

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SIXTH DAY — THURSDAY, MAY 21, 2009

The house met at 9 a.m. and, at the request of the speaker, was called to order by Representative Geren.

The roll of the house was called and a quorum was announced present (Record 1034).

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

Absent, Excused — Cohen; Kuempel.

Absent — Darby.

The invocation was offered by Mark Pugh, minister, Kings Crossing Church of Christ, Corpus Christi, as follows:

Dear God and Father above all, you are the one in whom we live and move and have our being. On this 20th day of May, in the year of our Lord, 2009, we come asking your blessings to be with us this day. We thank you for this day of life. May we say with the Psalmist of long ago, "This is the day the Lord has made; let us rejoice and be glad in it." May we remember the teaching of Jesus to avoid worrying about tomorrow and to rejoice in the day at hand.

Father, we have so much to be thankful for. We are richly blessed. We live in a state that resonates with the message of freedom. We pray that through the power of your mighty right hand, that you would always keep us free. May we never take our freedom for granted, realizing the ultimate price that so many Texans and fellow Americans have paid that we might live in a free land.

This morning, we pray for our brave men and women who are serving in harm's way, maintaining our freedoms. We pray for a rapid end to the wars in Iraq and Afghanistan and that you would bring our soldiers home to their families in safety.

We pray for South Texas, which is suffering from extreme and even exceptional drought conditions. Father, we pray for rain for the parched earth in that region of our state. As we approach the start of the hurricane season, we pray for our coast, that it may be spared the ravages that Galveston suffered last year. And we pray for the good people of Galveston as they continue to recover from the devastation of Hurricane Ike.

Father, we pray for the children of our state, because they are our future. Yet, they are the most vulnerable among us. Please protect them from the scourges of drug and alcohol and physical and sexual abuse. I pray for the babies yet unborn and for the young mothers carrying these babies, that they may receive the nutritional and medical care that they need to deliver healthy babies. I pray for the elderly who often find themselves alone and destitute as they come to the end of their lives.

Father, I pray for our national leaders in Washington and especially the men and women from Texas who represent us there. Especially this morning, I pray for the Texas State Legislature and for the men and women in this house of representatives who are about to begin a busy day of work. Please give them the energy, the clear-headedness, the passion, and the compassion that they need to carry out their jobs. Whether Democrats, Republicans, Libertarians, or Independents, may they all work together, in the spirit of bipartisanship, for the overall good of our state. These blessings we humbly ask, in the name of Jesus. Amen.

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

CAPITOL PHYSICIAN

The chair recognized Representative Orr who presented Dr. Bruce Scaff of Clifton as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

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

Cohen on motion of Allen.

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.

(Darby now present)

HR 2396 - ADOPTED
(by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 2396**.

The motion prevailed.

The following resolution was laid before the house:

HR 2396, In memory of Carolyn Dianne Garcia.

HR 2396 was read and was unanimously adopted by a rising vote.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 2396** as signers thereof.

HR 1607 - PREVIOUSLY ADOPTED
(by Rios Ybarra)

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

HR 1607, Honoring the life of Valeria Garcia of Bluetown.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 1607** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Rios Ybarra who introduced family members of Valeria Garcia.

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. 35).

HR 2051 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 2051**.

The motion prevailed.

The following resolution was laid before the house:

HR 2051, Congratulating Abilene Police Chief Melvin Martin on his retirement.

HR 2051 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative S. King who introduced Abilene Police Chief Melvin Martin and his wife.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 10:15 a.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 10:15 a.m. today, 3W.9, for a formal meeting, to consider pending business.

**HR 2240 - ADOPTED
(by Aycock)**

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 2240**.

The motion prevailed.

The following resolution was laid before the house:

HR 2240, Honoring the Central Texas College Students in Free Enterprise team on its outstanding achievements.

HR 2240 was adopted.

**HR 1732 - PREVIOUSLY ADOPTED
(by Flynn, Hughes, Berman, and Merritt)**

The chair laid out the following previously adopted resolution:

HR 1732, Honoring Mercy Ships for its outstanding contributions to global health.

On motion of Representative Merritt, the names of all the members of the house were added to **HR 1732** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Flynn who introduced representatives of Mercy Ships.

**HR 2050 - ADOPTED
(by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 2050**.

The motion prevailed.

The following resolution was laid before the house:

HR 2050, Honoring Andy Meiron for his work at Taylor County Child Protective Services.

HR 2050 was adopted.

HR 2112 - ADOPTED
(by Alvarado)

Representative Alvarado moved to suspend all necessary rules to take up and consider at this time **HR 2112**.

The motion prevailed.

The following resolution was laid before the house:

HR 2112, Honoring Rosa Walker for her contributions to Texas on the occasion of the inaugural Rosa Walker Award for Leadership event.

HR 2112 was adopted.

On motion of Representative C. Turner, the names of all the members of the house were added to **HR 2112** as signers thereof.

HR 2141 - ADOPTED
(by Rios Ybarra)

Representative Rios Ybarra moved to suspend all necessary rules to take up and consider at this time **HR 2141**.

The motion prevailed.

The following resolution was laid before the house:

HR 2141, Honoring the Ladies Auxiliary of Falfurrias for its work in support of the United States armed forces.

HR 2141 was adopted.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 2141** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Rios Ybarra who introduced members of the Ladies Auxiliary of Falfurrias.

HR 2125 - ADOPTED
(by Kleinschmidt)

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 2125**.

The motion prevailed.

The following resolution was laid before the house:

HR 2125, Recognizing exchange student Nicholas Devernois of Monbalen, Aquitaine, France, as an honorary Texan.

HR 2125 was adopted.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 2050 was previously adopted.

HR 2051 was previously adopted.

HR 2099 (by Chavez), Commemorating the 50th anniversary of the El Paso Alpha Delta Chapter of the Alpha Delta Kappa international honorary organization of women educators.

HR 2100 (by Chavez), Congratulating students from Cielo Vista Elementary School in El Paso for placing second in the state Destination ImagiNation competition.

HR 2101 (by Chavez), Honoring the Centro de Salud Familiar La Fe for its noteworthy history of serving the residents of El Paso.

HR 2103 (by C. Turner), Congratulating Amy Hobbie of Crowley on being named Secondary Teacher of the Year by the Association of Texas Professional Educators.

HR 2104 (by C. Turner), Congratulating Nelda Patton of Mansfield on her induction into the Texas Rodeo Cowboy Hall of Fame in 2009.

HR 2105 (by C. Turner), Congratulating students from Ben Barber Career and Technology Academy in Mansfield for their success at the SkillsUSA Texas State Championships in Corpus Christi.

HR 2106 (by Cook), Honoring Homer Wasson and Zane Stites for their distinguished service on the Navarro College Board of Trustees.

HR 2107 (by Alonzo), Congratulating Dunia Borga of Dallas for receiving the Local DFW Award at the first Flavors of Passion Awards in Dallas.

HR 2108 (by Alonzo), Congratulating Polo Becerra of Houston for receiving the State Award (Texas) at the first Flavors of Passion Awards in Dallas.

HR 2109 (by Alonzo), Congratulating Jesse T. Perez of Atlanta for receiving the National Award at the first Flavors of Passion Awards in Dallas.

HR 2110 (by Alonzo), Congratulating Roberto Santibanez for receiving the Lifetime Achievement Award at the first Flavors of Passion Awards in Dallas.

HR 2112 was previously adopted.

HR 2114 (by Alvarado), Honoring Rosalinda R. Ybanez on her election as the first Hispanic female president of the Houston Police Organization of Spanish Speaking Officers.

HR 2117 (by Merritt and Hughes), Honoring Dorothy Khoury of Longview for her extensive volunteerism and her service to the Gregg County Republican Party.

HR 2118 (by Dutton), Congratulating LaDaJa Woodfork on being named an honoree at the 2009 Reginald Keith Guillory Scholarship Luncheon.

HR 2119 (by Dutton), Congratulating Khristle Flake on her receipt of a 2009 Reginald Keith Guillory Scholarship.

HR 2120 (by Dutton), Congratulating Jamesia Fransaw on being named an honoree at the 2009 Reginald Keith Guillory Scholarship Luncheon.

HR 2121 (by Dutton), Congratulating Arthur A. Davis III on being named an honoree at the 2009 Reginald Keith Guillory Scholarship Luncheon.

HR 2122 (by Dutton), Congratulating Sydney L. Reed on being named an honoree at the 2009 Reginald Keith Guillory Scholarship Luncheon.

HR 2123 (by Dutton), Congratulating Briaa' Iyana Lee on being named an honoree at the 2009 Reginald Keith Guillory Scholarship Luncheon.

HR 2125 was previously adopted.

HR 2127 (by Harper-Brown), Congratulating Max Whitley, Richard Knoll, Marlene Steward, and F. M. Gilbert of Entertainment Series of Irving for winning the 2009 Irving Trivia contest, "The City and the Man."

HR 2128 (by Eiland), Congratulating Verna Trammel on being named a 2009 Unsung Hero by the Galveston County Daily News.

HR 2129 (by Eiland), Congratulating Dr. Fred M. Zaunbrecher on being named a 2009 Unsung Hero by the Galveston County Daily News.

HR 2130 (by Eiland), Commemorating the 120th anniversary of Macedonia Missionary Baptist Church in Galveston.

HR 2131 (by Eiland), Honoring Joe Compian on his selection as an Unsung Hero by the Galveston County Daily News in 2009.

HR 2132 (by Eiland), Honoring Eleanor Grant on her selection as a 2009 Unsung Hero by the Galveston County Daily News.

HR 2133 (by Eiland), Congratulating Aurora Corona Solis on being named a 2009 Unsung Hero by the Galveston County Daily News.

HR 2134 (by Eiland), Congratulating Greg Valentine on his selection as a 2009 Unsung Hero by the Galveston County Daily News.

HR 2135 (by Legler), Congratulating Marcus Edward Puckett of Pasadena on attaining the rank of Eagle Scout.

HR 2136 (by Herrero), Congratulating the powerlifting team from Bishop High School on winning the Texas High School Powerlifting Association Division 3 state championship.

HR 2137 (by Herrero), Commemorating the 10th anniversary of Texas CHIP.

HR 2138 (by Leibowitz), Congratulating Celeste Alvarez on being named the 2009 salutatorian of Southside High School.

HR 2139 (by Leibowitz), Congratulating David J. Castillo on being named the 2009 valedictorian of Southside High School.

HR 2140 (by Leibowitz), Congratulating Maxine Benke of Helotes on being named Grand Marshal of the community's 2009 Cornyval Parade.

HR 2142 (by Callegari), Congratulating Lori Gasaway of Houston on her 50th birthday.

HR 2145 (by Isett), Congratulating the Texas Tech Meat Animal Evaluation Team for winning first place at the 2009 National Meat Animal Evaluation Contest.

HR 2146 (by Morrison), Honoring the Bluebonnet Youth Ranch near Yoakum on its 40th anniversary.

HR 2148 (by Gonzalez Toureilles), Congratulating Lenora and Frank Benavides of Beeville on the occasion of their 55th wedding anniversary.

HR 2149 (by Gonzalez Toureilles), Honoring U.S. Army Sergeant Benjamin Alexander Salinas, Sr., of Alice for his service to his country.

HR 2150 (by Gonzalez Toureilles), Commending Sergeant First Class Gilbrando Garza of Alice for his service in Iraq.

HR 2151 (by Gonzalez Toureilles), Commending U.S. Army Sergeant Melissa Diaz Carrasco of Ben Bolt for her service in behalf of this nation.

HR 2153 (by Gonzalez Toureilles), Honoring R. David Guerrero of Jim Wells County for being named the 2009 District Clerk of the Year for Region 8 by the County and District Clerks Association of Texas.

HR 2154 (by Gonzalez Toureilles), Congratulating the Three Rivers High School Bulldogs football team on its successful season in 2008.

HR 2155 (by Gonzalez Toureilles), Congratulating the George West High School Longhorn football team on its success during the 2008 season.

HR 2156 (by Gonzalez Toureilles), Congratulating the Alice High School football team on its perfect season in 2008.

HR 2158 (by Jackson), Recognizing Gregory S. Hirsch for his service on the Addison City Council.

HR 2160 (by Bonnen), Congratulating Jack Hays of West Columbia on his induction into the Ronnie Bell Hall of Honor by the Greater Houston Football Coaches Association.

HR 2161 (by Bonnen), Honoring the Founders' Garden Club of Brazoria County on the 75th anniversary of its founding.

HR 2162 (by Ortiz), Commending Gloria Pizana Caceres for her service as chief of staff in the office of Representative Solomon Ortiz, Jr.

HR 2163 (by Ortiz), Commending Stacey Barrera for her work as constituent liaison in the office of Representative Solomon Ortiz, Jr.

HR 2164 (by Ortiz), Commending Will Krueger for his work as legislative director in the office of Representative Solomon Ortiz, Jr.

HR 2165 (by Ortiz), Honoring Monica "Desiree" Castro for her service in the office of State Representative Solomon Ortiz, Jr.

HR 2166 (by Ortiz), Honoring Curtis Smith for his service as an intern in the office of Representative Solomon Ortiz, Jr.

HR 2168 (by Marquez), Honoring Salvador Balcorta of El Paso for his outstanding service to his community as CEO of Centro de Salud Familiar La Fe.

HR 2169 (by Castro), Congratulating Clifton Ellis on being named the 2009 Boys Basketball Coach of the Year by the San Antonio Express-News.

HR 2170 (by Castro), Congratulating Marc Helkey on being named 2009 Boys Soccer Coach of the Year by the San Antonio Express-News.

HR 2171 (by Castro), Congratulating Mike Floyd on being named the 2009 Girls Basketball Coach of the Year by the San Antonio Express-News.

HR 2172 (by Castro), Congratulating Mark Jedow on being named the 2009 Swimming and Diving Coach of the Year by the San Antonio Express-News.

HR 2173 (by Castro), Congratulating Gina Dylla on being named 2009 Girls Soccer Coach of the Year by the San Antonio Express-News.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 2097 (by T. Smith), In memory of Sergeant Jonathan A. Markham of Bedford.

HR 2098 (by T. Smith), In memory of U.S. Army Sergeant Wesley R. Durbin of Hurst.

HR 2102 (by Branch), In memory of Laura Louise McClung of Dallas.

HR 2113 (by Alvarado and T. King), In memory of Rogelio M. Barba of Eagle Pass.

HR 2115 (by Hughes), In memory of Jason Lee Hightower of Winnsboro.

HR 2116 (by Miklos), In memory of U.S. Army Staff Sergeant Clay Allen Craig of Clarksville, Tennessee.

HR 2124 (by Hughes), In memory of U.S. Army Specialist Tracy Clint Willis of San Antonio.

HR 2126 (by Martinez), In memory of Roy N. Davis of Weslaco.

HR 2143 (by Isett), In memory of longtime Lubbock and statewide volunteer Betty Price Anderson.

HR 2144 (by Isett), In memory of Christine L. Shinn of Lubbock.

HR 2152 (by Gonzalez Toureilles), In memory of Homer E. Dean, Jr., of Alice.

The resolutions were unanimously adopted by a rising vote.

RESOLUTIONS ADOPTED

Representative Sheffield moved to suspend all necessary rules to take up and consider at this time **HR 2264**, **HR 2294 - HR 2345**, and **HR 2407 - HR 2409**.

The motion prevailed.

The following resolutions were laid before the house:

HR 2264 (by Herrero), Honoring the life of Sergeant Anselmo Martinez III of Robstown.

HR 2294 (by Corte), In memory of U.S. Army Corporal Juan Manuel Lopez, Jr., of San Antonio.

HR 2295 (by Corte), In memory of U.S. Army Sergeant Jaime Gonzalez, Jr., of Austin.

HR 2296 (by Corte), In memory of U.S. Army Specialist Joshua Alexander Molina of Houston.

HR 2297 (by Corte), In memory of U.S. Army Major Sid W. Brookshire of Richmond Hills, Georgia.

HR 2298 (by Corte), In memory of U.S. Marine Lance Corporal Matthew Sauer Medlicott of Houston.

HR 2299 (by Corte), In memory of U.S. Army Corporal Mathew LaForest of Austin.

HR 2300 (by Corte), In memory of U.S. Army Corporal Steven Ivan Candelo of Houston.

HR 2301 (by Corte), In memory of U.S. Army Corporal Rhett Allen Butler of Fort Worth.

HR 2302 (by Jones), In memory of U.S. Army Specialist Geoffrey G. Johnson of Lubbock.

HR 2303 (by Madden), In memory of U.S. Army Second Lieutenant Peter H. Burks of Dallas.

HR 2304 (by Frost), In memory of U.S. Army Private John Alexander Mattox of Jenkins.

HR 2305 (by Heflin), In memory of U.S. Army Staff Sergeant Wesley Hunter of Lockney.

HR 2306 (by Gonzales), In memory of U.S. Army Staff Sergeant Juan F. Campos of McAllen.

HR 2307 (by Driver), In memory of U.S. Army Specialist Thomas F. Duncan III of Rowlett.

HR 2308 (by Button), In memory of U.S. Army First Sergeant Jeffrey R. McKinney of Garland.

HR 2309 (by Hunter), Honoring the life of U.S. Army Sergeant Garrett I. McLead of Rockport.

HR 2310 (by Parker), In memory of U.S. Army Sergeant First Class Justin S. Monschke.

HR 2311 (by Harless), In memory of U.S. Army Corporal Scott Alexander McIntosh of Houston.

HR 2312 (by Eiland), In memory of Sergeant Omar Leonardo Mora of Texas City.

HR 2313 (by Cook), In memory of U.S. Army Specialist Heath Pickard of Frankston.

HR 2314 (by Cook), In memory of U.S. Army Corporal William David O'Brien of Rice.

HR 2315 (by Menendez), In memory of Texas Army National Guard Sergeant Major Julio C. Ordonez of San Antonio.

HR 2316 (by Heflin), In memory of U.S. Army Sergeant Randell Olguin of Ralls.

HR 2317 (by Marquez), In memory of U.S. Air Force Major Rodolpho Ivan Rodriguez of El Paso.

HR 2318 (by S. Turner), In memory of U.S. Army Private Alan Jerome Austin of Houston.

HR 2319 (by Thibaut), In memory of U.S. Army Specialist Benjamin James Garrison of Houston.

HR 2320 (by Thibaut), In memory of U.S. Army Specialist William Lawrence Edwards of Houston.

HR 2321 (by Marquez), In memory of U.S. Army Specialist Quincy J. Green of El Paso.

HR 2322 (by Patrick), In memory of Staff Sergeant Brandon Wade Farley of Haworth, Oklahoma.

HR 2323 (by Patrick), In memory of Specialist Jermaine Donnell Franklin of Arlington.

HR 2324 (by P. King), In memory of Sergeant Anthony Luke Mason of Springtown.

HR 2325 (by P. King), In memory of U.S. Marine Corporal James Heath McRae of Springtown.

HR 2326 (by Dukes), In memory of U.S. Army Private First Class Ron J. Joshua, Jr., of Pflugerville.

HR 2327 (by Eiland), In memory of U.S. Army Specialist Michael James Jaurigue of Texas City.

HR 2328 (by Zerwas), In memory of Sergeant Jeffery Hartley of Hempstead.

HR 2329 (by Kuempel), In memory of Staff Sergeant Fernando Santos of San Antonio.

HR 2330 (by T. King), In memory of United States Marine Lance Corporal Emmanuel Villarreal of Eagle Pass.

HR 2331 (by Sheffield), In memory of U.S. Army Corporal William Troy Warford III of Temple.

HR 2332 (by Legler), In memory of U.S. Army Lieutenant Kile Grant West.

HR 2333 (by Eissler), In memory of U.S. Army Staff Sergeant Jason Logan Brown of Magnolia.

HR 2334 (by Olivo), In memory of U.S. Army Staff Sergeant Timothy Bruce Cole, Jr., of Missouri City.

HR 2335 (by Christian), In memory of Army Specialist Cory Joseph Bertrand of Center.

HR 2336 (by Maldonado), In memory of U.S. Army Reserve Corporal Dustin Ryan Brisky of Round Rock.

HR 2337 (by Solomons), In memory U.S. Army Corporal Peter Courcy of Frisco.

HR 2338 (by Hopson), In memory of U.S. Army Specialist James Lee Adair of Carthage.

HR 2339 (by Heflin), In memory of U.S. Army Sergeant Conrad Alvarez of Big Spring.

HR 2340 (by Hilderbran), In memory of U.S. Army Major Thomas G. Bostick, Jr., of Llano.

HR 2341 (by Marquez), In memory of U.S. Navy Airman Adrian M. Campos of El Paso.

HR 2342 (by Hopson), In memory of U.S. Army Sergeant Samuel E. Kelsey of Troup.

HR 2343 (by Allen), In memory of U.S. Army Specialist Orlando Antonio Perez of Houston.

HR 2344 (by Sheffield), In memory of U.S. Army Specialist Aaron James Walker of Harker Heights.

HR 2345 (by Isett), In memory of U.S. Navy Petty Officer Third Class Mark R. Cannon of Lubbock.

HR 2407 (by Fletcher), In memory of U.S. Army First Lieutenant Jeremy Ray of Houston.

HR 2408 (by Isett), In memory of U.S. Army Sergeant Chris Davis of Lubbock.

HR 2409 (by Anderson), In memory of U.S. Marine Lance Corporal Johnny Ray Strong.

The resolutions were unanimously adopted by a rising vote.

**HB 962 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 962, A bill to be entitled An Act relating to the purchase of library goods and services by public junior colleges.

Representative Guillen moved to concur in the senate amendments to **HB 962**.

The motion to concur in the senate amendments to **HB 962** prevailed by (Record 1035): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; 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, 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; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; 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; McClendon(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Dukes; King, S.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 962** (Senate Committee Printing) in SECTION 2 of the bill, by striking amended Section 130.0101(a)(4), Education Code (page 1, line 32), and substituting the following:

(4) ~~library~~ equipment and supplies specific to the storage and access of library content; and

**HB 1965 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1965, A bill to be entitled An Act relating to permits to control protected wildlife; providing a penalty.

Representative Darby moved to concur in the senate amendments to **HB 1965**.

The motion to concur in the senate amendments to **HB 1965** prevailed by (Record 1036): 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; 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; 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; 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; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Quintanilla; Raymond; 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; McClendon(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Button; Fletcher; Flores; Jackson; King, S.; Peña; Pierson.

STATEMENT OF VOTE

When Record No. 1036 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

Senate Committee Substitute

CSHB 1965, A bill to be entitled An Act relating to permits to control protected wildlife; providing a penalty.

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

SECTION 1. Section 43.151, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.151. THREATS TO PUBLIC SAFETY OR DAMAGE BY WILDLIFE. ~~(a)~~ A person who has evidence clearly showing that wildlife protected by this code is causing serious damage to commercial agricultural, horticultural, or aquicultural interests [~~or other property~~], or is a threat to public

safety, and who desires to kill the protected wildlife shall give written notice of the facts to the department ~~[county judge of the county or to the mayor of the municipality in which the damage or threat occurs].~~

~~[(b) The county judge or mayor, on receiving the notice, shall immediately cause a substantial copy of the notice to be posted in the county courthouse or city hall, as applicable, and shall notify the department of the location of the property where the damage or threat is occurring, the type of damage or nature of the threat, and the name of the applicant.]~~

SECTION 2. Subchapter H, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.1515 to read as follows:

Sec. 43.1515. RULES. The commission may adopt rules to implement this subchapter, including rules governing:

(1) reports that must be submitted to the department by a person who holds a permit issued by the department under this subchapter;

(2) the reinstatement of a canceled permit and a fee for the reinstatement;

(3) the possession of wildlife resources taken or held under this subchapter;

(4) the circumstances required to qualify for a permit; and

(5) the electronic issuance of permits.

SECTION 3. Section 43.152, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.152. DEPARTMENT INSPECTION. (a) On receiving notice from a person under Section 43.151 ~~[a county judge or mayor]~~, the department may ~~[shall]~~ inspect the property and determine if damage or a threat to public safety is occurring as alleged in the notice.

(b) If the notice received by the department under Section 43.151 alleges damage or a threat to public safety caused by mule deer, pronghorn antelope, or desert bighorn sheep, the department may not issue a permit under Section 43.154 unless the department inspects the property and determines whether serious damage or a threat to public safety is occurring. [If the damage or threat is occurring, the department shall make recommendations to the person as are feasible and appropriate for controlling the damage or threat.]

SECTION 4. Section 43.153, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The application must be in writing, ~~[and]~~ be sworn to by the applicant, and ~~[must]~~ contain:

(1) a statement of facts relating to the damage or threat; and

(2) an agreement by the applicant to comply with the provisions of this subchapter and any rules adopted by the commission under this subchapter ~~[relating to the disposition of the protected wildlife].~~

(d) The application must be accompanied by a permit application fee of \$50 or an amount set by the commission, whichever amount is more. Proceeds from the fee shall be deposited in the special game, fish, and water safety account.

SECTION 5. Section 43.154, Parks and Wildlife Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) On receipt of an application, the department may issue a permit for the killing of wildlife without regard to the closed season, bag limit, or means and methods. As soon as practicable, but not later than the 10th business day after the date the department receives an application, the department shall approve or deny the application and, if the application is approved, issue the permit.

(a-1) The department may not issue a permit under this section for the killing of mule deer, pronghorn antelope, or desert bighorn sheep unless:

(1) the department has inspected the property and has verified that serious damage or a threat to public safety as described in the notice under Section 43.151 is occurring;

(2) the department has made recommendations to the applicant regarding ways to minimize the damage or threat; and

(3) the applicant has made a reasonable effort to comply with the recommendations made by the department under this section.

(b) The department shall deliver or mail the permit, if issued, to the person requesting the permit or to the regional or local office of the department for pickup by the person. ~~The department may issue the permit electronically [county judge or mayor that sent the notice of damage or threat. The permit may not be delivered earlier than 24 hours after the notice from the county judge or mayor was received by the department].~~

(c) A permit must specify:

(1) the period of time during which it is valid;

(2) the area in which it applies;

(3) the kind and number of wildlife authorized to be killed; and

(4) the persons permitted to kill the noxious wildlife.

SECTION 6. Section 43.155, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.155. DISPOSITION OF WILDLIFE. (a) The holder of a permit issued under this subchapter or a person designated by Section 43.154(c)(4) who kills wildlife under the authority of the permit shall ~~[give the location of the wildlife carcass to the game warden or other department employee assigned to the area covered by the permit.~~

~~[(b) The game warden or other department employee notified shall] dispose of the carcass by donating it to a charitable institution, a hospital, a needy person, or any other appropriate recipient[, or as directed by the court].~~

(b) The permit holder or a person designated under Section 43.154(c)(4) may not keep or sell any part of the wildlife taken under this subchapter, including antlers.

SECTION 7. Section 43.156, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.156. CANCELLATION OF PERMIT. The department may cancel a permit if:

(1) the permit does not accomplish its intended purposes;

- (2) the permit holder fails to submit a required report to the department;
or
(3) the permit holder intentionally made false claims on the application for the permit.

SECTION 8. Subchapter H, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.1565 to read as follows:

Sec. 43.1565. REINSTATEMENT OF PERMIT. The department may reinstate a canceled permit if the permit holder submits an application for reinstatement in the same manner as required by Section 43.153 for an original permit and pays a fee set by the commission.

SECTION 9. Section 43.157, Parks and Wildlife Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) Except as provided by Subsection (e), a [A] person who violates this section commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

(e) A person who violates a reporting requirement adopted under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 10. Sections 43.153(c) and 43.157(a), Parks and Wildlife Code, are repealed.

SECTION 11. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For the purpose of this subsection, an offense is committed before the effective date of this Act if any element of the offense occurs before that date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act applies only to a permit under Subchapter H, Chapter 43, Parks and Wildlife Code, that is issued on or after the effective date of this Act. A permit issued before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 12. 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 3108 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3108, A bill to be entitled An Act relating to an interim study of recreational boating safety in Texas.

Representative Parker moved to concur in the senate amendments to **HB 3108**.

The motion to concur in the senate amendments to **HB 3108** prevailed by (Record 1037): 140 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; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Flores; Hardcastle; Jackson; King, S.; Veasey.

Senate Committee Substitute

CSHB 3108, A bill to be entitled An Act relating to an interim study of recreational boating safety in Texas.

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

SECTION 1. ADVISORY PANEL; STUDY. (a) The governor, lieutenant governor, and speaker of the house of representatives shall each appoint three members to an advisory panel on recreational boating safety. The appointments by each shall include at least one representative from a boat dealer, distributor, or manufacturer licensed under Section 31.041, Parks and Wildlife Code.

(b) The panel appointed under Subsection (a) of this section shall conduct a study assessing current conditions and making recommendations regarding:

(1) boating safety generally and ways to improve boating safety on lakes and rivers in this state;

(2) the effect of boater education on boating safety and the boat rental, boat sales, and tourism industries;

(3) the effect of requiring every boat owner to carry liability insurance on boating safety and the boat rental, boat sales, and tourism industries;

(4) the effectiveness of law enforcement on lakes and rivers and ways to increase the effectiveness of law enforcement, including possible increases in the number of enforcement officers and state or local responsibility for the increases; and

(5) any other issue the advisory panel finds relevant to boating safety in this state.

(c) For each area of the study, the panel shall provide an estimate of the costs to boaters and the boating and tourism industries if the panel's recommendations were implemented.

(d) One member of the panel appointed by the governor shall serve as the panel's presiding officer.

(e) The panel shall convene at the call of the presiding officer.

(f) From the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally, the members of the panel may be reimbursed for expenses incurred in carrying out the provisions of this Act in accordance with the rules of the senate and house of representatives and the policies of the senate and house committees on administration.

(g) Not later than December 31, 2010, the panel shall report the results of the study conducted under this section to the Parks and Wildlife Department, the governor, the lieutenant governor, the speaker of the house of representatives, and the members of the committee in each house of the legislature with primary jurisdiction over recreational boating.

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

HB 3218 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3218, A bill to be entitled An Act relating to the filing of sworn complaints with the Texas Ethics Commission.

Representative Naishtat moved to concur in the senate amendments to **HB 3218**.

The motion to concur in the senate amendments to **HB 3218** prevailed by (Record 1038): 135 Yeas, 1 Nays, 2 Present, not voting. (The vote was reconsidered on May 23, the house refused to concur in the senate amendments, and a conference committee was appointed.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; 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; 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; Otto; Parker; Patrick;

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

Nays — Phillips.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Chavez; Driver; Dukes; Edwards; Flores; Isett; King, S.; Rose; Taylor.

STATEMENT OF VOTE

When Record No. 1038 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3218** (senate committee printing) as follows:

(1) Strike the recital in SECTION 1 of the bill (page 1, lines 11 and 12), and substitute "Section 571.122, Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(2) In SECTION 1 of the bill, following amended Section 571.122(a), Government Code (page 1, between lines 27 and 28), insert the following:

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

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

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

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

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

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

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

(3) In SECTION 3 of the bill (page 1, line 45), strike "571.122(a)" and substitute "571.122".

(4) In SECTION 3 of the bill (page 1, line 46), strike "applies" and substitute "and Section 571.1221, Government Code, as added by this Act, apply".

(5) Renumber the SECTIONS of the bill accordingly.

Senate Amendment No. 2 (Senate Floor Amendment No. 1/Third Reading)

Amend **HB 3218** (senate committee printing) on third reading as follows:

(1) In SECTION 1 of the bill, on page 1, line 17, between "enforced by the commission" and "." insert ", including but not limited to Sec. 572.0253";

(2) Add new appropriately numbered SECTIONS to the bill to read as follows and renumber subsequent SECTIONS of the bill:

SECTION _____. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0253 to read as follows:

Sec. 572.0253. REPORT OF CONTRACT WITH STATE AGENCY. (a) A member of the legislature shall report on the financial statement the identification and amount of any contract entered into during the period covered by the statement between the member, or a business entity in which the member has a substantial interest, and a state agency.

(b) Sections 572.005(3), (5), (6), and (7) do not apply in determining whether, for purposes of this section, an individual has a substantial interest in a business entity.; and

SECTION _____. Section 572.0253, Government Code, as added by this Act, applies only to a financial statement required to be filed under Subchapter B, Chapter 572, Government Code, on or after September 1, 2009.

**HB 3435 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3435, A bill to be entitled An Act relating to exempting certain utility property from impact fees and assessments in certain water districts.

Representative Hamilton moved to concur in the senate amendments to **HB 3435**.

The motion to concur in the senate amendments to **HB 3435** prevailed by (Record 1039): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; 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, 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; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; 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; McClendon(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Dukes; King, S.

Senate Committee Substitute

CSHB 3435, relating to exempting certain utility property from impact fees and assessments in certain water districts.

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

SECTION 1. Section 49.212, Water Code, is amended by adding Subsections (f), (g), (h), and (i) to read as follows:

(f) Except as provided by Subsections (g) and (h), a district may not impose an impact fee, standby fee, or assessment on the property, including the equipment, rights-of-way, easements, facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code, or a person who owns pipelines used for the transportation or sale of oil or gas or a product or constituent of oil or gas;

(3) a person who owns pipelines used for the transportation or sale of carbon dioxide;

(4) a telecommunications provider as defined by Section 51.002, Utilities Code; or

(5) a cable service provider or video service provider as defined by Section 66.002, Utilities Code.

(g) A district may impose an impact fee, standby fee, or assessment on property described by Subsection (f) that is used as office space.

(h) A district may impose an impact fee on property described by Subsection (f) on the same terms as the district imposes an impact fee on other property if the owner of the property requests water or sewer services for that property from the district.

(i) Subsection (f) does not affect a district's authority to impose an ad valorem tax on property in the boundaries of the district under this chapter or other law.

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

HR 2236 - ADOPTED (by Ritter)

Representative Ritter moved to suspend all necessary rules to take up and consider at this time **HR 2236**.

The motion prevailed.

The following resolution was laid before the house:

HR 2236, Recognizing May 21, 2009, as Water Conservation Day at the State Capitol.

HR 2236 was adopted.

**HB 3951 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative C. Turner called up with senate amendments for consideration at this time,

HB 3951, A bill to be entitled An Act relating to requiring a public institution of higher education to designate or employ a person trained in student financial assistance programs for military veterans and their families.

Representative C. Turner moved to concur in the senate amendments to **HB 3951**.

The motion to concur in the senate amendments to **HB 3951** prevailed by (Record 1040): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Farias; Farrar; Fletcher; 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, D.; Hunter; 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; McClendon(C); McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Shelton.

Present, not voting — Mr. Speaker.

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Dukes; England; Flores; Howard, C.; Hughes; King, S.; Rose.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1040. I intended to vote no.

Laubenberg

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3951** (Senate committee report) in SECTION 1 of the bill by striking added Section 56.006(c), Education Code (page 1, lines 30-33).

**HB 4029 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 4029, A bill to be entitled An Act relating to written authorization for the release of certain health care information.

HB 4029 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE C. TURNER: I'd like to ask you a question, just on legislative intent, on this bill. **HB 4029** as passed by the house, as I understand it, is related to the confidentiality of a patient's health care information. In the senate, I think the bill was amended to add language from **HB 2965**, which came out of the house Public Health Committee, and that establishes a fee a hospital can charge for providing hospital records in a digital or electronic format. The amendment refers to records that are provided on a digital or other electronic medium, rather than records that are stored in a digital format. Is that correct?

REPRESENTATIVE MARQUEZ: Yes, Mr. Turner, that's correct.

C. TURNER: Then the senate amendment to **HB 4029** clarifies that for requested records maintained in a digital or other electronic medium, the hospital is not required to reformat the records for the requestor or to provide software, hardware, or other technology to enable the records to be read by the requestor. Is that right?

MARQUEZ: Yes.

C. TURNER: Then the amendment further clarifies that if records are provided in a digital format, then the hospital can charge a specified amount of, I think, \$75?

MARQUEZ: It can't go over \$75.

C. TURNER: Not to exceed \$75 to retrieve and provide those records, and then that ensures that if the hospital produces the record digitally in a PDF format, for example, then the hospital or the patient does not have to pay the per-page cost?

MARQUEZ: Absolutely, correct.

C. TURNER: That's your intent with this legislation?

MARQUEZ: Yes, sir.

REMARKS ORDERED PRINTED

Representative C. Turner moved to print remarks between Representative Marquez and Representative C. Turner.

The motion prevailed.

Representative Marquez moved to concur in the senate amendments to **HB 4029**.

The motion to concur in the senate amendments to **HB 4029** prevailed by (Record 1041): 91 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bolton; Brown, B.; Burnam; Callegari; Castro; Chavez; Coleman; Crownover; Darby; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Guillen; Gutierrez; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Keffer; Kent; King, S.; King, T.; Laubenberg; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McReynolds; Menendez; Miklos; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Button; Chisum; Christian; Cook; Corte; Craddick; Creighton; Elkins; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hardcastle; Hilderbran; Howard, C.; Isett; King, P.; Kleinschmidt; Kolkhorst; Legler; Lewis; Madden; McCall; Merritt; Miller, D.; Morrison; Orr; Parker; Paxton; Phillips; Sheffield; Shelton; Smith, W.; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Crabb; Davis, J.; Dukes; Gonzalez Tourelles; Harper-Brown; Hughes; Jackson; Jones; Pitts; Rose.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1041. I intended to vote yes.

Bohac

When Record No. 1041 was taken, I was temporarily out of the house chamber. I would have voted no.

Crabb

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 4029** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 241.154(b)(1)(B), Health and Safety Code (page 1, line 50), strike "or" and substitute "[~~or~~]".

(2) In SECTION 2 of the bill, in amended Section 241.154(b)(2), Health and Safety Code (page 1, lines 51-52), strike "any microform or other electronic medium" and substitute "[~~any~~] microform [~~or other electronic medium~~]".

(3) In SECTION 2 of the bill, in amended Section 241.154(b)(2), Health and Safety Code (page 1, line 57), strike "copies." and substitute the following:
copies; or

(3) if the requested records are provided on a digital or other electronic medium and the requesting party requests delivery in a digital or electronic medium, including electronic mail:

(A) a retrieval or processing fee, which may not exceed \$75; and

(B) the actual cost of mailing, shipping, or otherwise delivering the provided copies.

HB 1232 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1232, A bill to be entitled An Act relating to establishing a local behavioral health intervention pilot project.

Representative Menendez moved to concur in the senate amendments to **HB 1232**.

The motion to concur in the senate amendments to **HB 1232** prevailed by (Record 1042): 138 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycok; 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.; 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; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; 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.

Nays — Harper-Brown; Laubenberg.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Deshotel; Heflin; Hughes; Rodriguez; Villarreal.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1232** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike Subsection (b)(2)(B) (page 1, lines 37 and 38) and substitute the following:

(B) a consent form:

(i) by which parents may give or refuse consent to share information with a specific agency or provider that collaborates in the provision of treatment or service to a child;

(ii) that informs a parent that the parent has the right to withhold consent and may withdraw consent at any time; and

(iii) that informs the parent of the type of information that an agency or provider may share if the parent consents;

(2) In SECTION 1 of the bill, in Subsection (b)(2)(D) (page 1, line 42), strike "and".

(3) In SECTION 1 of the bill, in Subsection (b)(2)(E) (page 1, line 45) immediately following the semicolon, add the following:
and

(F) an information exchange process between each parent of a child participating in the pilot project and the agencies and providers involved in the project to assist the parent in remaining informed regarding the evaluations performed in relation to the child and any conclusions or recommended treatment options resulting from those evaluations or decisions that need to be made by the parent as a result of an evaluation;

(4) In SECTION 1 of the bill, in Subsection (b)(3) (page 1, line 47), strike "and".

(5) In SECTION 1 of the bill, in Subsection (b)(4) (page 1, line 51), between "provider" and the period, insert the following:
; and

(5) ensure that parents, agencies, and providers participating in the pilot project are informed that a parent or child may not be penalized for refusing to consent to the information sharing or services under the pilot project

(6) In SECTION 1 of the bill, strike Subsection (g) (page 2, line 28), and substitute the following:

(g) In implementing the pilot project, the Department of State Health Services shall ensure that a parent of a child involved in the project is provided with reasonable, standardized complaint procedures for making complaints regarding the pilot project or an agency or provider involved in the pilot project.

(h) The Department of State Health Services shall ensure that the pilot project:

(1) is operated without regard to the race, color, disability, sex, age, national origin, or religion of the individuals involved in the pilot project; and

(2) does not disproportionately target or negatively impact minorities.

(i) This section does not authorize the implementation of school-based mental health screening.

(j) This Act expires September 1, 2011.

HR 2416 - ADOPTED

(by Straus)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 2416**.

The motion prevailed.

The following resolution was laid before the house:

HR 2416, Commemorating the baptism of Ella Rachel Draï of Houston.

HR 2416 was adopted.

**HB 1789 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1789, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

Representative Maldonado moved to concur in the senate amendments to **HB 1789**.

The motion to concur in the senate amendments to **HB 1789** prevailed by (Record 1043): 136 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; 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; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rose; 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.

Nays — Anderson; Berman; Flynn; Miller, S.; Sheffield.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Hughes; Marquez; Pitts; Rodriguez.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1043. I intended to vote no.

Fletcher

When Record No. 1043 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

Senate Committee Substitute

CSHB 1789, A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities, coliseums, and multiuse facilities in certain municipalities.

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

SECTION 1. Section 351.101(a), Tax Code, is amended to read as follows:

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:

(A) at or in the immediate vicinity of convention center facilities or visitor information centers; or

(B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;

(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; ~~and~~

(7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:

(A) the municipality owns the facilities or fields;

(B) the municipality:

(i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less;

(ii) has a population of at least 65,000 but not more than 70,000 and is located in a county that has a population of 155,000 or less; ~~or~~

(iii) has a population of at least 34,000 but not more than 36,000 and is located in a county that has a population of 90,000 or less;

(iv) has a population of at least 13,000 but less than 39,000 and is located in a county that has a population of at least 200,000; or

(v) has a population of at least 65,000 but less than 80,000 and no part of which is located in a county with a population greater than 150,000; and

(C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments; and

(8) for a municipality with a population of at least 65,000 but less than 80,000, no part of which is located in a county with a population greater than 150,000, the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of a coliseum or multiuse facility.

SECTION 2. Section 351.003, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) The rate for a municipality with a population of at least 65,000 but less than 80,000, no part of which is located in a county with a population greater than 150,000, that intends to construct, improve, enlarge, equip, repair, operate, and maintain a coliseum or multiuse facility may not exceed nine percent of the price paid for a room. Projects funded with said rate shall be determined to have a substantial impact on hotel activity.

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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1789**, in SECTION 2 of the bill, on page 2, by striking lines 20-26.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 1789** (Senate committee report) in SECTION 1 of the bill as follows:

(1) In amended Section 351.101(a)(7)(B)(iv), Tax Code (page 2, line 5), following the semicolon, strike "or".

(2) In amended Section 351.101(a)(7)(B)(v), Tax Code (page 2, line 8), following the semicolon, strike "and" and substitute "or".

(3) At the end of amended Section 351.101(a)(7)(B), Tax Code (page 2, between lines 8 and 9), insert the following:

(vi) is located in a county that:

(a) is adjacent to the Texas-Mexico border;

(b) has a population of at least 500,000; and

(c) does not have a municipality with a population greater than 500,000; and

HR 1945 - PREVIOUSLY ADOPTED
(by C. Turner)

The chair laid out the following previously adopted resolution:

HR 1945, Honoring Joseph Parker Cullar for his service as a legislative intern in the office of State Representative Chris Turner.

SB 1237 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Heflin, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1237**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1237**: Heflin, chair; Darby, Lewis, Hopson, and Frost.

HR 2232 - ADOPTED
(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 2232**.

The motion prevailed.

The following resolution was laid before the house:

HR 2232, Commemorating the 50th anniversary of the opening of T. J. Lee Elementary School in Irving.

HR 2232 was adopted.

SB 532 - VOTE RECONSIDERED

Representative Coleman moved to reconsider the vote by which **SB 532**, as amended, was passed on May 20.

The motion to reconsider prevailed.

SB 532 ON THIRD READING
(Coleman - House Sponsor)

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

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 on May 20 and was passed, as amended, by Record No. 1022.

Amendment No. 2

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

Amend **SB 532** on third reading as follows:

(1) Strike Section 157.0543, Occupations Code, as added by Amendment No. 2 by Coleman on second reading and as amended by Amendment No. 3 by Orr on second reading.

(2) Strike amended Section 157.053(a)(6), Occupations Code, and substitute the following:

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

(A) health care services for established patients;

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

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

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

SB 532, as amended, was passed by (Record 1044): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; 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(C); McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; 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 — Cohen; Kuempel; Riddle.

Absent — Callegari; Otto.

(Speaker in the chair)

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 1009 ON THIRD READING
(Harper-Brown - House Sponsor)

SB 1009, A bill to be entitled An Act relating to the continuation and functions of the Commission on Jail Standards.

Amendment No. 1

Representative Olivo offered the following amendment to **SB 1009**:

Amend **SB 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. STUDY REGARDING COMMISSARY PRICING POLICIES. (a) The commission shall conduct a study regarding:

(1) the policies of county jails and of private facilities housing county inmates under contract with a county relating to the prices at which items are offered for sale at a commissary operated by or under contract with the jail or private facility; and

(2) whether the policies described by Subdivision (1) ensure that the commissary offers items for sale to inmates at a reasonable price.

(b) In conducting the study required by this section, the commission shall examine a cross-section of county jails and private facilities, including jails and private facilities in urban and rural counties and counties with a small or large population.

(c) Not later than September 1, 2010, the commission shall report the results of the study conducted under this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and house of representatives that have primary jurisdiction over corrections. The report may include recommendations for the adoption of rules by the commission or for legislation to address any concerns discussed in the report.

(d) This section expires October 1, 2010.

Amendment No. 1 was adopted.

(Hopson in the chair)

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **SB 1009**:

Amend **SB 1009** on third reading by striking added Section 511.0102, Government Code, as added by Amendment No. 2 to **CSSB 1009** by Martinez Fischer, and substituting:

Sec. 511.0102. WAIVER OF CERTAIN PRISONERS IN CALCULATING JAIL POPULATION FOR COMPLIANCE DETERMINATIONS. (a) The commission may:

(1) grant a variance to a rule, standard, or procedure of the commission that is based on, or includes as a factor in compliance, the population of the jail; and

(2) allow a jail to exclude from the calculation of the population of the jail any prisoner who is:

(A) detained for only a technical violation of the conditions of the prisoner's parole; or

(B) described by Section 511.0101(a)(1)(K).

(b) The commission may not grant a variance under Subsection (a)(1) that would result in an inadequate number of corrections officers being available to provide safe, suitable, and sanitary conditions in a jail.

(c) For each circumstance in which the commission determines that a county jail does not comply with 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 shall:

(1) determine whether the jail would be in compliance if the jail excluded from the calculation of the population of the jail any prisoner described by Subsection (a)(2); and

(2) notify the jail of the determination made under Subdivision (1).

Amendment No. 2 was adopted.

SB 1009, as amended, was passed by (Record 1045): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; 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; Howard, C.; 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; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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; Hopson(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Elkins; Jones.

STATEMENT OF VOTE

When Record No. 1045 was taken, I was in the house but away from my desk. I would have voted yes.

Jones

SB 1016 ON THIRD READING
(Flynn, Gonzalez Toureilles, Hardcastle,
Kolkhorst, McReynolds, et al. - House Sponsors)

SB 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.

Amendment No. 1

Representative Chisum offered the following amendment to **SB 1016**:

Amend **SB 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 described by Section 42.09(f), Penal Code on an agricultural operation.

Amendment No. 1 was adopted.

SB 1016, as amended, was passed by (Record 1046): 142 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 Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; 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; Pitts; Quintanilla; Raymond; 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; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Dutton; Farrar; Villarreal.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 283 ON THIRD 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 passed by (Record 1047): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; 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 Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; 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; Pitts; Quintanilla; Raymond; 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; Hopson(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Dutton; Farrar.

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

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

SB 865 was passed by (Record 1048): 138 Yeas, 0 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Christian; Coleman; Cook; Crabb; Craddick; Creighton;

Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; 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; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; 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; Aycock; Chisum; Hopson(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Corte; Dutton; Hilderbran; King, T.; Solomons.

(Speaker in the chair)

HR 2261 - ADOPTED
(by Straus and Dunnam)

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 2261**.

The motion prevailed.

The following resolution was laid before the house:

HR 2261, Congratulating Representative Norma Chavez on her graduation from The University of Texas at Austin in May 2009.

HR 2261 was read and was adopted.

On motion of Representative Corte, the names of all the members of the house were added to **HR 2261** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Chavez who introduced her parents, Norman and Connie Chavez.

INTRODUCTION OF GUEST

The speaker recognized Representative Elkins who introduced the Honorable Ben Harbin, Chairman of the Georgia House Committee on Appropriations.

HR 2143 - PREVIOUSLY ADOPTED
(by Isett)

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

HR 2143, In memory of longtime Lubbock and statewide volunteer Betty Price Anderson.

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 1569 ON SECOND READING
(Strama, Deshotel, and Harless - House Sponsors)**

CSSB 1569, A bill to be entitled An Act relating to unemployment compensation modernization.

Amendment No. 1

Representative Strama offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569**, House committee printing, as follows:

(1) In SECTION 3 of the bill, strike added Section 207.021(d), Labor Code (page 6, lines 6 through 9), and substitute the following:

(d) An individual is available for work for purposes of Subsection (a)(4) even if the individual is seeking and available only for part-time work. For purposes of this subsection "part-time work" means work of at least 20 hours per week or a number of hours that is comparable to the number of hours worked by the individual at the time of the individual's most recent separation from employment, not to exceed the number of hours adopted under commission rules that meet the requirements for part-time work prescribed by the United States Department of Labor as necessary to obtain any incentive payment under Section 903(f), Social Security Act (42 U.S.C. Section 903(f).

(2) In SECTION 6 of the bill, strike added Section 207.047(a-1), Labor Code (page 9, lines 6 through 9), and substitute the following:

(a-1) An individual is not disqualified for benefits under this section if the individual is seeking and available only for part-time work. For purposes of this subsection "part-time work" has the meaning assigned by Section 207.021(d).

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn.)

Amendment No. 2

Representative Cook offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569** as follows:

(1) Insert the following SECTION in the bill, appropriately numbered, to read as follows:

SECTION _____. Section 204.121, Labor Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), the [The] commission shall deposit the revenue from the employment and training investment assessment to the credit of the holding fund created under Section 204.122.

(d) If at any time there are loans obtained or bonds issued to maintain the balance in the compensation fund in an amount sufficient to pay unemployment compensation benefits when due that are outstanding, including unemployment obligation assessments under Subchapter C, Chapter 203, or bonds issued under Subchapter F, Chapter 203, the commission:

(1) may not deposit the revenue from the employment and training investment assessment to the credit of the holding fund created under Section 204.122; and

(2) notwithstanding any other law, shall deposit that revenue to the credit of the unemployment compensation fund created under Section 203.021.

(2) Renumber the subsequent SECTIONS accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Kent offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 209.022, Labor Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Subsections (b), (c), (d), and (f) do not apply to a week to which this subsection or Section 209.0221 applies. In addition to the "off" indicator weeks described by Subsections (c) and (d), a week is a state "off" indicator week if the average rate of unemployment and the average rates of total unemployment in this state are less than the applicable average rates described by Section 209.0221. This subsection applies only during a week in which Section 209.0221 applies.

SECTION _____. Subchapter B, Chapter 209, Labor Code, is amended by adding Section 209.0221 to read as follows:

Sec. 209.0221. ADDITIONAL "ON" INDICATOR WEEKS; CONSTRUCTION WITH CERTAIN OTHER LAW. (a) In addition to "on" indicator weeks described by Section 209.022, with respect to weeks of unemployment beginning on or after February 1, 2009, a week is a state "on" indicator week if:

(1) the average rate of total unemployment, as determined by the secretary for the period consisting of the most recent three months for which data for all states are published before the close of the week, equals or exceeds six and one-half percent; and

(2) the average rate of total unemployment in this state, as determined by the secretary for the three-month period described by Subdivision (1), equals or exceeds 110 percent of the average rate of total unemployment in this state for either or both of the corresponding three-month periods of the two preceding calendar years.

(b) The rate of insured unemployment as used in this section is to be seasonally adjusted.

(c) During a period during which this section applies, the following provisions do not apply:

(1) Section 209.082, to charges to a reimbursing employer, except that charges described by that section may not be used in determining the replenishment ratio under Section 204.045; and

(2) Section 209.083, to charges to a taxed employer.

(d) This section takes effect February 1, 2009, and expires the week ending four weeks before the last week for which 100 percent federal sharing is authorized by Section 2005(c), Pub. L. No. 111-5, or another substantially similar federal law concerning extended unemployment benefits.

SECTION _____. Subchapter C, Chapter 209, Labor Code, is amended by adding Section 209.0421 to read as follows:

Sec. 209.0421. INCLUSION OF CERTAIN PERIODS IN ELIGIBILITY PERIOD. Notwithstanding any other eligibility provisions in this chapter, an individual's eligibility period includes any eligibility period described by Section 2005(b), Pub. L. No. 111-5. This section applies only during a week in which Section 209.0221 applies.

SECTION _____. Subchapter D, Chapter 209, Labor Code, is amended by adding Section 209.0621 to read as follows:

Sec. 209.0621. MAXIMUM TOTAL EXTENDED BENEFIT AMOUNT DURING HIGH UNEMPLOYMENT PERIOD. (a) For purposes of this section, "high unemployment period" means any period that is otherwise described by Section 209.0221 in which the average rate of total unemployment described by Section 209.0221(a)(1) equals or exceeds eight percent.

(b) Section 209.062 does not apply during a high unemployment period.

(c) During a high unemployment period the total extended benefit amount payable to an eligible individual for the individual's eligibility period is 80 percent of the total amount of regular benefits that were payable to the individual under this subtitle in the individual's applicable benefit year.

(d) This section applies only during a week in which Section 209.0221 applies.

SECTION _____. The change in law made by this Act in amending provisions of Chapter 209, Labor Code, applies only to a claim for extended unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim for extended unemployment compensation benefits that is filed with the Texas Workforce Commission before the effective date of this Act is governed by the law in effect on the date that the claim was filed, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted by (Record 1049): 100 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bolton; Branch; Burnam; Castro; Chavez; Coleman; Crabb; Creighton; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Harless; Harper-Brown; Hartnett; Heflin;

Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Keffer; Kent; King, S.; King, T.; Kolkhorst; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Solomons; Strama; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Crownover; Darby; Driver; Elkins; Fletcher; Flynn; Hancock; Hardcastle; Hilderbran; Hughes; Hunter; Jackson; Jones; King, P.; Kleinschmidt; Laubenberg; Legler; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Shelton; Smithee; Swinford; Taylor; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Kuempel; Riddle.

Absent — Hamilton; Merritt.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1049. I intended to vote yes.

Aycock

I was shown voting no on Record No. 1049. I intended to vote yes.

B. Brown

I was shown voting no on Record No. 1049. I intended to vote yes.

F. Brown

I was shown voting no on Record No. 1049. I intended to vote yes.

Darby

I was shown voting no on Record No. 1049. I intended to vote yes.

Hancock

I was shown voting no on Record No. 1049. I intended to vote yes.

Hilderbran

I was shown voting no on Record No. 1049. I intended to vote yes.

Hughes

I was shown voting no on Record No. 1049. I intended to vote yes.

D. Miller

I was shown voting no on Record No. 1049. I intended to vote yes.

Orr

I was shown voting no on Record No. 1049. I intended to vote yes.

Parker

I was shown voting no on Record No. 1049. I intended to vote yes.

Patrick

I was shown voting no on Record No. 1049. I intended to vote yes.

Woolley

Amendment No. 4

Representative Gutierrez offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569**, house committee printing, by inserting a new SECTION in the bill, appropriately numbered, to read as follows, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 204.123(a), Labor Code, is amended to read as follows:

(a) If, on September 1 of a year, the commission determines that the amount in the compensation fund will exceed 150 [~~100~~] percent of its floor as computed under Section 204.061 on the next October 1 computation date, the commission shall transfer from the holding fund created under Section 204.122:

(1) from the first \$160 million deposited in the holding fund in any state fiscal biennium[~~:-~~

~~(A) during the state fiscal biennium ending August 31, 2007;~~

~~(i) 67 percent to the Texas Enterprise Fund created under Section 481.078, Government Code, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the Texas Enterprise Fund in that biennium; and~~

~~(ii) 33 percent to the skills development fund created under Section 303.003, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the skills development program strategies and activities in that biennium; and~~

~~(B) during any state fiscal biennium] beginning on or after September 1, 2009 [2007];~~

~~(A) 50 [(i) 75] percent to the Texas Enterprise Fund created under Section 481.078, Government Code, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the Texas Enterprise Fund in that biennium; and~~

~~(B) 50 [(ii) 25] percent to the skills development fund created under Section 303.003, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the skills development program strategies and activities in that biennium; and~~

(2) any remaining amount in the holding fund after the distribution under Subdivision (1) to the training stabilization fund created under Section 302.101.

(McCall in the chair)

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Legler offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569**, house committee printing, as follows:

(1) In the recital to SECTION 3 of the bill (page 6, line 5), strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(2) In SECTION 3 of the bill, in amended Section 207.021, Labor Code (page 6, between lines 9 and 10), insert the following:

(e) In addition to meeting the requirements of Subsections (a)-(d), to be eligible to receive benefits under this subtitle a claimant must comply with Section 207.026.

(3) On page 6, between lines 9 and 10, immediately after the addition of new Subsection (e), Section 207.021, Labor Code, insert the following:

SECTION _____. Subchapter B, Chapter 207, Labor Code, is amended by adding Section 207.026 to read as follows:

Sec. 207.026. REQUIRED DRUG TESTING; DISQUALIFICATION FOR BENEFITS. (a) Each individual who files a claim for benefits under Chapter 208 or receives benefits under this subtitle must submit to drug testing as provided by this section.

(b) The commission by rule shall adopt a drug testing program as part of the requirements for the receipt of benefits under this subtitle. The program must:

(1) comply with the drug testing requirements of 49 C.F.R. Part 382 or other similar national requirements for drug testing programs recognized by the commission; and

(2) be designed to protect the rights of benefit applicants and recipients.

(c) Each individual who files an initial claim under Section 208.001 must successfully pass a drug test conducted by the commission before being eligible to receive benefits.

(d) If an individual who is receiving benefits under this subtitle applies for employment with an employer who requires a preemployment drug test and the individual fails the drug test, the individual must disclose the results of that test to the commission in the manner prescribed by the commission. The individual must disclose the test results within 72 hours of receipt by the individual of the notice that the individual failed the drug test. Except as provided by Subsection (f), an individual described by this subsection who fails a preemployment drug test is disqualified for benefits under this subtitle until the individual meets the requirements of Subsection (e).

(e) An applicant for or recipient of benefits who does not successfully pass a drug test required under this section is disqualified for benefits. Disqualification under this section continues until the individual has returned to employment and:

(1) worked for six weeks; or

(2) earned wages equal to six times the individual's benefit amount.

(f) Notwithstanding Subsection (d) or (e), an individual is not disqualified for benefits based on a failure to successfully pass a drug test required by this section if, on the basis of evidence presented by the individual, the commission finds that:

(1) the individual is participating in a treatment program for drug abuse; or

(2) the failure to pass the drug test is caused by the use of a drug that was prescribed by a physician as medically necessary for the individual.

(g) Notwithstanding Subsection (f), an individual who fails to report test results to the commission as required by Subsection (d) must repay the commission for any benefits received under this subtitle from the date on which the individual knows or should have known that the individual failed the preemployment drug test until the date on which the commission receives notice that the individual failed the preemployment drug test.

(4) Renumber the SECTIONS of the bill accordingly.

Amendment No. 6

Representative Strama offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Legler to **CSSB 1569** by striking the text of the amendment and substituting the following:

(1) In SECTION 9(c)(3) of the bill (page 11, line 15), strike "and".

(2) In SECTION 9(c)(4) of the bill (page 11, line 20), strike the period and substitute ";and".

(3) In SECTION 9(c) of the bill, immediately following SECTION 9(c)(4) (page 11, between lines 20 and 21), insert:

(5) examine the advantages and disadvantages of requiring each individual who files a claim for or receives benefits under Subtitle A, Title 4, Labor Code, to submit to drug testing.

Amendment No. 6 was withdrawn.

Amendment No. 5 - Point of Order

Representative Veasey raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 5 was withdrawn.

Amendment No. 7

Representative Harless offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 214.002, Labor Code, is amended to read as follows:

Sec. 214.002. LIABILITY FOR [~~IMPROPERLY~~] OBTAINING IMPROPER BENEFITS. (a) A person who has received improper benefits is liable for the amount of the improper benefits. The commission may recover improper benefits by:

(1) deducting the amount of the improper benefits from any future benefits payable to the person; or

(2) collecting the amount of the improper benefits for the compensation fund in the same manner provided by Sections 213.031, 213.032, 213.033, 213.035, and 213.051 for the collection of past due contributions.

(b) In this section, "improper benefit" means any [the] benefit or payment obtained under this subtitle by a person who was or is subsequently disqualified or otherwise determined to be ineligible to receive the benefit or payment for any reason under a final determination or decision made under this subtitle[~~:-~~

~~[(1) because of the nondisclosure or misrepresentation by the person or by another of a material fact, without regard to whether the nondisclosure or misrepresentation was known or fraudulent; and~~

~~[(2) while:~~

~~[(A) any condition imposed by this subtitle for the person's qualifying for the benefit was not fulfilled in the person's case; or~~

~~[(B) the person was disqualified from receiving benefits].~~

(c) If a person receives improper benefits due to a mistake by the commission, the commission shall begin to recover the improper benefits not later than the first anniversary after the date the last improper benefit was paid. Improper benefits under this subsection may not be collected in the manner described by Subsection (a)(2). The commission may recover the improper benefits only by:

(1) deducting the amount of the improper benefits from any future benefits payable to the person; or

(2) offering a payment plan to the person.

SECTION _____. The change in law made by this Act to Section 214.002, Labor Code, applies only to a claim for unemployment compensation benefits filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

Amendment No. 7 was adopted.

Amendment No. 8

Representative T. Smith offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569**, house committee printing, on page 10 of the bill, between lines 2 and 3, by inserting the following SECTIONS, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsection D, Chapter 301, Labor Code, is amended by adding Section 301.068 to read as follows:

Sec. 301.068. MONITORING OF OPERATION OF CERTAIN UNEMPLOYMENT PROGRAMS; REPORT. (a) The commission shall implement a system under which the commission monitors the operation and effect of:

(1) the use of the alternate base period adopted under Section 201.013(c);

(2) the extension of benefit eligibility for part-time work adopted under Section 207.021;

(3) the extension of benefit eligibility for unemployment based on compliance with certain family obligations adopted under:

(A) Sections 204.022(a)(12) and (14);

(B) Section 207.045(c); and

(C) Section 207.046(a); and

(4) the application of the definition of "last work" under Section 208.002.

(b) The commission shall:

(1) determine the costs and benefits to the operation of the unemployment compensation system of this state that are directly attributable to the implementation of the unemployment compensation programs described by Subsection (a); and

(2) if the total costs computed under Subdivision (1) exceed \$550 million, report annually to each employer any additional contributions required to be paid by the employer under Chapter 204 that are directly attributable to the implementation of the unemployment compensation programs described by Subsection (a).

(c) The commission shall adopt rules as necessary to implement this section.

SECTION _____. Effective January 1, 2010, Chapter 171, Tax Code, is amended by adding Subchapter T-1 to read as follows:

SUBCHAPTER T-1. TAX CREDIT FOR CERTAIN UNEMPLOYMENT
COMPENSATION PROGRAM CONTRIBUTIONS

Sec. 171.881. ENTITLEMENT TO CREDIT. A taxable entity is entitled to a credit in the amount and under the conditions and limitations provided by this subchapter against the tax imposed under this chapter.

Sec. 171.882. QUALIFICATION. A taxable entity qualifies for a credit under this subchapter if the taxable entity pays additional contributions required under Chapter 204, Labor Code, that are attributable to the implementation of an unemployment compensation program described by Section 301.068(a), Labor Code.

Sec. 171.883. AMOUNT; LIMITATIONS. (a) The amount of the credit under this subchapter is equal to the amount the Texas Workforce Commission reports to the taxable entity under Section 301.068(b), Labor Code, as additional contributions required to be paid that are directly attributable to the implementation of an unemployment compensation program described by Section 301.068(a), Labor Code.

(b) The total credit claimed for a report, including the amount of any carryforward under Section 171.884, may not exceed the amount of franchise tax due for the report after any other applicable tax credits.

(c) A taxable entity may not convey, assign, or transfer a credit under this subchapter to another entity unless all of the assets of the taxable entity are conveyed, assigned, or transferred in the same transaction.

Sec. 171.884. CARRYFORWARD. (a) If a taxable entity is eligible for a credit that exceeds the limitation under Section 171.883(b), the taxable entity may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of a credit that cannot be claimed in the current year because of the limitation under Section 171.883(b). A carryforward is added to the next year's credit in determining whether the limitation is met for that year. A credit carryforward from a previous report is considered to be used before the current year credit.

Sec. 171.885. APPLICATION FOR CREDIT. A taxable entity must apply for a credit under this subchapter on or with the report for the period for which the credit is claimed.

Sec. 171.886. RULES. The comptroller shall adopt rules necessary to implement this subchapter.

SECTION _____. Subchapter T-1, Chapter 171, Tax Code, as added by this Act, applies only to a report under Chapter 171, Tax Code, originally due on or after January 1, 2010.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, at 1 p.m. today, in 3W.15, to consider **HCR 252** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures, 1 p.m. today, 3W.15, for a formal meeting, to consider **HCR 252** and pending business.

CSSB 1569 - (consideration continued)

Amendment No. 8 was withdrawn.

Amendment No. 1 - Vote Reconsidered

Representative Strama moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 9

Representative Strama offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569**, House committee printing, as follows:

(1) In SECTION 3 of the bill, strike added Section 207.021(d), Labor Code (page 6, lines 6 through 9), and substitute the following:

(d) An individual is available for work for purposes of Subsection (a)(4) even if the individual is seeking and available only for part-time work. For purposes of this subsection "part-time work" means hours of work of at least 20 hours per week as long as the individual is available for hours of work

comparable to the number of hours worked by the individual at the time of the individual's most recent separation from employment, not to exceed the number of hours adopted under commission rules that meet the requirements for part-time work prescribed by the United States Department of Labor as necessary to obtain any incentive payment under Section 903(f), Social Security Act (42 U.S.C. Section 903(f)).

(2) In SECTION 6 of the bill, strike added Section 207.047(a-1), Labor Code (page 9, lines 6 through 9), and substitute the following:

(a-1) An individual is not disqualified for benefits under this section if the individual is seeking and available only for part-time work. For purposes of this subsection "part-time work" has the meaning assigned by Section 207.021(d).

Amendment No. 9 was adopted.

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. 35).

CSSB 1569 - (consideration continued)

Amendment No. 10

Representative T. Smith offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569**, house committee printing, on page 10 of the bill, between lines 2 and 3, by inserting the following SECTIONS, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsection D, Chapter 301, Labor Code, is amended by adding Section 301.068 to read as follows:

Sec. 301.068. MONITORING OF OPERATION OF CERTAIN UNEMPLOYMENT PROGRAMS; REPORT. (a) The commission shall implement a system under which the commission monitors the operation and effect of:

(1) the use of the alternate base period adopted under Section 201.013(c);

(2) the extension of benefit eligibility for part-time work adopted under Section 207.021;

(3) the extension of benefit eligibility for unemployment based on compliance with certain family obligations adopted under:

(A) Sections 204.022(a)(12) and (14);

(B) Section 207.045(c); and

(C) Section 207.046(a); and

(4) the application of the definition of "last work" under Section 208.002.

(b) The commission shall:

(1) determine the costs and benefits to the operation of the unemployment compensation system of this state that are directly attributable to the implementation of the unemployment compensation programs described by Subsection (a); and

(2) if the total costs computed under Subdivision (1) exceed \$550 million, report annually to each employer any additional contributions required to be paid by the employer under Chapter 204 that are directly attributable to the implementation of the unemployment compensation programs described by Subsection (a).

(c) The commission shall adopt rules as necessary to implement this section.

SECTION _____. Effective January 1, 2010, Chapter 171, Tax Code, is amended by adding Subchapter T-1 to read as follows:

SUBCHAPTER T-1. TAX CREDIT FOR CERTAIN UNEMPLOYMENT
COMPENSATION PROGRAM CONTRIBUTIONS

Sec. 171.881. ENTITLEMENT TO CREDIT. A taxable entity is entitled to a credit in the amount and under the conditions and limitations provided by this subchapter against the tax imposed under this chapter.

Sec. 171.882. QUALIFICATION. A taxable entity qualifies for a credit under this subchapter if the taxable entity pays additional contributions required under Chapter 204, Labor Code, that are attributable to the implementation of an unemployment compensation program described by Section 301.068(a), Labor Code.

Sec. 171.883. AMOUNT; LIMITATIONS. (a) The amount of the credit under this subchapter is equal to the amount the Texas Workforce Commission reports to the taxable entity under Section 301.068(b), Labor Code, as additional contributions required to be paid that are directly attributable to the implementation of an unemployment compensation program described by Section 301.068(a), Labor Code.

(b) The total credit claimed for a report, including the amount of any carryforward under Section 171.884, may not exceed the amount of franchise tax due for the report after any other applicable tax credits.

(c) A taxable entity may not convey, assign, or transfer a credit under this subchapter to another entity unless all of the assets of the taxable entity are conveyed, assigned, or transferred in the same transaction.

Sec. 171.884. CARRYFORWARD. (a) If a taxable entity is eligible for a credit that exceeds the limitation under Section 171.883(b), the taxable entity may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of a credit that cannot be claimed in the current year because of the limitation under Section 171.883(b). A carryforward is added to the next year's credit in determining whether the limitation is met for that year. A credit carryforward from a previous report is considered to be used before the current year credit.

Sec. 171.885. APPLICATION FOR CREDIT. A taxable entity must apply for a credit under this subchapter on or with the report for the period for which the credit is claimed.

Sec. 171.886. RULES. The comptroller shall adopt rules necessary to implement this subchapter.

SECTION _____. Subchapter T-1, Chapter 171, Tax Code, as added by this Act, applies only to a report under Chapter 171, Tax Code, originally due on or after January 1, 2010.

Amendment No. 11

Representative Gattis offered the following amendment to Amendment No. 10:

Amend Amendment No. 10 by T. Smith to **CSSB 1569** as follows:

(1) On page 1, lines 26-27, strike "directly attributable to the implementation of the unemployment compensation programs described by Subsection (a);" and substitute "directly attributable to the increase in eligibility for unemployment compensation benefits under the programs described by Subsection (a);".

(2) On page 2, lines 1 through 3, strike "directly attributable to the implementation of the unemployment compensation programs described by Subsection (a)." and substitute "directly attributable to the increase in eligibility for unemployment compensation benefits under the programs described by Subsection (a).".

(3) On page 2, lines 17 through 19, strike "attributable to the implementation of an unemployment compensation program described by Section 301.068(a)" and substitute "directly attributable to the increase in eligibility for unemployment compensation benefits under the programs described by Section 301.068(a)".

(4) On page 2, lines 24 through 26, strike "directly attributable to the implementation of the unemployment compensation programs described by Section 301.068(a)" and substitute "attributable to the increase in eligibility for unemployment compensation benefits under the programs described by Section 301.068(a)".

Amendment No. 11 was adopted.

Amendment No. 10, as amended, was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Merritt requested permission for the Committee on Public Safety to meet while the house is in session, at 1:45 p.m. today, in 3W.9.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Safety, 1:45 p.m. today, 3W.9, for a formal meeting.

CSSB 1569 - (consideration continued)

Amendment No. 12

Representative Legler offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569**, house committee printing, as follows:

(1) In the recital to SECTION 3 of the bill (page 6, line 5), strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(2) In SECTION 3 of the bill, in amended Section 207.021, Labor Code (page 6, between lines 9 and 10), insert the following:

(e) In addition to meeting the requirements of Subsections (a)-(d), to be eligible to receive benefits under this subtitle a claimant must comply with Section 207.026.

(3) On page 6, between lines 9 and 10, immediately after the addition of new Subsection (e), Section 207.021, Labor Code, insert the following:

SECTION _____. Subchapter B, Chapter 207, Labor Code, is amended by adding Section 207.026 to read as follows:

Sec. 207.026. REQUIRED DRUG TESTING; DISQUALIFICATION FOR BENEFITS. (a) Each individual who files a claim for benefits under Chapter 208 or receives benefits under this subtitle must submit to drug testing as provided by this section.

(b) The commission by rule shall adopt a drug testing program as part of the requirements for the receipt of benefits under this subtitle. The program must:

(1) comply with the drug testing requirements of 49 C.F.R. Part 382 or other similar national requirements for drug testing programs recognized by the commission; and

(2) be designed to protect the rights of benefit applicants and recipients.

(c) Each individual who files an initial claim under Section 208.001 must successfully pass a drug test conducted by the commission before being eligible to receive benefits.

(d) If an individual who is receiving benefits under this subtitle applies for employment with an employer who requires a preemployment drug test and the individual fails the drug test, the individual must disclose the results of that test to the commission in the manner prescribed by the commission. The individual must disclose the test results within 72 hours of receipt by the individual of the notice that the individual failed the drug test. Except as provided by Subsection (f), an individual described by this subsection who fails a preemployment drug test is disqualified for benefits under this subtitle until the individual meets the requirements of Subsection (e).

(e) An applicant for or recipient of benefits who does not successfully pass a drug test required under this section is disqualified for benefits. Disqualification under this section continues until the individual has returned to employment and:

(1) worked for six weeks; or

(2) earned wages equal to six times the individual's benefit amount.

(f) Notwithstanding Subsection (d) or (e), an individual is not disqualified for benefits based on a failure to successfully pass a drug test required by this section if, on the basis of evidence presented by the individual, the commission finds that:

(1) the individual is participating in a treatment program for drug abuse; or

(2) the failure to pass the drug test is caused by the use of a drug that was prescribed by a physician as medically necessary for the individual.

(g) Notwithstanding Subsection (f), an individual who fails to report test results to the commission as required by Subsection (d) must repay the commission for any benefits received under this subtitle from the date on which the individual knows or should have known that the individual failed the preemployment drug test until the date on which the commission receives notice that the individual failed the preemployment drug test.

(4) Renumber the SECTIONS of the bill accordingly.

Amendment No. 12 - Point of Order

Representative Veasey raised a point of order against further consideration of Amendment No. 12 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 and submitted the following statement:

Representative Veasey raises a point of order against further consideration of the Legler amendment to **CSSB 1569** in that the amendment is not germane and is in violation of Rule 11, Section 2 of the House Rules.

The chair is of the opinion that the amendment is germane because it places an additional restriction on the recipient or class of individuals that are already covered by the bill. The chair notes that the bill already contains restrictions for those recipients. This decision would be reached whether or not the bill is deemed an omnibus bill.

Accordingly, the point of order is respectfully overruled.

Amendment No. 13

Representative Strama offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 by Legler to **CSSB 1569** by striking the text of the amendment and substituting the following:

(1) In SECTION 9(c)(3) of the bill (page 11, line 15), strike "and".

(2) In SECTION 9(c)(4) of the bill (page 11, line 20), strike the period and substitute ";and".

(3) In SECTION 9(c) of the bill, immediately following SECTION 9(c)(4) (page 11, between lines 20 and 21), insert:

(5) examine the advantages and disadvantages of requiring each individual who files a claim for or receives benefits under Subtitle A, Title 4, Labor Code, to submit to drug testing.

LEAVES OF ABSENCE GRANTED

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

Callegari on motion of S. Miller.

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

Eiland on motion of S. Miller.

CSSB 1569 - (consideration continued)

The vote of the house was taken on the adoption of Amendment No. 13 and the vote was announced yeas 73, nays 71.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1050): 71 Yeas, 71 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Callegari; Cohen; Eiland; Kuempel; Riddle.

Absent — Taylor.

The chair stated that Amendment No. 13 failed of adoption by the above vote.

(Eiland now present)

Amendment No. 13 - Vote Reconsidered

Representative Vaught moved to reconsider the vote by which Amendment No. 13 failed of adoption.

LEAVE OF ABSENCE GRANTED

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

Taylor on motion of Crownover.

CSSB 1569 - (consideration continued)

The vote of the house was taken on the motion to reconsider the vote by which Amendment No. 13 failed of adoption and the vote was announced yeas 73, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1051): 73 Yeas, 67 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Callegari; Cohen; Kuempel; Riddle; Taylor.

Absent — Jones; King, T.; Smith, T.

The chair stated that the motion to reconsider the vote by which Amendment No. 13 failed of adoption prevailed by the above vote.

Amendment No. 13 was adopted by (Record 1052): 74 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Harless; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Kent; King, T.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo;

Ortiz; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

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

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

Absent, Excused — Callegari; Cohen; Kuempel; Riddle; Taylor.

Absent — Guillen; Jones.

STATEMENTS OF VOTE

When Record No. 1052 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted no.

Jones

Amendment No. 12, as amended, was adopted.

Amendment No. 14

Representative P. King offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Notwithstanding any other provision of this Act to the contrary or any other law, on the date that the changes in law made by this Act to the Labor Code result in a cost to employers that exceeds the amount of money received from the federal government for the implementation in this state of unemployment compensation provisions of the Assistance for Unemployed Workers and Struggling Families Act, Title II of Division B of Public Law No 111-5, enacted February 17, 2009, the law as amended by this Act reverts to the law in effect immediately before the effective date of this Act.

Amendment No. 14 - Point of Order

Representative Deshotel raised a point of order against further consideration of Amendment No. 14 under Rule 11, Section 3 of the House Rules on the grounds that the amendment would change the original purpose of the bill.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 2:45 p.m. today, in 3W.15, to consider **HR 1784** and **SB 2151**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 2:45 p.m. today, 3W.15, for a formal meeting, to consider **HR 1784**, **SB 2151**, and pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pitts requested permission for the Committee on Appropriations to meet while the house is in session, at 2:45 p.m. today, in 1W.14.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, 2:45 p.m. today, 1W.14, for a formal meeting.

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).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gonzales requested permission for the Committee on Border and Intergovernmental Affairs to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider **SB 1370** and **SB 2253**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Border and Intergovernmental Affairs, 2:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 1370** and **SB 2253**.

CSSB 1569 - (consideration continued)

The point of order was withdrawn.

Amendment No. 14 was withdrawn.

Amendment No. 15

Representative Isett offered the following amendment to **CSSB 1569**:

Amend **CSSB 1569**, house committee printing, by inserting the following new SECTION in the bill, appropriately numbered, and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Notwithstanding any other provision of this Act, the provisions of the Labor Code amended or added by this Act may be funded only with money received under the unemployment compensation provisions of the Assistance for Unemployed Workers and Struggling Families Act, Title II of Division B of Public Law No. 111-5, enacted February 17, 2009, that exceeds the cumulative contributions of the employers of this state to the federal unemployment trust fund.

Representative Strama moved to postpone consideration of **CSSB 1569** until 5 p.m. today.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Harper-Brown requested permission for the Committee on Transportation to meet while the house is in session, at 3:15 p.m. today, in 3W.9.

Permission to meet was granted.

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

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

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

COMMITTEE GRANTED PERMISSION TO MEET

Representative Merritt requested permission for the Committee on Public Safety to meet while the house is in session, at 3:15 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Safety, 3:15 p.m. today, 3W.15, for a formal meeting, to consider pending business.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on State Affairs to meet while the house is in session, at 4:15 p.m. today, in 3W.15.

Permission to meet was granted.

Representative Solomons requested permission for the Committee on Defense and Veterans' Affairs to meet while the house is in session, at 3:45 p.m. today, in 3W.9, to consider **SB 75**, **SB 2323**, and **SB 2439**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Defense and Veterans' Affairs, 3:45 p.m. today, 3W.9, for a formal meeting, to consider **SB 75**, **SB 2323**, and **SB 2439**.

State Affairs, 4:15 p.m. today, 3W.15, for a formal meeting, to consider **SB 390**, **SB 671**, **SB 1492**, **SB 1629**, **SB 1630**, **SB 1810**, **SB 2074**, **SB 2145**, **SB 2381**, and **SJR 36**.

CSSB 175 ON SECOND READING (Branch - House Sponsor)

CSSB 175, A bill to be entitled An Act relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.

(Taylor now present)

CSSB 175 - POINT OF ORDER

Representative Martinez raised a point of order against further consideration of **CSSB 175** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incomplete.

The speaker overruled the point of order and had read the following statement:

Mr. Martinez raises a point of order against further consideration of **CSSB 175** in that the bill analysis violates Rule 4, Section 32(c)(2) and (4) of the House Rules. Specifically, it is argued that the comparison of the original and substitute is inadequate in that it fails to mention in the analysis the omission of language that provides for the adoption of forms under Section 28.026(b), Education Code, to implement the notice required under Section 28.026(a) of that code. Both of these provisions were contained in the senate version but omitted in the house version.

The bill analysis is a summary analysis which is permitted under the rules. House precedent is clear that a summary analysis is not required to reference each element of the bill and may omit sections or articles and still comply with the rules. The provision at issue was not specifically stated in the bill analysis but is fairly covered by the statements that were made in the analysis. As such, the chair finds that the language at issue in this instance is not materially or substantially misleading and in compliance with the House Rules.

Accordingly, the point of order is respectfully overruled.

CSSB 175 - POINT OF ORDER

Representative Villarreal raised a point of order against further consideration of **CSSB 175** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Amendment No. 1

Representative Branch offered the following amendment to **CSSB 175**:

Amend **CSSB 175** (House Committee Report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 51.803, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (g) to read as follows:

(a) Subject to Subsection (a-1), each ~~Each~~ general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant:

(A) successfully completed:

(i) at a public high school, the curriculum requirements established under Section 28.025 for the recommended or advanced high school program; or

(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the recommended or advanced high school program; or

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and

(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.058(d) for the term or semester to which admitted.

(a-1) Beginning with admissions for the 2010-2011 academic year, a general academic teaching institution is not required to offer admission to applicants who qualify for automatic admission under Subsection (a) in excess of the number required to fill 60 percent of the institution's enrollment capacity designated for first-time resident undergraduate students in an academic year. If the number of applicants who qualify for automatic admission to a general academic teaching institution under Subsection (a) for an academic year exceeds 60 percent of the institution's enrollment capacity designated for first-time resident undergraduate students for that academic year, the institution may elect

to offer admission to those applicants as provided by this subsection and not as otherwise required by Subsection (a). If the institution elects to offer admission under this subsection, the institution shall offer admission to those applicants by percentile rank according to high school graduating class standing based on grade point average, beginning with the top percentile rank, until the applicants qualified under Subsection (a) have been offered admission in the number estimated in good faith by the institution as sufficient to fill 50 percent of the institution's enrollment capacity designated for first-time resident undergraduate students, except that the institution must offer admission to all applicants with the same percentile rank. In addition to those admissions, until applicants qualified under Subsection (a) have been offered admission in the number estimated in good faith by the institution as sufficient to fill 60 percent of the designated enrollment capacity described by this subsection, the institution shall offer to applicants qualified for automatic admission under Subsection (a) admission in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805, except that the institution may not consider applicants other than those applicants qualified under Subsection (a). After the applicants qualified for automatic admission under Subsection (a) have been offered admission under this subsection in the number estimated in good faith as sufficient to fill 60 percent of the designated enrollment capacity described by this subsection, the institution shall consider any remaining applicants qualified for automatic admission under Subsection (a) in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805. A general academic teaching institution may not offer admission under this subsection for an academic year after the eighth consecutive academic year for which general academic teaching institutions have had the option of electing to offer admission to applicants under this subsection.

(a-2) If the number of applicants who apply to a general academic teaching institution during the current academic year for admission in the next academic year and who qualify for automatic admission to a general academic teaching institution under Subsection (a) exceeds 60 percent of the institution's enrollment capacity designated for first-time resident undergraduate students for that next academic year and the institution plans to offer admission under Subsection (a-1) during the next school year, the institution shall, in the manner prescribed by the Texas Education Agency and not later than April 15, provide to each school district, for dissemination of the information to high school junior-level students and their parents, notice of which percentile ranks of high school senior-level students who qualify for automatic admission under Subsection (a) are anticipated by the institution to be offered admission under Subsection (a-1) during the next school year.

(g) The Texas Higher Education Coordinating Board by rule shall develop and implement a program to increase and enhance the efforts of general academic teaching institutions in conducting outreach to academically high-performing high school seniors in this state who are likely to be eligible for automatic admission under Subsection (a) to provide to those students information and counseling regarding the operation of this section and other opportunities,

including financial assistance, available to those students for success at public institutions of higher education in this state. Under the program, the coordinating board, after gathering information and recommendations from available sources and examining current outreach practices by institutions in this state and in other states, shall prescribe best practices guidelines and standards to be used by general academic teaching institutions in conducting the student outreach described by this subsection.

SECTION 2. Section 28.026, Education Code, is amended to read as follows:

Sec. 28.026. NOTICE OF AUTOMATIC COLLEGE ADMISSION. (a) The board of trustees of a school district shall require each high school in the district to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803 regarding automatic college admission. To assist in the dissemination of this information, the school district shall:

(1) require that each high school counselor and class advisor be provided a detailed explanation of the substance of Section 51.803;

(2) provide each district student, at the time the student first registers for one or more classes required for high school graduation, with a written notification of the substance of Section 51.803;

(3) require that each high school counselor and senior class advisor explain to eligible students the substance of Section 51.803; and

(4) [~~(3)~~] provide each eligible senior student under Section 51.803, at the commencement of a class's senior year, with a written notification of the student's eligibility with a detailed explanation of the substance of Section 51.803.

(b) The commissioner shall adopt forms to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district shall use the appropriate form adopted by the commissioner.

(c) The commissioner shall adopt procedures to ensure that, as soon as practicable after this subsection becomes law, each school district provides written notification of the substance of Section 51.803, as amended by the 81st Legislature, Regular Session, 2009, to each district student who, for the 2009-2010 school year, registers for one or more courses required for high school graduation. The commissioner may adopt rules under this subsection in the manner provided by law for emergency rules. Each district shall comply with the procedures adopted by the commissioner under this subsection. This subsection expires September 1, 2010.

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

Amendment No. 2

Representatives Branch and D. Howard offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by Representative Branch to **CSSB 175** in SECTION 1 of the bill as follows:

(1) In added Section 51.803(a-1), Education Code (page 2, lines 5 and 6), strike "Beginning with admissions for the 2010-2011 academic year" and substitute "Beginning with admissions for the 2011-2012 academic year".

(2) In added Section 51.803(a-2), Education Code (page 3, line 27), strike "not later than April 15" and substitute "not later than September 15".

Amendment No. 3

Representative Villarreal offered the following substitute amendment for Amendment No. 2:

Amend Floor Amendment No. 2 by Representative Branch to **CSSB 175** in SECTION 1 of the bill as follows:

(1) In added Section 51.803(a-1), Education Code (page 2, lines 5 and 6), strike "Beginning with admissions for the 2010-2011 academic year" and substitute "Beginning with admissions for the 2012-2013 academic year".

(2) In added Section 51.803(a-2), Education Code (page 3, line 27), strike "not later than April 15" and substitute "not later than September 15".

(Ritter in the chair)

Representative Branch moved to table Amendment No. 3.

The motion to table was lost by (Record 1053): 66 Yeas, 75 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Chisum; Christian; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eiland; Eissler; Elkins; Farabee; Fletcher; Flynn; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Homer; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Kent; King, P.; King, S.; Laubenberg; Legler; Lewis; Madden; McCall; Merritt; Miller, D.; Morrison; Orr; Parker; Patrick; Paxton; Rose; Sheffield; Shelton; Smith, T.; Solomons; Strama; Taylor; Thibaut; Truitt; Vaught; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; England; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Hughes; Keffer; King, T.; Kleinschmidt; Kolkhorst; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Ortiz; Otto; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Smithee; Swinford; Thompson; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Callegari; Cohen; Kuempel; Riddle.

Absent — Hamilton; Heflin; Smith, W.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on Environmental Regulation to meet while the house is in session, at 5:05 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Environmental Regulation, 5:05 p.m. today, 3W.9, for a formal meeting, to consider pending business.

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 5:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 5:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSSB 175 - (consideration continued)

Amendment No. 3 was adopted.

Amendment No. 2, as substituted, was adopted.

Amendment No. 4

Representatives Branch, Bonnen, Creighton, Hughes, Hunter, Bohac, Cook, Rios Ybarra, Sheffield, Paxton, Hamilton, Chisum, Orr, Y. Davis, McReynolds, Darby, Aycock, Phillips, Eiland, Farabee, Lucio, Flynn, W. Smith, Ritter, Homer, Kolkhorst, D. Miller, Heflin, T. King, Ortiz, Merritt, Hardcastle, Keffer, and Hancock offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter U, Chapter 51, Education Code, is amended by adding Section 51.8035 to read as follows:

Sec. 51.8035. AUTOMATIC ADMISSION OF APPLICANTS COMPLETING CORE CURRICULUM AT ANOTHER INSTITUTION. (a) In this section:

(1) "Core curriculum" means the core curriculum adopted by an institution of higher education under Section 61.822.

(2) "General academic teaching institution" has the meaning assigned by Section 61.003.

(b) A general academic teaching institution shall admit an applicant for admission to the institution as a transfer undergraduate student who:

(1) graduated from high school not earlier than the fourth school year before the academic year for which the applicant seeks admission to the institution as a transfer student and:

(A) qualified for automatic admission to a general academic teaching institution under Section 51.803 at the time of graduation; or

(B) was previously offered admission under this subchapter to the institution to which the applicant seeks admission as a transfer student;

(2) first enrolled in a public junior college or other public or private lower-division institution of higher education not earlier than the third academic year before the academic year for which the applicant seeks admission;

(3) completed the core curriculum at a public junior college or other public or private lower-division institution of higher education with a cumulative grade point average of at least 2.5 on a four-point scale or the equivalent; and

(4) submits a completed application for admission as a transfer student before the expiration of any application filing deadline established by the institution.

(c) For purposes of this section, transfer semester credit hours from a different institution of higher education and semester credit hours earned by examination shall be included in determining whether the person completed the core curriculum at an institution of higher education.

(d) It is the responsibility of the applicant for admission under this section to:

(1) expressly and clearly claim in the application entitlement to admission under this section; and

(2) timely provide to the general academic teaching institution the documentation required by the institution to determine the student's entitlement to admission under this section.

SECTION _____. Section 51.8035, Education Code, as added by this Act, applies beginning with admissions to a general academic teaching institution for the 2010 spring semester.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 5:30 p.m. today, in 2W.6, to consider an addendum to the calendar.

Permission to meet was granted.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR ADDENDUM

On motion of Representative Thompson and by unanimous consent, the Committee on Local and Consent Calendars was granted permission to add **HB 4742, HCR 181, HCR 188, HCR 252, HR 2011, SB 42, SB 252, SB 281, SB 291, SB 313, SB 361, SB 413, SB 414, SB 415, SB 576, SB 654, SB 679, SB 724, SB 798, SB 801, SB 882, SB 927, SB 940, SB 958, SB 1055, SB 1107,**

SB 1134, SB 1143, SB 1145, SB 1209, SB 1374, SB 1478, SB 1612, SB 1633, SB 1777, SB 1782, SB 1812, SB 1813, SB 1844, SB 1903, SB 1947, SB 1948, SB 1967, SB 2028, SB 2041, SB 2067, SB 2073, SB 2169, SB 2178, SB 2244, SB 2344, SB 2442, SB 2454, SB 2456, SB 2467, SB 2485, SB 2495, SB 2501, SB 2510, SB 2511, SB 2518, SB 2522, SB 2526, SB 2552, SB 2558, and SB 2580 in an addendum to the local, consent, and resolutions calendar set for tomorrow.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 5:30 p.m. today, 2W.6, for a formal meeting, to consider an addendum to the calendar.

CSSB 175 - (consideration continued)

Amendment No. 4 was adopted.

Amendment No. 5

Representatives Cook, Branch, Jones, Homer, Lewis, S. Miller, Farias, Frost, Flynn, Hopson, Phillips, Orr, McReynolds, Guillen, and Quintanilla offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** as follows:

(1) In SECTION 1 of the bill, amending Section 51.803, Education Code, in the recital (page 1, lines 4 and 5) strike "Subsections (a-1), (a-2), and (g)" and substitute "Subsections (a-1), (a-2), (g), and (h)".

(2) At the end of SECTION 1 of the bill, amending Section 51.803, Education Code (page 4, between lines 18 and 19), insert the following:

(h) Notwithstanding Subsection (a-1), for an academic year for which a general academic teaching institution elects to offer admission under that subsection, the institution shall provide that the number of applicants who graduated from each rural high school, as defined by the Texas Education Agency by rule, who qualify for automatic admission to a general academic teaching institution under Subsection (a) in that academic year and who are offered admission to the institution in that academic year is not less than the number of graduates from that high school who were eligible for automatic admission to a general academic teaching institution under Subsection (a) for the 2008-2009 academic year.

Amendment No. 5 was withdrawn.

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).

CSSB 175 - (consideration continued)**Amendment No. 6**

Representatives Branch, Lucio, Bonnen, Pierson, Gonzales, Ritter, Farias, Cook, Guillen, Peña, Frost, Menendez, Martinez, McReynolds, and Rose offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Chapter 56, Education Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. SCHOLARSHIPS FOR STUDENTS GRADUATING
IN TOP 10 PERCENT OF HIGH SCHOOL CLASS

Sec. 56.481. PURPOSE. The purpose of this program is to encourage attendance at public institutions of higher education in this state by outstanding high school students in the top 10 percent of their graduating class.

Sec. 56.482. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(3) "Program" means the scholarship program authorized by this subchapter.

Sec. 56.483. AWARD OF SCHOLARSHIP. (a) The coordinating board shall award scholarships to eligible students under this subchapter.

(b) An institution of higher education shall provide to a student who receives a scholarship under the program for a semester or other academic term:

(1) a credit in the amount of the scholarship, to be applied toward the payment of any amount of educational costs charged by the institution for that semester or term; and

(2) a check, electronic transfer, or other disbursement of any remaining scholarship amount.

(c) An amount paid under Subsection (b)(2) may be applied only to any usual and customary cost incurred by the student to attend the institution of higher education.

Sec. 56.484. INITIAL ELIGIBILITY FOR SCHOLARSHIP. To be eligible for a scholarship under this subchapter, a student must:

(1) have graduated from a public or accredited private high school in this state while ranked in the top 10 percent of the student's graduating class, subject to Section 56.487(b);

(2) have completed the recommended or advanced high school curriculum established under Section 28.025 or its equivalent;

(3) have applied for admission as a first-time freshman student for the 2010-2011 academic year or a subsequent academic year to an institution of higher education that has elected to offer admissions for that academic year to applicants as provided by Section 51.803(a-1);

(4) enroll as a first-time freshman student in an institution of higher education not later than the 16th month after the date of the student's high school graduation;

(5) have been awarded a TEXAS grant under Subchapter M, Chapter 56, Education Code, for the same semester or other academic term for which the scholarship will be awarded;

(6) be a Texas resident under Section 54.052; and

(7) comply with any other eligibility requirements established by coordinating board rule.

Sec. 56.485. INELIGIBILITY FOR SCHOLARSHIP. Notwithstanding Section 56.484, a student is not eligible for an initial or subsequent scholarship under this subchapter if the student was offered admission as a first-time freshman student to any institution of higher education for an academic year for which that institution made admissions under Section 51.803(a-1), regardless of whether the student subsequently enrolls at that institution.

Sec. 56.486. AMOUNT OF SCHOLARSHIP. (a) Except as provided by Subsection (b), the amount of a scholarship for each semester or other academic term in which an eligible student is enrolled at an institution of higher education is an amount sufficient to cover, but not exceed, the amount of tuition charged to the student for that semester or term.

(b) The amount of a scholarship for each semester or other academic term may not exceed the amount of student's unmet financial need for that semester or term after any other gift aid has been awarded.

(c) The coordinating board shall issue to each eligible student a certificate indicating the amount of the scholarship awarded to the student.

Sec. 56.487. APPLICATION PROCEDURE. (a) The coordinating board shall establish application procedures for the program. The procedures may require an officer of the applicable high school or school district to verify the eligibility of a student to receive a scholarship under the program.

(b) The coordinating board may permit a student to establish initial eligibility based on the student's class rank at the end of the student's seventh semester in high school. The board may revoke an initial scholarship awarded to a student who subsequently loses eligibility based on the student's class rank on graduation from high school.

(c) The coordinating board may consider applications received after the application deadline only if sufficient funding for scholarships remains after the board awards scholarships to all eligible students who applied on or before the deadline.

(d) The coordinating board shall establish procedures to notify each eligible student of the receipt of a scholarship under the program and to enable an institution of higher education to verify the award of a scholarship to a student who is enrolled at that institution.

Sec. 56.488. CONTINUING ELIGIBILITY FOR SCHOLARSHIP. (a) After establishing eligibility to receive an initial scholarship under the program, a student may continue to receive additional scholarships during each subsequent semester or other academic term in which the student is enrolled at an institution of higher education if the student:

(1) makes satisfactory academic progress as required by Section 56.489;

(2) submits to the institution transcripts for any coursework completed at other public or private institutions of higher education;

(3) has been awarded a TEXAS grant under Subchapter M, Chapter 56, Education Code, for the same semester or other academic term for which the scholarship will be awarded; and

(4) complies with any other eligibility requirements established by coordinating board rule.

(b) If a student fails to meet any of the requirements of Subsection (a) after completing a semester or other academic term, the student may not receive a scholarship during the next semester or other academic term in which the student enrolls. A student may become eligible to receive a scholarship in a subsequent semester or term if the student:

(1) completes a semester or term during which the student is not eligible for a scholarship; and

(2) meets all the requirements of Subsection (a).

(c) Except as provided by Section 56.490(b), a student's eligibility for a scholarship under the program ends on the fourth anniversary of the first day of the semester or other academic term for which the student was awarded an initial scholarship under the program.

Sec. 56.489. SATISFACTORY ACADEMIC PROGRESS. For each academic year in which a student receives one or more scholarships under the program, the student must:

(1) complete for that year:

(A) at least 75 percent of all credit hours attempted, as determined by the institution of higher education in which the student is enrolled; and

(B) at least 30 credit hours or the number of credit hours needed to complete the student's degree or certificate program, whichever is less; and

(2) maintain an overall grade point average of at least 3.25 on a four-point scale or its equivalent for all coursework attempted at any public or private institution of higher education.

Sec. 56.490. EXCEPTION FOR HARDSHIP OR OTHER GOOD CAUSE. (a) Each institution of higher education shall adopt a policy to allow a student who fails to make satisfactory academic progress as required by Section 56.489 to receive a scholarship in a subsequent semester or other academic term on a showing of hardship or other good cause, including:

(1) a showing of a severe illness or other debilitating condition that could affect the student's academic performance;

(2) an indication that the student is responsible for the care of a sick, injured, or needy person and that the student's provision of care could affect the student's academic performance; or

(3) any other cause considered acceptable by the coordinating board.

(b) An institution of higher education may extend the eligibility period described by Section 56.488(c) in the event of hardship or other good cause as provided by the institution's policy adopted under Subsection (a).

(c) An institution of higher education shall maintain documentation of each exception granted to a student under this section and shall provide timely notice of those exceptions to the coordinating board.

Sec. 56.491. PUBLICATION OF PROGRAM INFORMATION. (a) The coordinating board shall publish and disseminate general information and rules for the program as provided by Subsection (b) and as otherwise considered appropriate by the board.

(b) The coordinating board shall provide application instructions to:

(1) each school district and each institution of higher education; and

(2) an individual student on request.

Sec. 56.492. REIMBURSEMENT. (a) Each institution of higher education that provides scholarships under the program to eligible students enrolled at the institution is entitled to reimbursement by the coordinating board of the amounts provided. The institution must request reimbursement in the manner specified by coordinating board rule.

(b) On approval of an institution's request for reimbursement, the coordinating board shall direct the comptroller to transfer the appropriate amount to the institution. The institution may use the transferred funds as reimbursement for any credits provided to students under this subchapter, to reimburse students for charges previously paid to the institution, or to make scholarship payments to students, as applicable.

Sec. 56.493. RULES. The coordinating board shall adopt rules as necessary to administer the program under this subchapter.

SECTION ____. (a) The Texas Higher Education Coordinating Board shall adopt rules to administer Subchapter R, Chapter 56, Education Code, as added by this Act, as soon as practicable after the effective date of this Act. For that purpose, the coordinating board may adopt the initial rules in the manner provided by law for emergency rules.

(b) The Texas Higher Education Coordinating Board shall begin awarding scholarships under Subchapter R, Chapter 56, Education Code, as added by this Act, for the first academic year for which money is appropriated for that purpose, except that the coordinating board may not award scholarships under that subchapter for an academic year before the 2010-2011 academic year.

Amendment No. 6 was adopted. (Anderson recorded voting no.)

Amendment No. 7

Representatives Branch and McReynolds offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 4 and 5), strike "Subsections (a-1), (a-2), and (g)" and substitute "Subsections (a-1), (a-2), (g), and (h)".

(2) In SECTION 1 of the bill, at the end of amended Section 51.803, Education Code (page 4, between lines 18 and 19), insert the following:

(h) A general academic teaching institution that elects to offer admission under Subsection (a-1) for an academic year may not offer admission to first-time undergraduate students who are not residents of this state for that academic year in excess of the number required to fill 12.5 percent of the institution's enrollment capacity designated for first-time undergraduate students for that academic year.

(Speaker in the chair)

Amendment No. 7 was adopted.

Amendment No. 8

Representatives Branch and F. Brown offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by Representative Branch to **CSSB 175** as follows:

(1) On page 1, lines 4 and 5, strike "(a-1), (a-2), and (g)" and substitute "(a-1), (a-2), (g), and (h)".

(2) At the end of SECTION 1 of the bill (page 4, between lines 18 and 19), add the following:

(h) An institution that admits under this section an applicant qualified for automatic admission under Subsection (a) may admit the applicant for either the fall semester of the academic year for which the applicant applies or for the summer session preceding that fall semester, as determined by the institution.

Amendment No. 8 was adopted.

Amendment No. 9

Representative F. Brown offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175**, in SECTION 1 of the bill, as follows:

(1) In the recital (page 1, lines 4 and 5), strike "Subsections (a-1), (a-2), and (g)" and substitute "Subsections (a-1), (a-2), (a-3), and (g)".

(2) Immediately following added Section 51.803(a-2), Education Code (page 4, between lines 2 and 3), insert the following:

(a-3) A general academic teaching institution that offers admission to first-time resident undergraduate students under Subsection (a-1) shall require that a student admitted under that subsection complete a designated portion of not less than six semester credit hours of the student's coursework in each fall or spring semester during evening hours or other low-demand hours as necessary to ensure the efficient use of the institution's available classrooms.

Amendment No. 9 was adopted. (The vote was reconsidered on May 25, and Amendment No. 9 was withdrawn.)

Amendment No. 10

Representatives Gonzales and Castro offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 4 and 5), strike "Subsections (a-1), (a-2), and (g)" and substitute "Subsections (a-1), (a-2), (g), and (h)".

(2) In SECTION 1 of the bill, at the end of amended Section 51.803, Education Code (page 4, between lines 18 and 19), insert the following:

(h) A general academic teaching institution may not offer admission under Subsection (a-1) for an academic year if, on the date of the institution's general deadline for applications for admission of first-time undergraduate students for that academic year:

(1) a finally adjudicated court order applicable to the institution prohibits the institution from considering an applicant's race or ethnicity as a factor in the institution's decisions relating to first-time undergraduate admissions; or

(2) the institution's governing board by rule, policy, or other manner has provided that an applicant's race or ethnicity may not be considered as a factor in the institution's decisions relating to first-time undergraduate admissions.

Amendment No. 10 was withdrawn.

Amendment No. 11

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

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 4 and 5), strike "Subsections (a-1), (a-2), and (g)" and substitute "Subsections (a-1), (a-2), (g), and (h)".

(2) In SECTION 1 of the bill, at the end of amended Section 51.803, Education Code (page 4, between lines 18 and 19), insert the following:

(h) If a general academic teaching institution denies admission to an applicant for an academic year, in any letter or other communication the institution provides to the applicant notifying the applicant of that denial, the institution may not reference the provisions of this section, including using a description of a provision of this section such as the top 10 percent automatic admissions law, as a reason the institution is unable to offer admission to the applicant unless the number of applicants for admission to the institution for that academic year who qualify for automatic admission under Subsection (a) is sufficient to fill 100 percent of the institution's enrollment capacity designated for first-time resident undergraduate students.

Amendment No. 11 was adopted.

Amendment No. 12

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

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175**, in SECTION 1 of the bill, as follows:

(1) In the recital (page 1, lines 4 and 5), strike "Subsections (a-1), (a-2), and (g)" and substitute "Subsections (a-1), (a-2), (a-3), and (g)".

(2) Immediately following added Section 51.803(a-2), Education Code (page 4, between lines 2 and 3), insert the following:

(a-3) The legislature finds that male residents of this state who are of African descent are far more underrepresented among students enrolled in this state's public universities than any other identifiable group as compared to the percentage of the population of this state who are males of African descent, and that that underrepresentation is the result in substantial part of this state's historical discriminatory practices, including inequities in the allocation and availability of public educational resources. The legislature also finds that the admissions policy prescribed by this subsection is narrowly tailored to further the state's compelling interest in redressing that underrepresentation and achieving appropriate diversity among the students attending public universities in this state. Notwithstanding Subsection (a-1), for an academic year for which an institution offers admission to first-time resident undergraduate students under that subsection, the institution shall offer admission to each applicant for admission for that academic year as a first-time resident undergraduate students who is qualified for automatic admission to a general academic teaching institution under Subsection (a) and who is a male of African descent, as indicated on the person's admission application.

AMENDMENT NO. 12 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ROSE: When you joined the Higher Ed Committee, before the testimony on this bill, you and I had a dialogue about then-Dean Powers' record at UT Law School.

REPRESENTATIVE DUTTON: Right.

ROSE: Do you remember our dialogue about his record?

DUTTON: I do. I remember sitting and chatting with you, because I appreciated your concern about the issues I was raising. I appreciated that, Chairman Rose.

ROSE: And just in a way of an advertisement, I know you've been visiting with President Powers about this topic. I know he's taken your concerns to heart, and I did get that good dialogue with you about it. During his tenure as dean at the UT Law School—I happened to be a student during that time—I think you're aware, but just so that the body knows, African American students at UT Law School increased fourfold during his tenure.

DUTTON: Yes, and that's why I agree, Chairman Rose, that I'm going to withdraw my amendment, because I'm going to take him at his word and give him an opportunity to do what he's told me, and what he's apparently committed to do. I think, if he did it in the law school, I believe he'll do it for the overall university.

ROSE: As do I, and I appreciate your concern. I look forward to working with you, and with him, on that goal.

REMARKS ORDERED PRINTED

Representative Dutton moved to print remarks between Representative Rose and Representative Dutton.

The motion prevailed.

Amendment No. 12 was withdrawn.

Amendment No. 13

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

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175**, in SECTION 1 of the bill as follows:

(1) At the beginning of added Section 51.803(a-1) Education Code (page 2, line 5), between "(a-1)" and "Beginning", insert "This subsection applies only to a general academic teaching institution with a total student enrollment of at least 48,000 and an enrollment capacity of at least 7,700 designated for first-time resident undergraduate students."

(2) In added Section 51.803(a-1), Education Code (on page 2, line 6), strike "a general academic teaching institution" and substitute "an institution to which this subsection applies".

Amendment No. 13 was withdrawn.

Amendment No. 14

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

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** as follows:

(1) In the recital to SECTION 1 of the bill, strike "Subsections (a-1), (a-2), and (g)" and substitute "Subsections (a-1) and (g)".

(2) In SECTION 1 of the bill, strike added Sections 51.803(a-1) and (a-2), Education Code (page 2, line 5 through page 4, line 18), and substitute the following:

(a-1) Notwithstanding Subsection (a), beginning with admissions for the 2010-2011 academic year, The University of Texas at Austin shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top eight percent of the

student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and the applicant satisfies the requirements prescribed by Subsection (a)(1), (2), and (3).

Amendment No. 14 was withdrawn.

Amendment No. 15

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

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175**, in SECTION 1 of the bill as follows:

(1) At the beginning of added Section 51.803(a-1) Education Code (page 2, line 5), between "(a-1)" and "Beginning", insert "This subsection applies only to a general academic teaching institution with a total student enrollment of at least 48,000 and an enrollment capacity of at least 7,700 designated for first-time resident undergraduate students."

(2) In added Section 51.803(a-1), Education Code (on page 2, line 6), strike "a general academic teaching institution" and substitute "an institution to which this subsection applies".

(Cohen now present)

Representative Branch moved to table Amendment No. 15.

The motion to table prevailed by (Record 1054): 74 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Cohen; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dunnam; Eiland; Eissler; Elkins; Farabee; Fletcher; Flynn; Frost; Geren; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; King, S.; King, T.; Kleinschmidt; Legler; Lewis; Madden; Maldonado; McCall; Merritt; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Pierson; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, W.; Solomons; Strama; Taylor; Truitt; Turner, C.; Vaught; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Chavez; Chisum; Christian; Coleman; Cook; Davis, Y.; Dukes; Dutton; Edwards; England; Farias; Farrar; Flores; Gallego; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Herrero; Hilderbran; Hochberg; Hodge; Keffer; Kent; Kolkhorst; Leibowitz; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Phillips; Pickett; Quintanilla; Raymond; Smith, T.; Smithee; Swinford; Thibaut; Thompson; Turner, S.; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Callegari; Kuempel; Riddle.

Absent — Hamilton; Heflin; Hernandez; Hughes; King, P.; Laubenberg; Paxton; Pitts; Rodriguez.

Amendment No. 16

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

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** as follows:

(1) In the recital to SECTION 1 of the bill, strike "Subsections (a-1), (a-2), and (g)" and substitute "Subsections (a-1) and (g)".

(2) In SECTION 1 of the bill, strike added Sections 51.803(a-1) and (a-2), Education Code (page 2, line 5 through page 4, line 18), and substitute the following:

(a-1) Notwithstanding Subsection (a), beginning with admissions for the 2010-2011 academic year, The University of Texas at Austin shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top eight percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and the applicant satisfies the requirements prescribed by Subsection (a)(1), (2), and (3).

Representative Branch moved to table Amendment No. 16.

The motion to table was lost by (Record 1055): 54 Yeas, 79 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Button; Christian; Crabb; Craddick; Crownover; Darby; Davis, J.; Deshotel; Driver; Dunnam; Eiland; Eissler; Elkins; Farabee; Hancock; Harless; Harper-Brown; Howard, C.; Howard, D.; Hunter; Jackson; King, P.; King, S.; Lewis; Madden; McCall; Miller, D.; Miller, S.; Morrison; Orr; Parker; Paxton; Peña; Pierson; Pitts; Ritter; Rose; Shelton; Smith, W.; Solomons; Taylor; Truitt; Turner, S.; Vaught; Weber; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook; Corte; Davis, Y.; Dukes; Dutton; Edwards; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Hughes; Isett; Jones; Kent; King, T.; Kleinschmidt; Kolkhorst; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Otto; Phillips; Pickett; Raymond; Rios Ybarra; Rodriguez; Sheffield; Smithee; Strama; Swinford; Thibaut; Thompson; Turner, C.; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Callegari; Kuempel; Riddle.

Absent — Brown, B.; Creighton; England; Giddings; Hartnett; Heflin; Keffer; Laubenberg; Legler; Patrick; Quintanilla; Smith, T.; Woolley.

STATEMENTS OF VOTE

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

B. Brown

I was shown voting no on Record No. 1055. I intended to vote yes.

Cohen

I was shown voting no on Record No. 1055. I intended to vote yes.

Corte

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

I was shown voting no on Record No. 1055. I intended to vote yes.

Fletcher

I was shown voting no on Record No. 1055. I intended to vote yes.

Flynn

I was shown voting no on Record No. 1055. I intended to vote yes.

Geren

I was shown voting no on Record No. 1055. I intended to vote yes.

Hardcastle

When Record No. 1055 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hartnett

I was shown voting no on Record No. 1055. I intended to vote yes.

Homer

I was shown voting no on Record No. 1055. I intended to vote yes.

Jones

I was shown voting no on Record No. 1055. I intended to vote yes.

Kent

I was shown voting no on Record No. 1055. I intended to vote yes.

Kleinschmidt

I was shown voting no on Record No. 1055. I intended to vote yes.

Kolkhorst

When Record No. 1055 was taken, my vote failed to register. I would have voted yes.

Laubenberg

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

Legler

I was shown voting no on Record No. 1055. I intended to vote yes.

Merritt

I was shown voting no on Record No. 1055. I intended to vote yes.

Naishtat

I was shown voting no on Record No. 1055. I intended to vote yes.

Otto

When Record No. 1055 was taken, I was temporarily out of the house chamber. I would have voted yes.

Patrick

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted no.

Quintanilla

I was shown voting no on Record No. 1055. I intended to vote yes.

Sheffield

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

When Record No. 1055 was taken, I was temporarily out of the house chamber. I would have voted yes.

Woolley

Amendment No. 16 was adopted. (The vote was reconsidered on May 25, and Amendment No. 16 was withdrawn.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Strama requested permission for the Committee on Technology, Economic Development, and Workforce to meet while the house is in session, at 7:30 p.m. today, in 3W.9, for a formal meeting, to consider **SB 2576**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Technology, Economic Development, and Workforce, 7:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 2576**.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

FIVE-DAY POSTING RULE SUSPENDED

Representative Rose moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Human Services to consider **HCR 255**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, 7:30 p.m. today, Desk 44, for a formal meeting, to consider pending business.

Calendars, 7:50 p.m. today, 3W.15, for a formal meeting, to consider the calendar.

Human Services, 8 a.m. tomorrow, E1.030, for a public hearing, to consider **HCR 255**.

RECESS

Representative Rios Ybarra moved that the house recess until 10 a.m. tomorrow in memory of Valeria Garcia of Bluetown.

The motion prevailed.

The house accordingly, at 7:12 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 255 (By Rose), Approving the system-wide settlement agreement with the United State Department of Justice resolving certain investigations of state mental retardation facilities.

To Human Services.

HCR 256 (By Hughes), Granting Gulf Energy Exploration Corp. permission to sue the Railroad Commission of Texas.

To Judiciary and Civil Jurisprudence.

HCR 258 (By Vo), Urging the University of Houston and other institutions of higher education to cease displaying the flag of the Socialist Republic of Vietnam and to replace it with the Freedom and Heritage Flag.

To Higher Education.

SB 73 to Public Health.

SB 1164 to Public Safety.

SB 1397 to Public Health.

SB 1603 to Higher Education.

SB 1704 to Pensions, Investments, and Financial Services.

SB 2060 to Public Education.

SB 2077 to Public Health.

SB 2177 to Culture, Recreation, and Tourism.

SB 2207 to Judiciary and Civil Jurisprudence.

SB 2574 to County Affairs.

SB 2578 to Insurance.

SB 2579 to Natural Resources.

SCR 67 to House Administration.

SCR 70 to State Affairs.

SIGNED BY THE SPEAKER

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

House List No. 35

HB 559, HB 1109, HB 1324, HB 1513, HB 1979, HB 2303, HB 2387, HB 2628, HB 3306, HB 4718, HCR 63, HCR 80, HCR 195, HCR 196, HCR 197, HCR 198, HCR 199, HCR 206, HCR 207, HCR 208, HCR 212, HCR 215, HCR 221, HCR 226, HJR 116

Senate List No. 35

SB 79, SB 82, SB 745

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
Thursday, May 21, 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:
LOCAL AND UNCONTESTED CALENDAR

HB 8 Otto SPONSOR: Williams
Relating to certain studies and reviews of appraisal districts conducted by the comptroller of public accounts.

HB 19 Leibowitz SPONSOR: Zaffirini
Relating to requirements for drugs dispensed by pharmacists.
(Committee Substitute)

HB 236 Rodriguez SPONSOR: Watson
Relating to the procedures to obtain an exemption from the motor vehicle sales tax for motor vehicles driven by persons who have orthopedic handicaps.

HB 348 Pena SPONSOR: Carona
Relating to the punishment for theft of certain aluminum, bronze, or copper materials.
(Committee Substitute)

HB 396 Hartnett SPONSOR: Carona
Relating to expunction of a notice of lis pendens.

HB 405 Harless SPONSOR: Huffman
Relating to the authority of an animal control officer to carry a bite prevention stick in the performance of official duties.

HB 409 Isett SPONSOR: Nelson
Relating to an award of additional periods of possession of or access to a child for certain conservators who have returned from active military deployment.

HB 449 Jackson, Jim SPONSOR: Deuell
Relating to the regulation of laser hair removal facilities; providing penalties.
(Committee Substitute)

HB 471 Hilderbran SPONSOR: Duncan
Relating to the designation of a segment of State Highway 158 in Runnels County as the Army Specialist William Justin Byler Memorial Highway.

HB 488 Bohac SPONSOR: Duncan
Relating to the eligibility requirements for volunteer deputy registrars.

- HB 594** King, Tracy O. SPONSOR: Wentworth
Relating to the licensing and regulation of hearing instrument fitters and dispensers.
- HB 618** Corte SPONSOR: Wentworth
Relating to privileged parking for certain veterans and military award recipients.
- HB 621** Elkins SPONSOR: West
Relating to public improvement districts designated by a county or municipality.
(Committee Substitute)
- HB 643** Zerwas SPONSOR: Uresti
Relating to the qualifications of surgical technologists; providing penalties.
- HB 655** Solomons SPONSOR: Seliger
Relating to payment to a trustee or substitute trustee after public sale of foreclosed property.
- HB 669** Solomons SPONSOR: Harris
Relating to liability arising out of the filing of a mechanic's, contractor's, or materialman's lien.
- HB 675** Bonnen SPONSOR: Huffman
Relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.
(Committee Substitute)
- HB 693** Truitt SPONSOR: Hegar
Relating to an exemption from the structural pest control license requirement for certain falconers.
- HB 709** Rose SPONSOR: Watson
Relating to the award of stipends to nationally certified classroom teachers under the educator excellence awards program.
- HB 739** Quintanilla SPONSOR: Ellis
Relating to certain continuing education requirements for insurance agents who sell Medicare-related products.
- HB 749** Darby SPONSOR: Duncan
Relating to the authority of certain counties to impose a hotel occupancy tax for the maintenance and operation of a coliseum in the county.
- HB 888** Naishtat SPONSOR: Uresti
Relating to the detention and examination of certain persons accepted for a preliminary mental health examination.
- HB 890** Naishtat SPONSOR: Wentworth
Relating to the terminology used to describe certain judicial officers.
- HB 987** Creighton SPONSOR: West
Relating to competitive procurement requirements for local governments.
(Committee Substitute)
- HB 1023** Deshotel SPONSOR: Williams
Relating to the use of certain state property transferred from the state to Spindletop MHMR Services.
- HB 1031** Miller, Sid SPONSOR: Nelson

Relating to maintenance of roads on the property of a perpetual care cemetery.

HB 1058 Solomons SPONSOR: Lucio
Relating to the receipt of death benefits in the workers' compensation system.

HB 1060 Miklos SPONSOR: Carona
Relating to certain procedures for forwarding a warrant of arrest or a complaint in a criminal case.

HB 1093 Pickett SPONSOR: Nelson
Relating to oversight of regional poison control centers and the poison control network.

HB 1161 Geren SPONSOR: Harris
Relating to local regulation of distance requirements for the sale and consumption of alcoholic beverages near certain establishments.
(Committee Substitute)

HB 1178 Guillen SPONSOR: Zaffirini
Relating to the creation of the Starr County Drainage District.

HB 1191 Flores SPONSOR: Lucio
Relating to the enrollment period for insurance benefits for certain retirees of the Teacher Retirement System.

HB 1272 Phillips SPONSOR: Estes
Relating to the designation of State Highway 289 as the Preston Trail Highway.

HB 1293 Eiland SPONSOR: Ellis
Relating to the sale and marketing of life insurance and annuities.
(Committee Substitute)

HB 1294 Eiland SPONSOR: Ellis
Relating to certain certifications, professional designations, and education requirements regarding the sale of life insurance and annuities.
(Committee Substitute)

HB 1297 Hochberg SPONSOR: Van de Putte
Relating to optional flexible school day program courses offered by school districts to enable students to earn course credit under certain circumstances.

HB 1332 Maldonado SPONSOR: Gallegos
Relating to responsibility for public school textbooks and technological equipment and to failure by students to return textbooks or technological equipment.

HB 1345 Menendez SPONSOR: Uresti
Relating to titles by which certain officers of a defense base development authority may be known.

HB 1362 Gutierrez SPONSOR: Van de Putte
Relating to the pilot program for reporting of methicillin-resistant *Staphylococcus aureus* infections.
(Committee Substitute)

HB 1365 Eissler SPONSOR: Shapiro
Relating to service records of professional staff employed by school districts.

(Committee Substitute)

HB 1404 Miklos SPONSOR: Deuell
Relating to the establishment and use of a columbarium by a church.

HB 1407 Geren SPONSOR: Davis, Wendy
Relating to the redemption of real property sold at an ad valorem tax sale.

HB 1445 Bonnen SPONSOR: Huffman
Relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

HB 1452 Eissler SPONSOR: Van de Putte
Relating to participation in job training and employment assistance programs by veterans and other covered persons.

(Committee Substitute)

HB 1476 Sheffield SPONSOR: Fraser
Relating to capital stock and surplus requirements for certain insurance companies.

HB 1530 Button SPONSOR: Deuell
Relating to the licensing and regulation of health-related pest control by the Department of Agriculture.

HB 1630 Naishtat SPONSOR: Watson
Relating to the eligibility of certain individuals for child health plan coverage or medical assistance on release from certain facilities or other settings.

HB 1705 Geren SPONSOR: Ellis
Relating to the Department of Information Resources, including the abolition of the telecommunications planning and oversight council, the electronic commerce network, and the electronic procurement marketplace and standards for certain school district software.

HB 1721 Bohac SPONSOR: Deuell
Relating to taking or attempting to take a weapon from an employee or official of a correctional facility.

HB 1728 Madden SPONSOR: Whitmire
Relating to the authority of the inspector general of the Texas Department of Criminal Justice to issue administrative subpoenas for certain communications records.

HB 1740 Howard, Donna SPONSOR: Uresti
Relating to the authorization of physicians and therapeutic optometrists to dispense therapeutic contact lenses.

HB 1761 Thompson SPONSOR: Van de Putte
Relating to the reserve requirements for credit life and credit accident and health insurance.

(Committee Substitute)

HB 1785 Kuempel SPONSOR: Nichols
Relating to the licensing of occupational therapists.

HB 1861 Eiland SPONSOR: Carona

Relating to the operation and administration of the judiciary in the event of a disaster.

(Committee Substitute)

HB 1881 Miller, Sid SPONSOR: Estes

Relating to the creation of the Texas Equine Incentive Program.

HB 1912 Rodriguez SPONSOR: Van de Putte

Relating to the Transitional Living Services Program and the Preparation for Adult Living Program for foster children transitioning to independent living.

HB 1919 Kent SPONSOR: Ellis

Relating to the maturity dates of certain annuities.

(Committee Substitute)

HB 1922 Martinez Fischer SPONSOR: Uresti

Relating to the authorization of certain reuse water system contributions and discharges.

HB 1947 Kuempel SPONSOR: Wentworth

Relating to the election and terms of office of directors of the Guadalupe County Groundwater Conservation District.

HB 1949 Rios Ybarra SPONSOR: Hinojosa

Relating to the issuance and execution of agriculture warrants; creating an offense.

HB 1966 Davis, John SPONSOR: Nelson

Relating to an e-prescribing implementation plan under the Medicaid and child health plan programs.

HB 1985 Martinez Fischer SPONSOR: Hegar

Relating to the requirement that certain defendants in a criminal case undergo testing for HIV infection and other diseases.

(Committee Substitute)

HB 2004 McCall SPONSOR: Ellis

Relating to a breach of computer security involving sensitive personal information and to the protection of sensitive personal information and certain protected health information.

HB 2065 Gallego SPONSOR: Duncan

Relating to the applicability of the moratoriums on the acceptance of certain political contributions and caucus contributions to contributions delivered by common or contract carrier.

HB 2066 Gallego SPONSOR: Nelson

Relating to enhancing penalties for assaulting a family member by strangulation or suffocation.

(Committee Substitute)

HB 2068 Elkins SPONSOR: Hegar

Relating to an identification card for certain retired peace officers.

HB 2186 Guillen SPONSOR: Huffman

Relating to the payment of a vehicle registration fee by a check drawn against insufficient funds.

HB 2187 Moody SPONSOR: Carona
Relating to the prosecution and punishment of offenses involving coercing, inducing, or soliciting membership in a criminal street gang.
(Committee Substitute)

HB 2191 Veasey SPONSOR: Nelson
Relating to prohibiting contact between an employee of a facility that serves the elderly or disabled persons, whose criminal history has not been verified, and a patient or resident of the facility.

HB 2201 Hughes SPONSOR: Eltife
Relating to the designation of a structure on U.S. Highway 259 as the Trooper Todd Dylan Holmes Memorial Overpass.

HB 2217 Flores SPONSOR: Hinojosa
Relating to partnering with the United States Department of Veterans Affairs and other federal agencies to establish a veterans hospital in the Rio Grande Valley region of the state.

HB 2225 Parker SPONSOR: Nelson
Relating to creating a committee to review the process for finding permanent placements for children in the conservatorship of the state.
(Committee Substitute)

HB 2263 Eissler SPONSOR: Shapiro
Relating to extending the high school innovation grant initiative to middle and junior high schools.

HB 2289 Madden SPONSOR: Whitmire
Relating to discharging or releasing inmates from the Texas Department of Criminal Justice at or near certain department facilities.

HB 2330 Guillen SPONSOR: Zaffirini
Relating to laboratory tests measuring kidney function.
(Committee Substitute)

HB 2353 Hughes SPONSOR: Estes
Relating to the limitations period for certain disciplinary actions against title insurance companies.

HB 2374 Guillen SPONSOR: Lucio
Relating to financial assistance by the Texas Water Development Board for the connection of residences in economically distressed areas to public water supply and sanitary sewer systems.
(Committee Substitute)

HB 2542 Eissler SPONSOR: Van de Putte
Relating to excused absences in public schools for students visiting institutions of higher education.

HB 2580 Frost SPONSOR: Deuell
Relating to the establishment of a peace officer employment opportunity Internet website by the Texas Workforce Commission.
(Committee Substitute)

HB 2667 Ritter SPONSOR: Hinojosa

Relating to performance standards for plumbing fixtures sold in this state.

HB 2735 Flynn SPONSOR: Estes

Relating to the continuation and functions of the Credit Union Department and the Credit Union Commission.

HB 2763 Kuempel SPONSOR: Eltife

Relating to the regulation of industrialized housing and buildings.

(Committee Substitute)

HB 2765 Anderson SPONSOR: Hegar

Relating to the authority of a veterinarian to fill certain prescriptions in an emergency.

HB 2796 Strama SPONSOR: Watson

Relating to participation in, contributions to, and the benefits and administration of retirement systems for police officers in certain municipalities.

HB 2829 Rodriguez SPONSOR: Watson

Relating to participation in and benefits and administration of retirement systems for firefighters in certain municipalities.

HB 2876 Patrick SPONSOR: Carona

Relating to the authority of an administrative law judge to order the release of certain information relating to a child abuse and neglect investigation.

HB 2918 McReynolds SPONSOR: Nichols

Relating to a motor vehicle dealer's duty to notify buyers of compulsory inspection requirements for certain motor vehicles.

HB 2927 Howard, Donna SPONSOR: Nelson

Relating to the regulation of cemeteries by state and local government.

HB 2983 Phillips SPONSOR: Hegar

Relating to the electronic transmission of motor vehicle rental information in connection with the payment of tolls.

(Committee Substitute)

HB 2985 Phillips SPONSOR: Carona

Relating to the operation of certain commercial vehicles in this state.

HB 3012 Coleman SPONSOR: Nelson

Relating to food handlers and other food service employees.

HB 3129 King, Tracy O. SPONSOR: Wentworth

Relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.

(Committee Substitute)

HB 3137 Gallego SPONSOR: Nelson

Relating to requiring the Department of Family and Protective Services to develop and provide certain foster parents with a statement regarding the rights and responsibilities of those persons and the agency.

HB 3139 Herrero SPONSOR: Van de Putte

Relating to discount programs for certain veterans provided by toll project entities.

- HB 3231** Davis, John SPONSOR: Nelson
Relating to clarification of legislative intent regarding enrollment of newborns in Medicaid managed care plans and validating related acts and decisions.
- HB 3246** Brown, Fred SPONSOR: Watson
Relating to the issuance of a writ of attachment in a civil suit for certain sexual assaults.
- HB 3429** Gutierrez SPONSOR: Van de Putte
Relating to certain program and reporting duties of the Texas AgriLife Extension Service.
- HB 3517** Gattis SPONSOR: Huffman
Relating to the provision of social security numbers by applicants for motor vehicle certificates of title.
- HB 3643** Aycock SPONSOR: Van de Putte
Relating to public school prekindergarten classes.
- HB 3674** Thompson SPONSOR: Nelson
Relating to the licensing requirements for a foreign-trained physician applicant.
- HB 3692** Deshotel SPONSOR: Huffman
Relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County.
- HB 3756** Howard, Donna SPONSOR: Ellis
Relating to the Texas State Library and Archives Commission.
- HB 3800** Frost SPONSOR: Eltife
Relating to the designation of a portion of U.S. Highway 59 as the Trooper Scott Burns Memorial Highway.
- HB 3961** McReynolds SPONSOR: Nelson
Relating to the regulation of nursing.
(Committee Substitute)
- HB 4043** Callegari SPONSOR: Hegar
Relating to notifications to certain purchasers of real property that may be located in an area subject to a certificate of convenience and necessity for water or sewer service.
- HB 4110** Martinez Fischer SPONSOR: Uresti
Relating to the purchase, donation, and sale of promotional items by the Texas Water Development Board.
- HB 4114** Martinez Fischer SPONSOR: Zaffirini
Relating to memorial monuments on the Capitol grounds, including the Tejano monument.
(Committee Substitute)
- HB 4127** Hartnett SPONSOR: Carona
Relating to the expenditure of public funds for certain playground facilities.
(Committee Substitute)
- HB 4154** Rose SPONSOR: Nelson
Relating to the creation by the Health and Human Services Commission of a volunteer advocate program for certain elderly individuals.

- HB 4231** Ritter SPONSOR: Eltife
Relating to the conveyancing or transfer in this state of water imported into this state from a source located outside this state.
- HB 4276** Menendez SPONSOR: Uresti
Relating to a transportation plan for persons furloughed or discharged from certain mental health facilities.
- HB 4291** Smithee SPONSOR: Fraser
Relating to insurance charters and certificates of authority.
- HB 4328** Strama SPONSOR: Uresti
Relating to the establishment of the Interagency Literacy Council for the study, promotion, and enhancement of literacy in this state.
(Committee Substitute)
- HB 4339** Smithee SPONSOR: Fraser
Relating to the establishment and operation of the unauthorized insurance guaranty fund.
- HB 4358** Smithee SPONSOR: Fraser
Relating to rulemaking authority for administrative penalties assessed for violations of the Insurance Code.
- HB 4706** King, Tracy O. SPONSOR: Uresti
Relating to the compensation of a member of the board of directors of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.
- HB 4762** King, Tracy O. SPONSOR: Uresti
Relating to the territory of and the validation of certain governmental acts and proceedings of the Edwards Aquifer Authority.
- HCR 18** Bonnen SPONSOR: Jackson, Mike
Designating the Texas toad as the official State Amphibian of Texas.
- HCR 57** Geren SPONSOR: Williams
Authorizing the lieutenant governor and speaker to appoint interim joint committees.
- HCR 86** Pena SPONSOR: Lucio
Memorializing Congress in support of establishing a veterans hospital in the Rio Grande Valley.
- HCR 176** Edwards SPONSOR: Williams
Expressing continued support for the establishment of a Juneteenth memorial monument on the grounds of the State Capitol at the location previously approved by the State Preservation Board.
- SB 2277** Ellis
Relating to authorizing certain entities in the legislative branch to provide student loan repayment assistance to employees who are attorneys.
- SB 2487** Estes
Relating to the creation of the Sienna Ranch Municipal Utility District No. 1 of Collin County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 21, 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 107 Phillips SPONSOR: Seliger
Relating to allowing for certain criminal proceedings in the absence of certain defendants.
(Committee Substitute)

HB 422 Guillen SPONSOR: Lucio
Relating to information provided to a person applying for a state tax permit or license.
(Committee Substitute)

HB 497 Zerwas SPONSOR: Nelson
Relating to a study to determine the effect on the health care infrastructure in this state if the state Medicaid program is abolished or a severe reduction in federal matching money under the program occurs.

HB 558 Hernandez SPONSOR: Ellis
Relating to law enforcement and judicial procedures for, and the prosecution of, children who engage in conduct constituting public intoxication.

HB 807 Gallego SPONSOR: Uresti
Relating to allowing counties with no incorporated territory to participate in programs designed to assist municipalities.

HB 846 Martinez, "Mando" SPONSOR: Gallegos
Relating to the license or certificate renewal process for emergency medical services personnel and certain law enforcement officers.

HB 1029 Rodriguez SPONSOR: Watson
Relating to the development, rehabilitation, or expansion of affordable housing in a public improvement district established by a county or municipality.

HB 1070 Truitt SPONSOR: Duncan
Relating to audits of certain public retirement system actuarial valuations, studies, and reports.

(Amended)

HB 1113 Zerwas SPONSOR: Hegar
Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 194; providing authority to impose a tax and issue bonds.
(Committee Substitute)

HB 1358 Keffer SPONSOR: Nelson
Relating to the Cancer Prevention and Research Institute of Texas.

HB 1366 Jackson, Jim SPONSOR: Patrick, Dan
Relating to ballot language in an election authorizing the issuance of bonds for hospital district system improvements.

HB 1487 Pitts SPONSOR: Nelson
Relating to the alignment of certain Medicaid procedures regarding written orders for diabetic equipment and supplies with comparable Medicare written order procedures.
(Amended)

HB 1883 Farabee SPONSOR: Averitt
Relating to the status of certain transporters of natural or synthetic gas and liquified natural gas marine terminals as gas utilities.
(Committee Substitute)

HB 1888 Davis, John SPONSOR: Duncan
Relating to standards required for certain rankings of physicians by health benefit plans.
(Committee Substitute/Amended)

HB 1969 Hartnett SPONSOR: Watson
Relating to the enforcement of certain provisions in a will or trust that forfeit or void devises or interests.
(Committee Substitute/Amended)

HB 1975 Hancock SPONSOR: Lucio
Relating to refund of excess unearned premiums by insurance premium finance companies.

HB 2447 Flynn SPONSOR: Estes
Relating to the abolition of the Board of Tax Professional Examiners and the transfer of its functions to the Texas Department of Licensing and Regulation.
(Committee Substitute/Amended)

HB 2529 Harless SPONSOR: Patrick, Dan
Relating to the terms of office of commissioners of certain emergency services districts.

HB 2548 Kuempel SPONSOR: Williams
Relating to membership of certain advisory bodies to the Texas Department of Licensing and Regulation.

HB 2549 Davis, John SPONSOR: Patrick, Dan
Relating to auditing procedures and authority relating to county education departments in certain populous counties.

- HB 2572** Gonzalez Toureilles SPONSOR: Jackson, Mike
Relating to the authority of a gas corporation to use a public right-of-way.
(Amended)
- HB 2665** Ritter SPONSOR: Williams
Relating to authorizing the commissioners court of a county to adopt and impose standards and specifications for the design and installation of address number signs to identify properties located in unincorporated areas of the county; providing a penalty.
- HB 2729** Pitts SPONSOR: Ogden
Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.
- HB 2835** Marquez SPONSOR: Shapleigh
Relating to the delegation of duties of a county judge in certain counties.
- HB 2840** Solomons SPONSOR: Averitt
Relating to mortgage fraud; providing a criminal penalty.
- HB 2925** Herrero SPONSOR: Whitmire
Relating to protections provided by the Department of Agriculture for certain consumers; providing penalties.
(Amended)
- HB 3346** Farabee SPONSOR: Averitt
Relating to the definition of a gas utility.
(Amended)
- HB 3358** Turner, Sylvester SPONSOR: Shapleigh
Relating to allowing municipal or county housing authorities in certain counties to create housing communities for veterans.
(Committee Substitute)
- HB 3391** Harper-Brown SPONSOR: Hegar
Relating to the continuation and functions of the Parks and Wildlife Department; changing the elements of an offense.
(Committee Substitute/Amended)
- HB 3515** Dunnam SPONSOR: Carona
Relating to the creation of the offense of failure to report barratry and solicitation of employment.
(Committee Substitute)
- HB 3668** Hopson SPONSOR: Nichols
Relating to the injunction of municipal purchasing contracts.
- HB 4102** Eiland SPONSOR: Carona
Relating to the disaster contingency fund.
(Amended)
- HB 4139** Homer SPONSOR: Deuell
Relating to the powers and duties of the Hopkins County Hospital District.
- HB 4149** Rose SPONSOR: Zaffirini

Relating to certain studies and reports by the Texas Higher Education Coordinating Board regarding achievable cost-saving measures and the use and availability of electronic textbooks at institutions of higher education.

(Committee Substitute)

HB 4577 Martinez, "Mando" SPONSOR: Hinojosa
Relating to the seizure and destruction of certain plants.

HB 4661 Brown, Fred SPONSOR: Ogden
Relating to the rate of the municipal hotel occupancy tax in certain municipalities and to the use of certain revenue from the tax.

HB 4779 Gattis SPONSOR: Ogden
Relating to the powers and duties of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds.
(Committee Substitute)

HCR 126 Miller, Sid SPONSOR: Fraser
Designating the Mills County Goat and BBQ Cook-off as an official Texas State Goat Barbecue Championship Cook-off.

HCR 168 Anderson SPONSOR: Hegar
Extending appreciation to former president George W. Bush for his service to our state and nation.

HCR 237 Hilderbran SPONSOR: Fraser
Designating the Brady World Championship BBQ Goat Cook-off as the official Texas State Goat Barbecue Championship Cook-off.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 98 (31 Yeas, 0 Nays)

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 93
Senate Conferees: Van de Putte - Chair/Averitt/Duncan/Ogden/Zaffirini

SB 1011
Senate Conferees: Estes - Chair/Fraser/Hegar/Hinojosa/Lucio

SB 1152
Senate Conferees: Hinojosa - Chair/Averitt/Ellis/Eltife/Harris

SB 1206
Senate Conferees: Hinojosa - Chair/Hegar/Seliger/Whitmire/Williams

SB 2423
Senate Conferees: Deuell - Chair/Nichols/Patrick, Dan/Shapiro/Uresti

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 3
Senate Conferees: Shapiro - Chair/Ogden/Patrick, Dan/Van de Putte/Williams

HB 2030

Senate Conferees: Deuell - Chair/Davis, Wendy/Nelson/Van de Putte/Williams

HB 2196

Senate Conferees: Deuell - Chair/Lucio/Nichols/Seliger/Zaffirini

HB 2310

Senate Conferees: Williams - Chair/Fraser/Harris/Watson/Whitmire

HB 2626

Senate Conferees: Zaffirini - Chair/Carona/Eltife/Hinojosa/Ogden

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 20

Business and Industry - **SB 237, SB 1375, SB 1641**

Criminal Jurisprudence - **SB 366, SB 449, SB 1028, SB 1281, SB 1454**

Culture, Recreation, and Tourism - **HCR 181, HCR 188, HR 2011**

Defense and Veterans' Affairs - **SB 12, SB 845, SB 1022, SB 1463**

Elections - **SB 1310, SB 1867, SB 1970**

Environmental Regulation - **SB 1425**

Human Services - **SB 59, SB 69, SB 277, SB 750, SB 751, SB 806, SB 1062, SB 1064, SB 1612, SB 1723, SB 2385, SB 2424**

Judiciary and Civil Jurisprudence - **HB 4742, SB 2230**

Land and Resource Management - **SB 18, SB 1471, SB 2228**

Natural Resources - **SB 361, SB 724, SB 726, SB 880, SB 2485, SB 2501, SB 2511, SB 2512, SB 2524, SB 2536, SB 2543, SB 2570**

Public Education - **SB 587, SB 1077, SB 1489, SB 1727, SB 1818, SB 1933, SB 2082, SB 2178, SB 2258, SB 2357,**

Public Health - **SB 204**

Public Safety - **SB 388, SB 501**

State Affairs - **HCR 50, HCR 222, SB 331, SB 1145, SB 1692, SB 2236**

Transportation - **SB 294, SB 448, SB 480, SB 521, SB 581, SB 882, SB 883, SB 952, SB 970, SB 1350, SB 1353, SB 1382, SB 1389, SB 1609, SB 1669, SB 1984, SB 2480**

Ways and Means - **SB 1024, SB 1199, SB 1311, SB 1429, SB 1458**

ENROLLED

May 20 - 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

SENT TO THE GOVERNOR

May 20 - 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

SIGNED BY THE GOVERNOR

May 20 - HB 875, HB 1205, HB 1282, HB 1382, HB 1454, HB 1813, HB 1963, HB 2042, HB 2101, HB 2238, HB 2560, HCR 88, HCR 121, HCR 137, HCR 194, HCR 214