: Representative Callegari, is it your intent that the changes made in Section 36.102, Water Code, as amended by **HB 2063**, are merely clarifications and restatements of existing law, and that all persons, including governmental entities, are already subject to the rules and regulations of a groundwater conservation district and subject to the enforcement provisions of Chapter 36?

REPRESENTATIVE CALLEGARI: Yes, that is my intent.

RITTER: The senate added an amendment in Section 36.102(e) that appears to clarify that a groundwater district cannot sue a person, including a governmental entity, for damages, but, in fact, can only recover fees and penalties for violations of a district's rules, and goes on to point out that those fees and penalties are capped by law. Is that your understanding of the amendment?

CALLEGARI: Yes, Mr. Ritter, that is my intent. The bill does ensure that public treasuries and taxpayer dollars are protected by limitation in the amount that a groundwater district may recover.

RITTER: The senate also included an amendment in Section 2 of the bill that makes absolutely certain that the savings clause of the Code Construction Act applies to these amendments to Chapter 36, so that the amendments will not affect any pending litigation. Is that your understanding and intent?

CALLEGARI: Yes, it is.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

Representative Callegari moved to concur in the senate amendments to **HB 2063**.

The motion to concur in the senate amendments to **HB 2063** prevailed by (Record 1030): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; 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; Harcastle; 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; Laubenberg; Legler; Leibowitz; Lewis; Madden; 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; Quintanilla; 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; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton; Cohen; Kolkhorst; Kuempel; Maldonado; Riddle.

Absent, Excused, Committee Meeting — Otto; Pitts; Raymond.

Absent — Eiland; Thompson.

### Senate Committee Substitute

**CSHB 2063**, A bill to be entitled An Act relating to the enforcement of rules by a groundwater conservation district.

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

SECTION 1. Section 36.102, Water Code, is amended to read as follows:

Sec. 36.102. ENFORCEMENT OF RULES. (a) A district may enforce this chapter and its rules against any person by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction.

(b) The board by rule may set reasonable civil penalties against any person for breach of any rule of the district not to exceed \$10,000 per day per violation, and each day of a continuing violation constitutes a separate violation.

(c) A penalty under this section is in addition to any other penalty provided by the law of this state and may be enforced against any person by complaints filed in the appropriate court of jurisdiction in the county in which the district's principal office or meeting place is located.

(d) If the district prevails in any suit to enforce its rules, the district may seek and the court shall grant against any person, in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the district before the court. The amount of the attorney's fees shall be fixed by the court.

(e) In an enforcement action by a district against any person that is a governmental entity for a violation of district rules, the limits on the amount of fees, costs, and penalties that a district may impose under Section 36.122, 36.205, or this section, or under a special law governing a district operating under this chapter, constitute a limit of liability of the governmental entity for the violation. This subsection shall not be construed to prohibit the recovery by a district of fees and costs under Subsection (d) in an action against any person that is a governmental entity.

SECTION 2. Section 311.031(a), Government Code, applies to the amendments by this Act to Section 36.102, Water Code.

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.

### **HB 2259 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

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

Representative Crossover moved to concur in the senate amendments to **HB 2259**.

The motion to concur in the senate amendments to **HB 2259** prevailed by (Record 1031): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Absent, Excused, Committee Meeting — Otto; Pitts; Raymond.

Absent — Isett; Madden.

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

Amend **HB 2259** (house engrossed version) by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

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

Sec. 91.019. STANDARDS FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF ELECTRICAL POWER LINES. An operator shall construct, operate, and maintain an electrical power line serving a well site or other surface facility employed in operations incident to oil and gas development and production in accordance with the National Electrical Code published by the National Fire Protection Association and adopted by the Texas Commission of Licensing and Regulation under Chapter 1305, Occupations Code.

### **Senate Amendment No. 2 (Senate Committee Amendment No. 2)**

Amend **HB 2259** in SECTION 1 of the bill, in amended Section 89.002(a), Natural Resources Code (engrossed version page 2, lines 13-18), by striking Subdivision (13) of the subsection and substituting the following:

(13) "Physically terminated electric service to the well's production site" means that electric service to an inactive well site has been disconnected at a point on the electric service lines most distant from the production site toward the main supply line in a manner that will not interfere with electrical supply to adjacent operations, including cathodic protection units.

**HB 1096 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1096**, A bill to be entitled An Act relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.

Representative Vo moved to concur in the senate amendments to **HB 1096**.

The motion to concur in the senate amendments to **HB 1096** prevailed by (Record 1032): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; 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; Hodges; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Laubenberg; Legler; Leibowitz; Lewis; Lucio(C); 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; Quintanilla; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Bolton; Cohen; Kolkhorst; Kuempel; Maldonado; Riddle.

Absent, Excused, Committee Meeting — Otto; Pitts; Raymond.

Absent — Dunnam; Edwards; Heflin; Isett; Madden; Thompson; Villarreal.

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

Amend **HB 1096** (senate committee printing) in SECTION 1 of the bill, in added Section 51.9705(c), Education Code (page 1, lines 45-46), by striking "Be aware that the" and substituting "The".



**HB 2640 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative T. Smith called up with senate amendments for consideration at this time,

**HB 2640**, A bill to be entitled An Act relating to the regulation of motor vehicle manufacturers and distributors.

Representative T. Smith moved to concur in the senate amendments to **HB 2640**.

The motion to concur in the senate amendments to **HB 2640** prevailed by (Record 1033): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Laubenberg; Legler; Leibowitz; Lewis; Lucio(C); Madden; 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; Quintanilla; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Bolton; Cohen; Kolkhorst; Kuempel; Maldonado; Riddle.

Absent, Excused, Committee Meeting — Otto; Pitts; Raymond.

Absent — Aycocock; Corte; Harper-Brown; Hughes; Isett; Turner, C.

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

Amend **HB 2640** (Engrossed version) as follows:

(1) On page 1, line 10, through page 2, line 14, strike SECTION 2 and renumber subsequent SECTIONS accordingly

(2) On page 2, line 19, strike "(g)(3)".

**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).

**PROVIDING FOR ADJOURNMENT**

Representative Geren 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.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(McClendon in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 6:44 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. 1**

**HCR 244** (By Homer), In memory of William Richard McCord of Sumner.  
To Rules and Resolutions.

**HCR 245** (By Homer), Honoring the life of Shawn A. Edwards of Roxton.  
To Rules and Resolutions.

**HCR 246** (By Homer), Honoring Kathryn Jay Hamilton of Lubbock for her outstanding career in education on the occasion of her retirement.  
To Rules and Resolutions.

**HCR 247** (By Homer), In memory of Charles R. Grimes of Paris, Texas.  
To Rules and Resolutions.

**HCR 248** (By Homer), In memory of Mamie Bell Newsom of Paris, Texas.  
To Rules and Resolutions.

**HCR 249** (By Homer), In memory of Clyde Donald Smith of Paris, Texas.  
To Rules and Resolutions.

**HCR 252** (By Thompson), Requesting the governor to appoint a Governor's Task Force on Horse and Greyhound Racing.

To Licensing and Administrative Procedures.

**HR 2259** (By Hamilton), In memory of Jo Ann Cain of Silsbee.

To Rules and Resolutions.

**HR 2260** (By Miklos), Congratulating Karen E. Gray on her reelection to the Balch Springs City Council.

To Rules and Resolutions.

**HR 2261** (By Straus), Congratulating Representative Norma Chavez on her graduation from The University of Texas at Austin in May 2009.

To Rules and Resolutions.

**HR 2262** (By Gallego), Congratulating the Honorable Mickey R. Pennington on his retirement as judge of the 38th State District Court.

To Rules and Resolutions.

**HR 2263** (By Naishtat), Honoring the Mexic-Arte Museum in Austin on its 25th anniversary.

To Rules and Resolutions.

**HR 2265** (By Marquez), Commending Rachel Harracksingh for receiving the 2009 Joe B. Brown Humanitarian of the Year Award from the Texas Ambulance Association.

To Rules and Resolutions.

**HR 2266** (By Marquez), Congratulating Charles and Barbara Horak of El Paso on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2267** (By Marquez), Honoring former El Paso mayor Bert Williams for his outstanding achievements.

To Rules and Resolutions.

**HR 2268** (By Menendez), Honoring the life of Joseph Warren Bishop of Decatur.

To Rules and Resolutions.

**HR 2269** (By Kent), Honoring Ron Natinsky for his dedicated service as a member of the Dallas City Council.

To Rules and Resolutions.

**HR 2270** (By Kent), Commending Matthew Weinstein for his service as a legislative aide in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2271** (By Kent), Commending Will Stovall for his service as chief of staff in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2272** (By Kent), Commending Anna Russo for her service as an intern in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2273** (By Kent), Commending Stephen Rispoli for his service as a legislative assistant in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2274** (By Kent), Commending Phil Lovegren for his service as legislative director in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2275** (By Kent), Commending Mahsa Kashkooly for her service as an intern in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2276** (By Kent), Commending Creighton Holley for his service as an intern in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2277** (By Kent), Commending Lauren Buchanan for her service as an intern in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2278** (By Kent), Commending Kayla Bramble for her service as an intern in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2279** (By Kent), Commending Eliza Alvarado for her service as district director in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2280** (By Kent), Commending Matthew Abrahamson for his service as an intern in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2281** (By Kent), Honoring Donna Kent on her receipt of the National PTA Life Membership Award from the Midway Parent Teacher Association.

To Rules and Resolutions.

**HR 2282** (By Berman), Congratulating Jean Paul Destarac of Tyler on being named a Distinguished Finalist in the 2009 Prudential Spirit of Community Awards program.

To Rules and Resolutions.

**HR 2283** (By Gonzales), Commending SOCIALIFE News Magazine for its contributions to the Rio Grande Valley community.

To Rules and Resolutions.

**HR 2284** (By Gonzales), Congratulating Hidalgo County Judge Juan de Dios "J. D." Salinas III on his receipt of the Leadership Award presented by the Rio Grande Council of Boy Scouts of America.

To Rules and Resolutions.

**HR 2285** (By Castro), Honoring CPS Energy on being ranked number one in wind energy capacity among municipal utilities by the American Wind Energy Association and on being named the AWEA Municipal Utility of the Year.

To Rules and Resolutions.

**HR 2286** (By Geren), Honoring Janice Vastine of Austin on her retirement from the Texas House of Representatives.

To Rules and Resolutions.

**HR 2287** (By Kent), Honoring Alice Post for her outstanding work as an intern in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2288** (By Marquez), Honoring Jim Phillips of El Paso for his outstanding efforts in behalf of his community.

To Rules and Resolutions.

**HR 2289** (By Dutton), Congratulating Officer Christopher M. Sellers of the Houston PD for receiving the 2008 State of Texas Law Enforcement Achievement Award for Valor.

To Rules and Resolutions.

**HR 2290** (By Dutton), Honoring Graden E. Taylor for his contributions to young Texans.

To Rules and Resolutions.

**HR 2291** (By Dutton), Congratulating Aviance Kelechi Obie on being named an honoree at the 2009 Reginald Keith Guillory Scholarship Luncheon.

To Rules and Resolutions.

**HR 2292** (By Dutton), Honoring Our Mother of Mercy Parochial School for its service to Houston's Fifth Ward community.

To Rules and Resolutions.

**HR 2293** (By Dutton), Congratulating Helen Araujo Sierra on the occasion of her 90th birthday.

To Rules and Resolutions.

**HR 2346** (By S. Turner), Congratulating Jewell L. McGowen of Houston on her 80th birthday.

To Rules and Resolutions.

**HR 2347** (By Castro), Congratulating educator Ruby Leona Gates of San Antonio on her retirement from Taft High School.

To Rules and Resolutions.

**HR 2348** (By Y. Davis), Congratulating Katrice Williams of William Lee Hastings Elementary School in Duncanville on her selection to attend the 2009 National Mickelson ExxonMobil Teachers Academy.

To Rules and Resolutions.

**HR 2349** (By D. Howard), Commemorating the 100th anniversary of the founding of the Bureau of Economic Geology at The University of Texas at Austin.

To Rules and Resolutions.

**HR 2350** (By Flynn), Congratulating Marvin and Louise Moser of Quinlan on their 55th wedding anniversary.

To Rules and Resolutions.

**HR 2351** (By Flynn), Congratulating Bob and Crystal Andrews of Greenville on their 55th wedding anniversary.

To Rules and Resolutions.

**HR 2353** (By Hodge), Congratulating Meg and Jay Propes of Austin on the birth of their son, William Hall Propes.

To Rules and Resolutions.

**HR 2354** (By Craddick), Congratulating Crane Gulf Federal Credit Union on its 51st anniversary.

To Rules and Resolutions.

**HR 2355** (By Craddick), Congratulating Fritz Niggeler of the Midland Fire Department on his promotion to assistant fire chief.

To Rules and Resolutions.

**HR 2356** (By Craddick), Congratulating the automobile mechanics students of Crane High School on their victories at the 2009 Texas SkillsUSA competition.

To Rules and Resolutions.

**HR 2357** (By Edwards), Congratulating Brittany Winfrey on being named the 2009 valedictorian of Worthing High School in Houston.

To Rules and Resolutions.

**HR 2358** (By Edwards), Congratulating Charlita Blossom on being named Teacher of the Year at Cullen Middle School in Houston.

To Rules and Resolutions.

**HR 2359** (By Edwards), Congratulating Darlene Speights-Evens on being named the 2009 Teacher of the Year at Frost Elementary School in Houston.

To Rules and Resolutions.

**HR 2360** (By Edwards), Congratulating Bonnie Bibeau on being named 2009 Teacher of the Year for Carnegie Vanguard High School and on her selection as a finalist for the Houston Independent School District Secondary Teacher of the Year award.

To Rules and Resolutions.

**HR 2361** (By Edwards), Congratulating Idaena Wade for being named Teacher of the Year for 2008-2009 at Tina E. Whidby Elementary School in Houston.

To Rules and Resolutions.

**HR 2362** (By Edwards), Congratulating Dara Eng on being named salutatorian of the Evan E. Worthing Senior High School Class of 2009 in Houston.

To Rules and Resolutions.

**HR 2363** (By Edwards), Congratulating Nicole Benjamin on her selection as the 2009 Teacher of the Year by Parker Elementary School in Houston.

To Rules and Resolutions.

**HR 2364** (By Edwards), Commending Galveston Mayor Lyda Ann Thomas for her support of Juneteenth activities.

To Rules and Resolutions.

**HR 2365** (By Edwards), Honoring Dr. Ben Raimer for his longtime support of Juneteenth events in Galveston.

To Rules and Resolutions.

**HR 2366** (By Edwards), Honoring Maggie and Ennis Williams for their contributions to Juneteenth celebrations in Galveston.

To Rules and Resolutions.

**HR 2367** (By Edwards), Commending Dwayne Jones for his support of Juneteenth activities.

To Rules and Resolutions.

**HR 2368** (By Edwards), Commending Douglas Matthews for his support of Juneteenth activities.

To Rules and Resolutions.

**HR 2369** (By Moody), Commending Candelario Barragan of El Paso for his exceptional achievements in education.

To Rules and Resolutions.

**HR 2370** (By Chavez), Honoring Junior Leadership El Paso Class VI.

To Rules and Resolutions.

**HR 2371** (By Chavez), Honoring James J. Crouch of the Air Defense Artillery Center and School at Fort Bliss on his notable career.

To Rules and Resolutions.

**HR 2372** (By Chavez), Honoring Roberto Juarez, Jr., Jeremy Griffin, and Paul J. Spillane for their work as foster dog owners and trainers in a pilot program between the Humane Society of El Paso and El Paso Mental Health and Mental Retardation.

To Rules and Resolutions.

**HR 2373** (By Chavez), Honoring Ruth King of El Paso for her outstanding volunteerism in behalf of the YWCA.

To Rules and Resolutions.

**HR 2374** (By Chavez), Commending Mary Hoover on her record of service with the El Paso YWCA.

To Rules and Resolutions.

**HR 2375** (By Chavez), Commending Alex Boerschinger of El Paso for helping to rescue a woman from a burning house.

To Rules and Resolutions.

**HR 2376** (By Chavez), In memory of Keith Calpito of El Paso.

To Rules and Resolutions.

**HR 2377** (By Chavez), Commending Jeanne Foskett on her record of service with the El Paso YWCA.

To Rules and Resolutions.

**HR 2378** (By Chavez), Commending Shirley Terrell Leavell on her record of service with the El Paso YWCA.

To Rules and Resolutions.

**HR 2379** (By Chavez), Commending Melissa Wiseman on her record of service with the El Paso YWCA.

To Rules and Resolutions.

**HR 2380** (By Chavez), Commending Nancy Gale on her record of service with the El Paso YWCA.

To Rules and Resolutions.

**HR 2381** (By Leibowitz), Congratulating Taylor Brian Courtney of San Antonio on becoming an Eagle Scout.

To Rules and Resolutions.

**HR 2382** (By Gallego), Honoring Maria Elena Cardenas for her service as the county clerk of Val Verde County.

To Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**SB 1370** to Border and Intergovernmental Affairs.

**SB 2491** to Natural Resources.

#### **SIGNED BY THE SPEAKER**

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

#### **House List No. 34**

**HB 271, HB 392, HB 448, HB 492, HB 549, HB 1342, HB 1363, HB 1468, HB 2032, HB 2064, HB 2530, HB 2877, HB 3303, HCR 10, HCR 65, HCR 85, HCR 94, HCR 97, HCR 141, HCR 142, HCR 143, HCR 144, HCR 145, HCR 146, HCR 147, HCR 165, HCR 167, HCR 169, HCR 170, HCR 178, HCR 179, HCR 189, HCR 190, HCR 191, HCR 200, HCR 201, HCR 202, HCR 203**

#### **Senate List No. 34**

**SB 37, SB 97, SB 161, SB 381, SB 407, SB 461, SB 495, SB 529, SB 595, SB 663, SB 874, SB 1036, SB 1188, SB 1246, SB 1291, SB 1387, SB 1448, SB 1796, SB 2019, SB 2497, SCR 63**

#### **MESSAGES FROM THE SENATE**

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



**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 20, 2009

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 216** Menendez SPONSOR: Shapleigh  
Relating to the regulation of certain boarding houses and assisted living facilities;  
providing penalties.  
(Committee Substitute/Amended)

**HB 802** Davis, John SPONSOR: Zaffirini  
Relating to the creation of the lifespan respite services program.  
(Committee Substitute)

**HB 1020** Deshotel SPONSOR: Hinojosa  
Relating to the use, exhibition, or possession of a firearm by public school  
students participating in certain school-sponsored programs and activities  
sponsored or supported by the Parks and Wildlife Department.

**HB 1409** Hopson SPONSOR: Nichols  
Relating to the minimum patient age for administration of an influenza  
vaccination by a pharmacist.

**HB 2318** Swinford SPONSOR: Duncan  
Relating to the fuel ethanol and biodiesel incentive program of the Department of  
Agriculture.

**HB 2401** Keffer SPONSOR: Fraser  
Relating to the political activities of a person employed by a county elections  
administrator.  
(Committee Substitute)

**HB 2424** Morrison SPONSOR: Huffman  
Relating to exempting Lamar State College–Orange and Lamar State  
College–Port Arthur from certain requirements relating to student admissions.

**HB 2558** Turner, Sylvester SPONSOR: Jackson, Mike  
Relating to registration for evacuation and disaster preparedness for clients of  
home and community support services agencies.

**HB 2963** Coleman SPONSOR: Patrick, Dan  
Relating to the liability of a county, hospital district, or public hospital for the  
costs of health care services provided to an indigent patient.

(Amended)

**HCR 159** Alonzo SPONSOR: Watson  
Commemorating the 30th anniversary of the creation of the Texas Guaranteed Student Loan Corporation.

**SB 2579** Watson  
Relating to the board of directors of the Lakeway Municipal Utility District.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 20, 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 473** Lewis SPONSOR: Seliger  
Relating to procurement methods of the Ector County Hospital District for the construction, rehabilitation, alteration, or repair of certain projects.

**HB 551** Madden SPONSOR: Harris  
Relating to the electronic transmission of a federal postcard application used for voting.

**HB 1568** Gonzales SPONSOR: Zaffirini  
Relating to authorizing an exemption from tuition and fees charged by a junior college district for employees of the district.

**HB 1579** Gonzales SPONSOR: Lucio  
Relating to a county's removal of flood water resulting from a natural disaster in certain communities.

**HB 1682** Cook SPONSOR: Averitt  
Relating to the creation of a county court at law in Navarro County.

**HB 1711** Turner, Sylvester SPONSOR: Whitmire  
Relating to requiring the Texas Department of Criminal Justice to establish a comprehensive reentry and reintegration plan for offenders released or discharged from a correctional facility.

(Amended)

**HB 1802** Bohac SPONSOR: Ellis  
Relating to mobile food units in certain municipalities.

**HB 2039** Truitt SPONSOR: Uresti  
Relating to the transfer of certain state property from the Department of Aging and Disability Services to certain community mental health and mental retardation centers.

**HB 2275** Raymond SPONSOR: Zaffirini  
Relating to creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.  
(Committee Substitute/Amended)

**HB 2333** Geren SPONSOR: Davis, Wendy  
Relating to the lease of certain oil, gas, or mineral land by a municipality.

**HB 2480** Hochberg SPONSOR: Seliger  
Relating to agreements with public junior colleges for courses for joint high school and junior college credit.  
(Amended)

**HB 2726** Eissler SPONSOR: Williams  
Relating to regional participation agreements.

**HB 2893** Hochberg SPONSOR: Shapleigh  
Relating to the technology demonstration sites project.  
(Amended)

**HB 3340** Hopson SPONSOR: Nichols  
Relating to the conveyance of certain state forest land in Cherokee County under the control of the board of regents of The Texas A&M University System.

**SB 1164** Wentworth  
Relating to the carrying of concealed handguns on the campuses of institutions of higher education.

**SB 1603** Shapleigh  
Relating to requiring financial disclosure concerning reports prepared by public institutions of higher education for other entities.

**SB 2060** Lucio  
Relating to the authority of a school district to implement a school bus monitoring system that records images, including images of vehicles that pass a stopped school bus; providing for the imposition of penalties.

**SB 2574** Uresti  
Relating to the regulation of tire businesses and authorizing a fee for tire purchases for regulatory compliance in certain counties; creating an offense.

**SCR 67** Wentworth  
Authorizing the Texas Legislative Council to pay membership dues to the Council of State Governments for state officers.

**SCR 70** Huffman  
Expressing support of the Ecumenical Patriarchate, in Istanbul, urging intervention by the United States, the European Union, and the United Nations to stop institutional discrimination against the Ecumenical Patriarchate, and calling

on the government of Turkey to safeguard religious rights within its borders, including those of the Ecumenical Patriarchate.

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

**SB 1237**

Senate Conferees: Estes - Chair/Deuell/Hegar/Seliger/Whitmire

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Wednesday, May 20, 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 73** Nelson

Relating to the establishment of an adult stem cell research program and to certain reporting requirements with regard to research involving human stem cells or human cloning.

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 19**

Agriculture and Livestock - **SB 2405**

Corrections - **SB 1374**

County Affairs - **SB 1478, SB 1687, SB 2467, SB 2510, SB 2522, SB 2526, SB 2552**

Defense and Veterans' Affairs - **SB 1538, SB 1903**

Energy Resources - **SB 598**

Environmental Regulation - **SB 1203**

Higher Education - **SB 42**

Human Services - **SB 785, SB 2396**

Insurance - **SB 1007**

Judiciary and Civil Jurisprudence - **SB 431, SB 432, SB 1048, SB 1777, SB 2344, SB 2454**

Licensing and Administrative Procedures - **HCR 220, SB 940, SB 2073, SB 2558, SB 2580**

Natural Resources - **SB 2296, SB 2518, SB 2521**

State Affairs - **HR 1591**

Transportation - **SB 1507, SB 1636, SJR 9**

Urban Affairs - **SB 2169**

Ways and Means - **SB 798, SB 1782, SB 1813, SB 1947, SB 2442, SB 2559**

#### **ENGROSSED**

**May 19 - HB 3521, HB 4702, HCR 22**

#### **ENROLLED**

**May 19 - HB 1672, HB 1998, HB 2027, HB 2512**

#### **SENT TO THE GOVERNOR**

**May 19 - HB 375, HB 472, HB 567, HB 590, HB 772, HB 867, HB 1240, HB 1300, HB 1411, HB 1492, HB 1493, HB 1505, HB 1574, HB 1580, HB 1672, HB 1736, HB 1758, HB 1804, HB 1830, HB 1908, HB 1998, HB 2027, HB 2062, HB 2249, HB 2386, HB 2509, HB 2512, HB 3031, HB 3032, HB 3061, HB 3062, HB 3413, HB 3519, HB 4006, HB 4314, HB 4476**

#### **SIGNED BY THE GOVERNOR**

**May 19 - HB 328, HB 752, HB 782, HB 1213, HB 1615, HB 1637, HB 2546, HB 3456, HCR 205**

