

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SEVENTY-NINTH DAY — MONDAY, MAY 25, 2009

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

The roll of the house was called and a quorum was announced present (Record 1122).

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

Absent, Excused — Kuempel.

Absent — Maldonado.

The invocation was offered by Michael Pfeifer, bishop, Catholic Diocese of San Angelo, as follows:

Kind, gracious, and loving Heavenly Father, we thank you for your goodness and the countless blessings that you pour out upon us like the rain. Father, speaking of rain, thank you for your recent rains and send more of this wonderful gift down on the beautiful State of Texas. This rain represents in a special way the loving care that you show your people and how we are to love one another.

Heavenly Father, as we go about the work of building up your kingdom today, we give you praise and glory as our God, the source of our being, and our ultimate destiny. Help us to always realize that you are our Father, that you love us, and you are always there to help us. May we never forget your kindness and your love for us, and especially the forgiveness that you show us when we fail.

Gracious Father, in a special way I pray that you send the Holy Spirit upon those gathered here who are the servants of your people of the beautiful State of Texas. May they always remember that their greatness is found in the humble and wise way that they serve the people they represent for the State of Texas. I ask that you pour out your precious Holy Spirit upon them and fill them with new gifts of wisdom, justice, courage, understanding, truth, and peace. Help them always strive with all their minds and hearts to know what is pleasing to you, and when they know your will, make them always determined to fulfill it above all else. May they always in all of their decisions promote laws and policies in favor of human life, made in your divine image, recognizing the sacredness of life from its earliest beginning until its natural end as determined by you, our Creator and Father.

Lord, may your servants of our state gathered here remember that no one is a stranger to you and no one is ever far from your loving care. In your kindness, show us how to watch over refugees and exiles, those separated from their loved ones, young people who are lost, and those who left or ran away from home. Bring them back safely to the place where they long to be and help us always to show your kindness to strangers and those in need, and help us to especially be conscious of the children and poor of our state. We ask this through our Lord Jesus Christ, your son, who lives and reigns with you and the Holy Spirit, one God, forever and ever. Amen.

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

(Maldonado now present)

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Guillen who presented Dr. Jake Margo of Rio Grande City as the "Doctor for the Day."

The house welcomed Dr. Margo 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 for today and the remainder of the week because of illness:

Kuempel on motion of Geren.

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

Pitts on motion of Farabee.

**HR 2268 - ADOPTED**  
**(by Menendez)**

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 2268**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2268**, Honoring the life of Joseph Warren Bishop of Decatur.

**HR 2268** was read and was unanimously adopted by a rising vote.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 2268** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Menendez who introduced family members of Joseph Warren Bishop.

**HR 2192 - ADOPTED**  
**(by Chavez)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 2192**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2192**, Honoring Juan Aranda, Jr., of El Paso for his commitment to labor and for his civic leadership.

**HR 2192** was adopted.

**HR 2174 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 2174**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2174**, Honoring Sarah Wilkinson for her outstanding service as a legislative aide.

**HR 2174** was adopted.

**HR 2175 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 2175**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2175**, Honoring Leslie Weston for her outstanding service as a legislative aide.

**HR 2175** 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, House List No. 40).

### **SB 2456 - RULES SUSPENDED**

Representative Rios Ybarra moved to suspend all necessary rules to consider **SB 2456** at this time.

The motion prevailed.

**SB 2456** (Rios Ybarra - House Sponsor), A bill to be entitled An Act relating to the creation of the Brush Country Groundwater Conservation District; providing authority to impose a tax and issue bonds.

**SB 2456** was read second time and was passed to third reading.

(Speaker pro tempore in the chair)

### **HB 3129 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative T. King called up with senate amendments for consideration at this time,

**HB 3129**, A bill to be entitled An Act relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.

Representative T. King moved to concur in the senate amendments to **HB 3129**.

The motion to concur in the senate amendments to **HB 3129** prevailed by (Record 1123): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Woolley.

### Senate Committee Substitute

**CSHB 3129**, A bill to be entitled An Act relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.

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

SECTION 1. Subchapter A, Chapter 1301, Occupations Code, is amended by adding Section 1301.004 to read as follows:

Sec. 1301.004. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer.

SECTION 2. Subchapter A, Chapter 1302, Occupations Code, is amended by adding Section 1302.003 to read as follows:

Sec. 1302.003. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer.

SECTION 3. Subchapter A, Chapter 1305, Occupations Code, is amended by adding Section 1305.004 to read as follows:

Sec. 1305.004. NONAPPLICABILITY OF LAW GOVERNING CANCELLATION OF CERTAIN TRANSACTIONS. Except as otherwise provided by this section, Chapter 601, Business & Commerce Code, does not apply to a good or service provided by a license holder under this chapter if the transaction involving the good or service is initiated by the consumer. Chapter 601, Business & Commerce Code, does apply to a transaction that involves a breach of express warranty or a negligent installation in violation of a building code applicable to the good or service sold to the consumer.

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

**HB 783 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 783**, A bill to be entitled An Act relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.

Representative Pickett moved to concur in the senate amendments to **HB 783**.

The motion to concur in the senate amendments to **HB 783** prevailed by (Record 1124): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; 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; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Zerwas.

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

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Keffer; Menendez; Merritt; Rios Ybarra; Thibaut; Villarreal; Woolley.

**Senate Committee Substitute**

**CSHB 783**, A bill to be entitled An Act relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.

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

SECTION 1. Chapter 75, Civil Practice and Remedies Code, is amended by adding Section 75.0021 to read as follows:

Sec. 75.0021. LIMITED LIABILITY OF CERTAIN PUBLIC UTILITIES.

(a) In this section:

(1) "Person" includes an individual as defined by Section 71.001.

(2) "Public utility" means an electric utility as defined by Section 31.002, Utilities Code.

(b) A public utility that, as the owner, easement holder, occupant, or lessee of land, signs an agreement with a municipality, county, or political subdivision to allow public access to or use of the premises for recreation by allowing the public access or use does not assume responsibility or incur liability beyond that provided by Chapter 75 of the Civil Practice & Remedies Code to a third party who enters the premises for recreation to the extent the municipality, county, or political subdivision purchases a general liability insurance policy in amounts required by Chapter 75 of the Civil Practice & Remedies Code insuring the public utility for liability arising from the condition of the premises for such recreational use.

(c) This section applies only to a public utility located in a county with a population of 600,000 or more and located on the international border.

SECTION 2. This Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

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 783** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 75.0021(c), Civil Practice and Remedies Code (page 1, line 34), following "in" insert the following:

":  
:"

(1)".

(2) In SECTION 1 of the bill, in added Section 75.0021(c), Civil Practice and Remedies Code (page 1, line 36), between "border" and the period, insert the following:

; or

(2) a municipal management district located in a municipality with a population of more than 1.9 million

(Speaker in the chair)

**HB 2447 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

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

Representative Flynn moved to concur in the senate amendments to **HB 2447**.

The motion to concur in the senate amendments to **HB 2447** prevailed by (Record 1125): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Frost; Martinez Fischer.

**Senate Committee Substitute**

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

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

SECTION 1. Section 1151.002, Occupations Code, is amended by amending Subdivision (5) and adding Subdivisions (7-a), (7-b), and (7-c) to read as follows:

(5) "Code of ethics" means a formal statement of ethical standards of conduct adopted by the commission ~~[board]~~.

(7-a) "Commission" means the Texas Commission of Licensing and Regulation.

(7-b) "Committee" means the Texas Tax Professional Advisory Committee.

(7-c) "Department" means the Texas Department of Licensing and Regulation.

SECTION 2. Section 1151.004(b), Occupations Code, is amended to read as follows:

(b) The department ~~[board]~~ shall thoroughly investigate a complaint of a violation of this section.

SECTION 3. The heading to Subchapter B, Chapter 1151, Occupations Code, is amended to read as follows:

SUBCHAPTER B. TEXAS ~~[BOARD OF]~~ TAX PROFESSIONAL ADVISORY COMMITTEE ~~[EXAMINERS]~~

SECTION 4. Section 1151.051, Occupations Code, as amended by Chapters 815 (SB 276) and 1170 (SB 287), Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

Sec. 1151.051. ~~[BOARD]~~ MEMBERSHIP. (a) The Texas ~~[Board of]~~ Tax Professional Advisory Committee ~~[Examiners]~~ consists of seven ~~[five]~~ members appointed by the presiding officer of the commission with the approval of the commission ~~[governor with the advice and consent of the senate]~~ as follows:

(1) two members who are certified under this chapter as registered professional appraisers ~~[four members who:~~

~~[(A) are actively engaged in property tax administration;~~

~~[(B) have at least five years' experience in appraisal, assessment, or collection; and~~

~~[(C) are certified under this chapter as a registered professional appraiser, registered Texas collector, or registered Texas assessor]; [and]~~

(2) two members who are certified under this chapter as registered Texas collectors or registered Texas assessors; and

(3) three members ~~[one member]~~ who represent ~~[represents]~~ the public.

(b) A vacancy on the committee ~~[board]~~ is filled in the same manner as the original appointment ~~[by appointment by the governor of a qualified person to serve]~~ for the unexpired portion of the term.

(c) The presiding officer of the commission shall designate one member of the committee as the presiding officer.

(d) Each appointment to the committee ~~[board]~~ shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(e) Section 2110.008, Government Code, does not apply to the committee.

SECTION 5. Section 1151.0511, Occupations Code, is amended to read as follows:

Sec. 1151.0511. PUBLIC MEMBER ELIGIBILITY. A person may not be a public member of the committee ~~[board]~~ if the person or the person's spouse:

(1) is registered, certified, or licensed by a regulatory agency in the field of property tax appraisal, assessment, or collection;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the department [~~board~~];

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the department [~~board~~]; ~~or~~

(4) uses or receives a substantial amount of tangible goods, services, or money from the department [~~board~~] other than compensation or reimbursement authorized by law for committee [~~board~~] membership, attendance, or expenses; or

(5) at any time has served on an appraisal review board.

SECTION 6. Sections 1151.0512(b) and (c), Occupations Code, are amended to read as follows:

(b) A person may not be a member of the committee [~~board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments.~~] if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of property tax appraisal, assessment, or collection; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of property tax appraisal, assessment, or collection.

(c) A person may not be a member of the committee [~~board or act as the general counsel to the board~~] if the person, or the person's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the committee or the department [~~board~~].

SECTION 7. Section 1151.052, Occupations Code, is amended to read as follows:

Sec. 1151.052. TERMS. Committee [~~Board~~] members serve six-year terms, with the terms of one or two members expiring on March 1 of each odd-numbered year.

SECTION 8. Section 1151.055(a), Occupations Code, is amended to read as follows:

(a) A committee [~~board~~] member may not receive compensation for the member's services.

SECTION 9. The heading to Subchapter C, Chapter 1151, Occupations Code, is amended to read as follows:

SUBCHAPTER C. [BOARD POWERS AND] DUTIES OF COMMISSION, EXECUTIVE DIRECTOR, DEPARTMENT, AND ADVISORY COMMITTEE

SECTION 10. Subchapter C, Chapter 1151, Occupations Code, is amended by adding Section 1151.101 to read as follows:

Sec. 1151.101. FEES. The commission, with the advice of the committee, shall establish fees under this chapter in amounts reasonable and necessary to cover the costs of administering the programs and activities under this chapter.

SECTION 11. Section 1151.1015, Occupations Code, is amended to read as follows:

Sec. 1151.1015. ASSISTANCE FROM ~~[INTERAGENCY CONTRACT WITH]~~ COMPTROLLER. The comptroller shall enter into a memorandum of understanding with the department under which the comptroller shall provide ~~[(a) The board and the comptroller shall provide under an interagency contract for the comptroller to provide administrative support to the board. The contract must include terms for fees to be paid by the board to the comptroller for services provided under the contract.~~

~~[(b) Under the interagency contract, the comptroller shall provide to the board]:~~

(1) information on the educational needs of and opportunities for tax professionals;

(2) review and approval of all required educational courses, examinations, and continuing education programs for registrants;

(3) a copy of any report issued by the comptroller under Section 5.102, Tax Code, and if requested by the department a copy of any work papers or other documents collected or created in connection with a report issued under that section; and

(4) information and assistance regarding administrative proceedings conducted under the commission's rules or this chapter ~~[assistance with outreach efforts to inform taxpayers of their rights and remedies;~~

~~[(3) information on appraisal district enforcement efforts; and~~

~~[(4) assistance with administrative services, including:~~

~~[(A) payroll services;~~

~~[(B) budgeting services;~~

~~[(C) information technology support;~~

~~[(D) human resources services; and~~

~~[(E) other administrative services necessary for the board to perform its powers and duties under this chapter].~~

SECTION 12. Section 1151.102, Occupations Code, is amended to read as follows:

Sec. 1151.102. GENERAL RULEMAKING AUTHORITY. The commission ~~[board]~~ may adopt and enforce rules necessary for the performance of the department's ~~[board's]~~ duties.

SECTION 13. Section 1151.103, Occupations Code, is amended to read as follows:

Sec. 1151.103. ESTABLISHMENT OF PROFESSIONAL STANDARDS. The commission shall ~~[board may]~~ establish standards of professional practice, conduct, education, and ethics for appraisers, assessors, and collectors consistent with the purposes and intent of this chapter.

SECTION 14. Section 1151.104, Occupations Code, is amended to read as follows:

Sec. 1151.104. ENFORCEMENT OF CHAPTER. The department [~~board~~] may ensure strict compliance with and enforce this chapter.

SECTION 15. Section 1151.106(a), Occupations Code, is amended to read as follows:

(a) The commission [~~board~~] by rule shall:

- (1) adopt a classification system for registrants; and
- (2) establish minimum requirements for each classification.

SECTION 16. Section 1151.107(a), Occupations Code, is amended to read as follows:

(a) The department [~~board~~] shall maintain a roster of registrants that includes each registrant's name, place of employment, and classification.

SECTION 17. Section 1151.108, Occupations Code, is amended to read as follows:

Sec. 1151.108. COMMITTEE DUTIES. The committee shall:

(1) recommend to the commission rules and standards regarding technical issues relating to tax professionals;

(2) provide advice to the commission regarding continuing education courses and curricula for registrants;

(3) provide advice to the commission regarding the contents of any examination required by the commission under this chapter; and

(4) educate, and respond to questions from, the commission and the department regarding issues affecting tax professionals. [~~MONEY RECEIVED BY BOARD. The board shall receive and account for all money derived under this chapter.~~]

SECTION 18. Section 1151.151, Occupations Code, is amended to read as follows:

Sec. 1151.151. REGISTRATION REQUIRED; EXEMPTION. (a) The following persons must register with the department [~~board~~]:

(1) the chief appraiser of an appraisal district, an appraisal supervisor or assistant, a property tax appraiser, an appraisal engineer, and any other person authorized to render judgment on, recommend, or certify an appraised value to the appraisal review board of an appraisal district;

(2) a person who engages in appraisal of property for ad valorem tax purposes for an appraisal district or a taxing unit;

(3) an assessor-collector, a collector, or another person designated by a governing body as the chief administrator of the taxing unit's assessment functions, collection functions, or both; and

(4) a person who performs assessment or collection functions for a taxing unit and is required to register by the chief administrator of the unit's tax office.

(b) A county assessor-collector is not required to register with the department [~~board~~] if the county, by contract entered into under Section 6.24(b), Tax Code, has its taxes assessed and collected by another taxing unit or an appraisal district.

SECTION 19. Section 1151.153, Occupations Code, is amended to read as follows:

Sec. 1151.153. REGISTRATION APPLICATION. (a) An application for registration must be made on the printed form provided by the department [board]. In prescribing the contents of an application form, the commission [board] shall ensure that the form requires information sufficient to properly classify the applicant.

(b) Each application form the department [board] provides must be accompanied by the code of ethics.

SECTION 20. Section 1151.154, Occupations Code, is amended to read as follows:

Sec. 1151.154. SUBMISSION OF APPLICATION. ~~[(a)]~~ An initial application for registration must be accompanied by:

(1) a nonrefundable ~~[\$50]~~ processing fee; and

(2) a nonrefundable registration [the] fee [required by Section 1151.158].

SECTION 21. Sections 1151.155(a) and (b), Occupations Code, are amended to read as follows:

(a) The department [board] shall act on an application for registration not later than the 30th day after the date the application is received.

(b) The department [board] shall:

(1) classify and register each applicant the department [board] approves; and

(2) notify the registrant of the requirements for:

(A) maintenance of the registrant's current registration; and

(B) professional certification by the department [board].

SECTION 22. Section 1151.156, Occupations Code, is amended to read as follows:

Sec. 1151.156. DISCRIMINATION PROHIBITED. The department [board] may not refuse to register an applicant because of the race, color, disability ~~[ereed]~~, sex, religion, age, or national ~~[ethnic]~~ origin of the applicant.

SECTION 23. Section 1151.157(a), Occupations Code, is amended to read as follows:

(a) The department [board] shall issue an identification card to each person registered under this chapter. While on official duty, the registrant shall have the identification card in the registrant's possession.

SECTION 24. Section 1151.158, Occupations Code, is amended to read as follows:

Sec. 1151.158. ANNUAL FEE; EXPIRATION AND RENEWAL OF REGISTRATION. (a) Except as otherwise provided by the commission, a [A] registration under this chapter is valid for one year [expires on December 31] and must be renewed annually. A registrant must pay an annual fee [of not less than \$45 or more than \$75]. The commission by rule may adopt a system under which registrations expire on various dates during the year.

(b) The department shall notify a registrant under this chapter of the impending expiration of the registrant's registration as provided by Section 51.401(f). [On or before December 1 of each year, the board shall:

(1) establish the amount of the renewal fee for the following year; and

~~[(2) mail a renewal notice to each person registered under this chapter.]~~

SECTION 25. Section 1151.1581, Occupations Code, is amended to read as follows:

Sec. 1151.1581. CONTINUING EDUCATION. (a) The commission [board] shall recognize, prepare, or administer continuing education programs for registrants under this chapter [its license holders].

(b) The comptroller must review and approve all continuing education programs for registrants.

(c) A registrant [license holder] must participate in the programs to the extent required by the department [board] to keep the person's certificate of registration [license].

(d) The commission may set fees for continuing education courses and providers of continuing education courses in amounts reasonable and necessary to cover the department's costs in administering the department's duties under this section.

(e) The comptroller may set fees for continuing education courses and providers of continuing education courses in amounts reasonable and necessary to cover the comptroller's costs in administering the comptroller's duties under this section.

SECTION 26. Sections 1151.160(a) and (b), Occupations Code, are amended to read as follows:

(a) The commission [board] by rule shall adopt minimum requirements for the certification of registrants. The requirements for certification of an employee of a taxing unit's tax office must emphasize[~~, but are not limited to,~~] the areas of responsibility of the registrant in performing the registrant's duties for the taxing unit.

(b) "Registered professional appraiser" is the highest level of certification established by the commission [board] for a person engaged in appraisal. "Registered Texas assessor" is the highest level of certification established by the commission [board] for a person engaged in assessment. "Registered Texas collector" is the highest level of certification established by the commission [board] for a person engaged in collection.

SECTION 27. Section 1151.161, Occupations Code, is amended to read as follows:

Sec. 1151.161. EXAMINATION FOR CERTIFICATION; APPLICATION; FEE. (a) The commission [board] by rule shall [may] require a registrant to pass one or more examinations to be certified. The commission [board] by rule shall ensure that any examination required for certification is administered in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.)[~~and its subsequent amendments].~~

(b) An applicant for examination under this section must apply to take the examination in the manner prescribed by the department [file an application with the board on a printed form provided by the board. In prescribing the contents of the form, the board shall ensure that the form requires information sufficient to determine the applicant's current classification].

(c) The department may accept, develop, or contract for the examinations required by this section, including the administration of the examinations. The comptroller must approve the content of an examination accepted, developed, or contracted for by the department. The department may require a third-party vendor to collect a fee associated with the examination directly from examinees.  
~~[The application for examination must be:~~

~~(1) filed with the board not later than the 14th day before the examination date; and~~

~~(2) accompanied by a nonrefundable fee in the amount set by the board.]~~

SECTION 28. Section 1151.162, Occupations Code, is amended to read as follows:

Sec. 1151.162. RULES RELATING TO RECERTIFICATION AND SPECIALIZATION. The commission ~~[board]~~ may adopt rules:

(1) regarding recertification to ensure that each person certified under this chapter who is engaged in appraisal, assessment, or collection is registered and professionally competent; and

(2) establishing specialized classifications, designations, and requirements as necessary to accomplish the purposes of this chapter, including maintaining high standards of professional practice in all phases of property taxation.

SECTION 29. Section 1151.163, Occupations Code, is amended to read as follows:

Sec. 1151.163. REGISTRATION ~~[LICENSE]~~ BY ENDORSEMENT. The department ~~[board]~~ may waive any prerequisite to obtaining a certificate of registration ~~[license]~~ for an applicant after reviewing the applicant's credentials and determining that the applicant holds a license or certificate of registration issued by another jurisdiction that has ~~[licensing]~~ requirements substantially equivalent to those of this state.

SECTION 30. Sections 1151.164(a) and (b), Occupations Code, are amended to read as follows:

(a) The department ~~[board]~~ shall implement a training program for newly appointed chief appraisers and shall prescribe the curriculum for the training program as provided by this section.

(b) The training program must provide the appointee with information regarding:

(1) this chapter;

(2) the programs operated by the department ~~[board]~~;

(3) the role and functions of the department ~~[board]~~;

(4) the rules of the commission ~~[board]~~, with an emphasis on the rules that relate to ethical behavior;

(5) the role and functions of the chief appraiser, the appraisal district board of directors, and the appraisal review board;

(6) the importance of maintaining the independence of an appraisal office from political pressure;

(7) the importance of prompt and courteous treatment of the public;

(8) the finance and budgeting requirements for an appraisal district, including appropriate controls to ensure that expenditures are proper; and

(9) the requirements of:

(A) the open meetings law, Chapter 551, Government Code;

(B) the public information law, Chapter 552, Government Code;

(C) the administrative procedure law, Chapter 2001, Government Code;

(D) other laws relating to public officials, including conflict-of-interest laws; and

(E) the standards of ethics imposed by the Uniform Standards of Professional Appraisal Practice.

SECTION 31. Section 1151.202, Occupations Code, is amended to read as follows:

Sec. 1151.202. DENIAL OF REGISTRATION; DISCIPLINARY ACTION. (a) The department [~~board~~] may deny an application for, suspend, or revoke the registration of a person who violates this chapter or a commission [~~board~~] rule, place on probation a person whose registration has been suspended, or reprimand a person for a violation by the person of this chapter or a commission [~~board~~] rule.

(b) The commission [~~board~~] by rule shall adopt written guidelines to ensure that the denial of an application, suspension, revocation, probation, and the issuance of reprimands are administered consistently.

SECTION 32. Section 1151.204, Occupations Code, is amended to read as follows:

Sec. 1151.204. DISMISSAL OF COMPLAINT RELATING TO APPRAISED VALUE. After investigation, the department [~~The board~~] may dismiss a complaint without conducting a hearing if:

(1) the complaint challenges only [~~involves a disagreement on~~] the appraised value of a property or another matter for which Title I, Tax Code, specifies a remedy and does not credibly allege a violation of this chapter or the standards established by the commission for registrants under this chapter; and

(2) the disagreement has not been resolved in the complainant's favor by an appraisal review board or court.

SECTION 33. Sections 1151.205(a) and (b), Occupations Code, are amended to read as follows:

(a) The department [~~board~~] may request and, if necessary, compel by subpoena:

(1) the attendance of witnesses for examination under oath; and

(2) the production of records, documents, and other evidence relevant to the investigation of an alleged violation of this chapter or a commission rule for inspection and copying.

(b) If a person does not comply with the subpoena, the department [~~board~~], acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by the department [~~board~~] may be held.

SECTION 34. Section 1151.251(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person does not register with the department [~~board~~] as required by Section 1151.151.

SECTION 35. Section 1151.252(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person performs an appraisal, assessment, or collection function while the person's registration or certification with the department [~~board~~] is not active [~~revoked or suspended~~].

SECTION 36. Section 1151.253, Occupations Code, is amended to read as follows:

Sec. 1151.253. COMPLAINT OF VIOLATION. A person may file a complaint with the department [~~board~~] concerning a violation of this chapter or a rule adopted by the commission under this chapter [~~Section 1151.251 or 1151.252~~].

SECTION 37. Section 1152.103, Occupations Code, is amended to read as follows:

Sec. 1152.103. MEMBERSHIP RESTRICTIONS. A person is not eligible for appointment as a member of the council if the person is:

(1) required to register with the secretary of state under Chapter 305, Government Code;

(2) required to register with the department [~~Board of Tax Professional Examiners~~] under Chapter 1151; or

(3) exempt from the registration requirements imposed by this chapter, except as provided by Section 1152.102.

SECTION 38. Section 411.122(d), Government Code, is amended to read as follows:

(d) The following state agencies are subject to this section:

(1) Texas Appraiser Licensing and Certification Board;

(2) Texas Board of Architectural Examiners;

(3) Texas Board of Chiropractic Examiners;

(4) State Board of Dental Examiners;

(5) Texas Board of Professional Engineers;

(6) Texas Funeral Service Commission;

(7) Texas Board of Professional Geoscientists;

(8) Department of State Health Services, except as provided by Section 411.110, and agencies attached to the department, including:

(A) Texas State Board of Examiners of Dietitians;

(B) Texas State Board of Examiners of Marriage and Family

Therapists;

(C) Midwifery Board;

(D) Texas State Perfusionist Advisory Committee [~~Board of Examiners of Perfusionists~~];

(E) Texas State Board of Examiners of Professional Counselors;

(F) Texas State Board of Social Worker Examiners;

- (G) State Board of Examiners for Speech-Language Pathology and Audiology;
- (H) Advisory Board of Athletic Trainers;
- (I) State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;
- (J) Texas Board of Licensure for Professional Medical Physicists;
- and
- (K) Texas Board of Orthotics and Prosthetics;
- (9) Texas Board of Professional Land Surveying;
- (10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;
- (11) Texas Commission on Environmental Quality;
- (12) Texas Board of Occupational Therapy Examiners;
- (13) Texas Optometry Board;
- (14) Texas State Board of Pharmacy;
- (15) Texas Board of Physical Therapy Examiners;
- (16) Texas State Board of Plumbing Examiners;
- (17) Texas State Board of Podiatric Medical Examiners;
- (18) Polygraph Examiners Board;
- (19) Texas State Board of Examiners of Psychologists;
- (20) Texas Real Estate Commission;
- (21) ~~Board of Tax Professional Examiners;~~
- ~~[(22)]~~ Texas Department of Transportation;
- ~~[(22)]~~ ~~[(23)]~~ State Board of Veterinary Medical Examiners;
- ~~[(23)]~~ ~~[(24)]~~ Texas Department of Housing and Community Affairs;
- ~~[(24)]~~ ~~[(25)]~~ secretary of state;
- ~~[(25)]~~ ~~[(26)]~~ state fire marshal;
- ~~[(26)]~~ ~~[(27)]~~ Texas Education Agency; and
- ~~[(27)]~~ ~~[(28)]~~ Department of Agriculture.

SECTION 39. Section 2054.352(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

- (1) Texas Board of Chiropractic Examiners;
- (2) Court Reporters Certification Board;
- (3) State Board of Dental Examiners;
- (4) Texas Funeral Service Commission;
- (5) Texas Board of Professional Land Surveying;
- (6) Texas Medical Board;
- (7) Texas Board of Nursing;
- (8) Texas Optometry Board;
- (9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;
- (10) Texas State Board of Pharmacy;
- (11) Executive Council of Physical Therapy and Occupational Therapy Examiners;

- (12) Texas State Board of Plumbing Examiners;
- (13) Texas State Board of Podiatric Medical Examiners;
- (14) ~~Board of Tax Professional Examiners;~~
- ~~[(15)]~~ Polygraph Examiners Board;
- ~~[(16)]~~ Texas State Board of Examiners of Psychologists;
- ~~[(17)]~~ State Board of Veterinary Medical Examiners;
- ~~[(18)]~~ Texas Real Estate Commission;
- ~~[(19)]~~ Texas Appraiser Licensing and Certification Board;
- ~~[(20)]~~ Texas Department of Licensing and Regulation;
- ~~[(21)]~~ Texas State Board of Public Accountancy;
- ~~[(22)]~~ State Board for Educator Certification;
- ~~[(23)]~~ Texas Board of Professional Engineers;
- ~~[(24)]~~ Department of State Health Services;
- ~~[(25)]~~ Texas Board of Architectural Examiners;
- ~~[(26)]~~ Texas Racing Commission;
- ~~[(27)]~~ Commission on Law Enforcement Officer Standards and Education; and
- ~~[(28)]~~ Texas Private Security Board.

SECTION 40. Section 5.04, Tax Code, is amended to read as follows:

Sec. 5.04. TRAINING AND EDUCATION OF APPRAISERS. (a) The comptroller shall enter into a memorandum of understanding ~~[consult and cooperate]~~ with the Texas Department of Licensing and Regulation ~~[Board of Tax Professional Examiners]~~ or any successor agency responsible for certifying tax professionals in this state in setting standards for and approving curricula and materials for use in training and educating appraisers and assessor-collectors, and the comptroller may contract or enter into a memorandum of understanding ~~[cooperate with the board or]~~ with other public agencies, educational institutions, or private organizations in sponsoring courses of instruction and training programs.

(b) An appraisal district shall reimburse an employee of the appraisal office for all actual and necessary expenses, tuition and other fees, and costs of materials incurred in attending, with approval of the chief appraiser, a course or training program sponsored or approved by the Texas Department of Licensing and Regulation ~~[Board of Tax Professional Examiners]~~.

SECTION 41. The following statutes are repealed:

- (1) Section 1151.002(4), Occupations Code;
- (2) Section 1151.003, Occupations Code;
- (3) Section 1151.053, Occupations Code;
- (4) Section 1151.054, Occupations Code;
- (5) Section 1151.055(b), Occupations Code;
- (6) Section 1151.056, Occupations Code;
- (7) Section 1151.057, Occupations Code;
- (8) Subchapter B-1, Chapter 1151, Occupations Code;
- (9) Section 1151.1021, Occupations Code;
- (10) Section 1151.105, Occupations Code;
- (11) Section 1151.109, Occupations Code;

- (12) Section 1151.110, Occupations Code;
- (13) Subchapter C-1, Chapter 1151, Occupations Code;
- (14) Section 1151.155(c), Occupations Code;
- (15) Section 1151.159, Occupations Code;
- (16) Section 1151.1611, Occupations Code;
- (17) Section 1151.164(c), Occupations Code;
- (18) Section 1151.201, Occupations Code;
- (19) Section 1151.2025, Occupations Code; and
- (20) Section 1151.203, Occupations Code.

SECTION 42. (a) As soon as possible after the effective date of this Act, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint the members of the Texas Tax Professional Advisory Committee in accordance with Chapter 1151, Occupations Code, as amended by this Act. In making the initial appointments, the presiding officer shall designate two members for terms expiring March 1, 2011, two members for terms expiring March 1, 2013, and three members for terms expiring March 1, 2015.

(b) Section 1151.1581, Occupations Code, as amended by this Act, applies only to continuing education that must be completed by a registrant on or after June 1, 2010. A registrant may comply with the continuing education requirements under Chapter 1151, Occupations Code, before that date by complying with the requirements in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 43. (a) The Board of Tax Professional Examiners is abolished but continues in existence until March 1, 2010, for the sole purpose of transferring obligations, property, full-time equivalent positions, rights, powers, and duties to the Texas Department of Licensing and Regulation. The department assumes all of the obligations, property, full-time equivalent positions, rights, powers, and duties of the board, as it exists immediately before the effective date of this Act. All unexpended funds appropriated to the board are transferred to the department. The transfer of the obligations, property, full-time equivalent positions, rights, powers, and duties of the board to the department must be completed not later than March 1, 2010.

(b) All rules of the Board of Tax Professional Examiners are continued in effect as rules of the Texas Commission of Licensing and Regulation until superseded by a rule of the commission. A certificate issued by the board is continued in effect as provided by the law in effect immediately before the effective date of this Act. A complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act. An activity conducted by the board is considered to be an activity conducted by the Texas Department of Licensing and Regulation.

(c) A reference in another law or an administrative rule to the Board of Tax Professional Examiners means the Texas Department of Licensing and Regulation.

SECTION 44. (a) The Board of Tax Professional Examiners, in cooperation with and at the direction of the Texas Department of Licensing and Regulation, shall complete all necessary computer programming and other tasks to ensure that the agency numbers assigned by the comptroller of public accounts to the board and the department are not necessary for any fiscal year after 2009, except to complete earlier fiscal year revenue and expenditure transactions and reporting. The number assigned by the comptroller of public accounts to the Texas Department of Licensing and Regulation shall be used to record transactions related to the regulation of tax professionals beginning in fiscal year 2010.

(b) Not later than July 1, 2009, the Board of Tax Professional Examiners shall request that the comptroller of public accounts grant the Texas Department of Licensing and Regulation inquiry-only security access to the uniform statewide accounting system, the state property accounting system, the uniform statewide payroll system, and the human resources information system for the board. The Texas Department of Licensing and Regulation and the comptroller of public accounts may coordinate implementation of this subsection.

(c) Not later than July 15, 2009, the Texas Department of Licensing and Regulation shall provide to the Board of Tax Professional Examiners detailed information regarding the board's responsibilities under Subsection (a) of this section.

SECTION 45. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009.

(b) Section 44 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 44 of this Act takes effect September 1, 2009.

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

Amend **CSHB 2447** (senate committee printing), in SECTION 31 of the bill, by striking amended Section 1151.202, Occupations Code (page 6, line 61, through page 7, line 2), and substituting the following:

Sec. 1151.202. DENIAL OF REGISTRATION; DISCIPLINARY ACTION. (a) The department ~~board~~ may deny an application for ~~[, suspend, or revoke the]~~ registration of or take other disciplinary action as described by Chapter 51 against a person who violates this chapter or a commission ~~board~~ rule ~~[, place on probation a person whose registration has been suspended, or reprimand a person for a violation by the person of this chapter or a board rule].~~

(b) The commission ~~board~~ by rule shall adopt written guidelines to ensure that denials of registration under this section and other disciplinary actions under Chapter 51 ~~[probation and the issuance of reprimands]~~ are administered consistently.

(c) Before imposing an administrative penalty under Subchapter F, Chapter 51, against a registrant, the department must consider evidence that the registrant:

(1) attempted in good faith to implement or execute a law, policy, rule, order, budgetary restriction, or other regulation provided by the laws of this state, the comptroller, or the governing body or the chief administrator of the appraisal district or taxing jurisdiction that employs the registrant;

(2) acted on the advice of counsel or the comptroller; or

(3) had discretion over the matter on which the complaint is based, if the complaint is based solely on grounds that the registrant decided incorrectly or failed to exercise discretion in favor of the complainant.

(d) The department may notify the local governmental entity that employs a registrant of a complaint against the registrant by sending a copy of the complaint letter to the local governmental entity.

### **HB 2572 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

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

Representative Gonzalez Toureilles moved to concur in the senate amendments to **HB 2572**.

The motion to concur in the senate amendments to **HB 2572** prevailed by (Record 1126): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Lewis.

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

Amend **HB 2572** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 181.005(a), Utilities Code (page 1, line 25), between "alley" and the period, insert the following:  
only if:

(1) the pipeline complies with:

(A) all safety regulations adopted by the Railroad Commission of Texas and all federal regulations relating to pipeline facilities; and

(B) all rules adopted by the Texas Department of Transportation or the Railroad Commission of Texas and all federal regulations regarding the accommodation of utility facilities on a right-of-way, including regulations relating to the horizontal or vertical placement of the pipeline; and

(2) the owner or operator of the pipeline ensures that the public right-of-way and any associated facility is promptly restored to its former condition of usefulness after the installation or maintenance of the pipeline.

(2) In SECTION 2 of the bill, in amended Section 181.005, Utilities Code (page 1, lines 30-36), strike proposed Subsection (c) and substitute the following:

(c) In determining the route of a pipeline within a municipality, a gas corporation shall consider using existing easements and public rights-of-way, including streets, roads, highways, and utility rights-of-way. In deciding whether to use a public easement or right-of-way, the gas corporation shall consider whether:

(1) the use is economically practicable;

(2) adequate space exists; and

(3) the use will violate, or cause the violation of any pipeline safety regulations.

(d) The Texas Department of Transportation may require the owner or operator of a pipeline to relocate the pipeline:

(1) at the expense of the owner or operator of the pipeline, if the pipeline is located on a right-of-way of the state highway system;

(2) at the expense of this state, if the pipeline is located on property in which the owner or operator of the pipeline has a private interest; or

(3) in accordance with Section 203.092, Transportation Code, at the expense of this state, if the pipeline is owned or operated by a utility as defined by Section 203.091, Transportation Code.

(e) Rules adopted by the Texas Department of Transportation regarding horizontal and vertical placement of pipelines must be reasonable and, for rights-of-way of the state highway system, must provide an appeals process through the Texas Department of Transportation.

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

Amend Floor Amendment No. 1 by Jackson to **HB 2572**, second reading, in item (2) of the amendment, in substituted Section 181.005(d), Utilities Code, by striking Subdivision (3) and substituting the following:

(3) in accordance with Section 203.092, Transportation Code, at the expense of this state, if the pipeline is owned or operated by a gas utility as defined by Section 181.021 of this code or a common carrier as defined by Chapter 111, Natural Resources Code.

**HB 1452 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1452**, A bill to be entitled An Act relating to participation in job training and employment assistance programs by veterans and other covered persons.

Representative Eissler moved to concur in the senate amendments to **HB 1452**.

The motion to concur in the senate amendments to **HB 1452** prevailed by (Record 1127): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

**Senate Committee Substitute**

**CSHB 1452**, A bill to be entitled An Act relating to participation in job training and employment assistance programs by veterans and other covered persons.

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

SECTION 1. Chapter 302, Labor Code, is amended by adding Subchapter G to read as follows:

**SUBCHAPTER G. PRIORITY OF SERVICE IN JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAMS**

**Sec. 302.151. DEFINITIONS.** In this subchapter:

**(1) "Active military, naval, or air service" has the meaning assigned by 38 U.S.C. Section 101(24).**

**(2) "Covered person" has the meaning assigned by 38 U.S.C. Section 4215(a). The term includes the spouse of any member of the armed forces who died while serving on active military, naval, or air service.**

**(3) "Veteran" has the meaning assigned by 38 U.S.C. Section 101(2).**

**Sec. 302.152. PRIORITY OF SERVICE REQUIRED.** (a) A covered person is entitled to priority in obtaining services or resources under this subchapter. In the implementation of this section, a covered person may take precedence in obtaining services or resources under this subchapter over persons who are not covered persons.

**(b) For purposes of Subsection (a), "taking precedence" may mean that:**

**(1) the covered person receives access to a service or resource before a person who is not a covered person; or**

**(2) if the service or resource is limited, the covered person receives access to the service or resource instead of a person who is not a covered person.**

**Sec. 302.153. PARTICIPATION IN STATE-FUNDED PROGRAMS.** In selecting applicants to receive training or assistance under a job training or employment assistance program or service that is funded wholly or partly with state money, priority of service must be given to a covered person who meets the minimum eligibility requirements to participate or enroll in the program or receive the service.

**Sec. 302.154. PARTICIPATION IN TEXAS VETERANS COMMISSION PROGRAMS.** (a) The Texas Veterans Commission shall operate programs funded under 38 U.S.C. Chapters 41 and 42. The commission may provide services to enhance the employment and training opportunities of veterans, covered persons, active duty service members, spouses of active duty service members, and members of the Texas National Guard. The services provided under this section must be provided by state employees.

**(b) The Texas Veterans Commission may adopt rules necessary to implement this section.**

**SECTION 2.** Section 302.014, Labor Code, is repealed.

**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.

**HCR 258 - ADOPTED**  
**(by Vo, Hilderbran, Pitts, Dunnam, Taylor, et al.)**

Representative Vo moved to suspend all necessary rules to take up and consider at this time **HCR 258**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 258**, 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.

**HCR 258 - REMARKS**

REPRESENTATIVE VO: Members, I am asking you to vote with me concerning a matter that is very important to many of our constituents throughout Texas, the Vietnamese American community.

**HCR 258** asks our universities not to fly the Vietnamese communist flag. The display of that flag is highly objectionable and offensive to Vietnamese Americans. Hundreds of thousands lost their lives or were massacred and buried in mass graves; others were captured and tortured in concentration camps, and many died at sea trying to escape the grip of the communist government in search of freedom.

Many families were broken up during the war, and children lost their parents. America, one more time, just like it had done many times throughout history, opened its arms to the oppressed and gave us the brightest light at the end of the tunnel. With the grace and generosity of all of you, the Vietnamese American community has excelled and assimilated. Today, they are hard working citizens dedicated to giving back to this great country. The Vietnamese American community has made a conscious choice: to be represented by a flag that is more meaningful to their heritage. They have chosen the Vietnamese Freedom and Heritage Flag, which dates back to 1948. It has long been a symbol of resilience, freedom, and a yearning for democracy. In November 2004, Governor Rick Perry recognized the Vietnamese Freedom and Heritage Flag as the flag of the Vietnamese Americans. As long as the current communist government refuses to respect civil and human rights and democracy, our Vietnamese American constituents, who are also taxpayers in this state, will continue to recognize the flag that symbolizes freedom. They ask that our universities acknowledge their contribution to this country by respecting how they prefer to be represented.

**HCR 258** was adopted by (Record 1128): 148 Yeas, 0 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins;

England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

On motion of Representatives Berman, Keffer, and Vo, the names of all the members of the house were added to **HCR 258** as signers thereof.

### **REMARKS ORDERED PRINTED**

Representative Ortiz moved to print remarks by Representative Vo.

The motion prevailed.

### **UNFINISHED BUSINESS**

The following bill was laid before the house as unfinished business:

#### **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.

**CSSB 175** was read second time on May 21, and 16 amendments were offered and disposed of before that day's recess.

#### **CSSB 175 - POINT OF ORDER**

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

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

Representative Alonzo raises a point of order against further consideration of **CSSB 175** under Rule 4, Section 32(c)(3) of the House Rules.

Rule 4, Section 32(c)(3) provides that the bill analysis must contain a statement indicating whether or not any rulemaking authority is expressly delegated and to identify the section in which that rulemaking authority is

delegated. Representative Alonzo argues that Section 1, Subsection (a-2) of the bill grants new, additional rulemaking authority to an agency and the bill analysis fails to reflect this, pursuant to the rule. More specifically, it is argued that the statement "in the manner prescribed by the Texas Education Agency" grants this new and additional rulemaking authority. The rule does not require a committee to review language that does not expressly use the term "rule" to resolve legal questions that might direct or authorize actions that would constitute rulemaking. (House Journal, 79th Regular Session (2005), page 2934)

In this instance, the chair finds that the bill does not contain such a term as to expressly delegate rulemaking authority; therefore, a statement indicating such is not required in the bill analysis.

Accordingly, the point of order is respectfully overruled.

#### **Amendment No. 16 - Vote Reconsidered**

Representative Hilderbran moved to reconsider the vote by which Amendment No. 16 was adopted.

The motion to reconsider prevailed.

Amendment No. 16 was withdrawn.

#### **Amendment No. 17**

Representatives Hilderbran, Branch, Castro, and Villarreal 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) Strike added Section 51.803(a-1), Education Code (page 2, line 5, through page 3, line 17), and substitute the following:

(a-1) Beginning with admissions for the 2011-2012 academic year, The University of Texas at Austin is not required to offer admission to applicants who qualify for automatic admission under Subsection (a) in excess of the number required to fill 75 percent of the university'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 The University of Texas at Austin under Subsection (a) for an academic year exceeds 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students for that academic year, the university may elect to offer admission to those applicants as provided by this subsection and not as otherwise required by Subsection (a). If the university elects to offer admission under this subsection, the university 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 university as sufficient to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students, except that the university must offer admission to all applicants with the same percentile rank. 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 75 percent of the designated enrollment capacity described by this subsection, the university 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.

(2) In added Section 51.803(a-2), Education Code (page 3, line 22), strike "60" and substitute "75".

Amendment No. 17 was adopted by (Record 1129): 140 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Alonzo; Davis, Y.; Quintanilla.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farrar; Lewis; Oliveira; Shelton.

### **Amendment No. 18**

Representative Castro 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 subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. 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) require that each high school counselor and senior class advisor explain to eligible students the substance of Section 51.803; and

(3) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, provide each eligible senior student under Section 51.803 and the student's parent or guardian~~[, at the commencement of a class's senior year,]~~ with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.

(b) The agency shall adopt a form to use in providing notice under Subsection (a)(3). The notice to a student and the student's parent or guardian must be on a single form. The form may contain one or more signature lines to indicate receipt of notice by the student or the student's parent or guardian. In providing notice under Subsection (a)(3), a school district shall use the form adopted by the agency.

SECTION \_\_\_\_\_. (a) The Texas Education Agency shall adopt a form for notifying eligible high school seniors and their parents or guardians of automatic college admission as required by Section 28.026, Education Code, as amended by this Act, as soon as practicable after the effective date of this Act.

(b) A school district shall provide notice to eligible high school seniors and their parents or guardians of automatic college admission as required by Section 28.026, Education Code, as amended by this Act, beginning with the 2009-2010 school year.

Amendment No. 18 was adopted. (The vote was reconsidered later today, and Amendment No. 18 was withdrawn.)

### **Amendment No. 19**

Representatives Dutton 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 10 percent of the institution's enrollment capacity designated for first-time undergraduate students for that academic year.

Amendment No. 19 was adopted.

**Amendment No. 20**

Representative Villarreal 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) Notwithstanding Subsection (a-1), The University of Texas at Austin may not offer admission under that subsection for an academic year after the 2015-2016 academic year.

Amendment No. 20 was adopted.

**Amendment No. 21**

Representatives Giddings and Villarreal 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 "adding Subsections (a-1), (a-2), and (g)" and substitute "adding Subsections (a-1), (a-2), (a-3), and (g)".

(2) In SECTION 1 of the bill, immediately following added Section 51.803(a-2), Education Code (page 4, between lines 2 and 3), insert the following:

(a-3) If The University of Texas at Austin elects to offer admission to first-time resident undergraduate students under Subsection (a-1) for an academic year, the university must continue its practice of not considering an applicant's legacy status as a factor in the university's decisions relating to admissions for that academic year.

Amendment No. 21 was adopted.

**Amendment No. 22**

Representatives Giddings and S. Turner 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 SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The purpose of the reforms provided for in this Act is to continue and facilitate progress in general academic teaching institutions in this state with regard to the racial, ethnic, demographic, geographic, and rural/urban diversity of the student bodies of those institutions in undergraduate, graduate, and professional education, including the participation goals identified in the *Closing the Gaps* initiative, the state's master plan for higher education. Nothing in this Act prevents a general academic teaching institution in this state from

engaging in appropriate individualized holistic review, consistent with that purpose, for the admission of students who are not entitled to automatic admission under Section 51.803, Education Code, as amended by this Act.

Amendment No. 22 was withdrawn.

### **Amendment No. 23**

Representatives Giddings, Cook, Y. Davis, Flores, McReynolds, Rios Ybarra, S. Turner, and Walle 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) Notwithstanding Subsection (a-1), a general academic teaching institution may not offer admission under that subsection for any academic year if:

(1) the percentage of resident undergraduate students enrolled at the institution in the preceding academic year who are Hispanic is less than the percentage of resident undergraduate students enrolled at the institution in the 2008-2009 academic year who are Hispanic;

(2) the percentage of resident undergraduate students enrolled at the institution in the preceding academic year who are African American is less than the percentage of resident undergraduate students enrolled at the institution in the 2008-2009 academic year who are African American; or

(3) the percentage of resident undergraduate students enrolled at the institution in the preceding academic year who are graduates of rural high schools, as defined by the Texas Education Agency by rule, is less than the percentage of resident undergraduate students enrolled at the institution in the 2008-2009 academic year who are graduates of such rural high schools.

Amendment No. 23 was withdrawn.

### **Amendment No. 24**

Representatives Giddings and S. Turner 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 SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The purpose of the reforms provided for in this Act is to continue and facilitate progress in general academic teaching institutions in this state with regard to the racial, ethnic, demographic, geographic, and rural/urban diversity of the student bodies of those institutions in undergraduate, graduate, and professional education, including the participation goals identified in the *Closing the Gaps* initiative, the state's master plan for higher education. Nothing

in this Act prevents a general academic teaching institution in this state from engaging in appropriate individualized holistic review, consistent with that purpose, for the admission of students who are not entitled to automatic admission under Section 51.803, Education Code, as amended by this Act.

**AMENDMENT NO. 24 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE S. TURNER: Representative Giddings, you just withdrew an amendment that had the goal of maintaining the numbers of Hispanics, African Americans, and students from rural Texas at the 2008-2009 level. Is that correct?

REPRESENTATIVE GIDDINGS: Well, not just rural Texas.

S. TURNER: No, I'm saying rural Texas, Hispanics, African Americans—

GIDDINGS: Yes, sir.

S. TURNER: Okay, and the point of the amendment that you simply pulled down was that you wanted to ensure that with the reforms that are imbedded in **SB 175**—that the number of students coming from these various groups—that number would not decrease under the reforms?

GIDDINGS: That is correct, Representative Turner, and, in particular, you know I'm concerned about some of the seesawing that has gone on—up, down, up, down.

S. TURNER: That's correct. So you withdrew your amendment, the first one, because there were some questions regarding whether or not the amendment would be constitutional, correct?

GIDDINGS: Absolutely.

S. TURNER: The amendment that is now before the body is another way of expressing those same sentiments, correct?

GIDDINGS: Yes, it is.

S. TURNER: Essentially, what you're saying is that with the reforms that we are talking about in **SB 175**, you don't want to see the institution—University of Texas in Austin—reduce the numbers, so to speak, of students that are coming from these various groups. Is that correct?

GIDDINGS: That is absolutely correct, Representative Turner. You and I both have a solid commitment to going forth, and not slipping backward.

S. TURNER: The intent of the amendment that's before us is to say to the University of Texas in Austin, "we understand that you don't want your entering class to be made up of just people in the top 10 percent, that the institution wants more room to bring in students that are in the 12th percentile, or the 15th percentile, or the 20th percentile." Is that correct?

GIDDINGS: It's correct, Representative Turner. We are giving them more discretion if this bill passes, and with the discretion that we're giving them, I hope we're saying to them that we—in my case, I'm not expecting to see that discretion distributed with 65 percent of it going to traditional Texas students.

S. TURNER: Right. So, let's say if this bill were to pass, the body is giving the institution more discretion to select students outside of that 10 percent, but what this amendment also says, is that you don't want to also see the number of students coming from rural Texas to be decreased with the reforms. Is that correct?

GIDDINGS: That's absolutely correct.

S. TURNER: You don't want to see the numbers of kids coming from Hispanic descent to be decreased?

GIDDINGS: That is absolutely correct.

S. TURNER: You don't want to see the numbers of students coming from African Americans to be decreased in their entering class?

GIDDINGS: That's where we're trying to go.

S. TURNER: Essentially, what we're saying is that the institution should have more discretion to select from a greater pool, but the diversity that has been achieved under the top 10—we should not lose that diversity.

GIDDINGS: Absolutely, we do not want to lose it, and I think we're serving notice, Mr. Turner, as you and I have this conversation, that we expect to see more diversity, and we expect them to perform better.

#### REMARKS ORDERED PRINTED

Representative S. Turner moved to print remarks between Representative Giddings and Representative S. Turner.

The motion prevailed.

Amendment No. 24 was adopted. (Button, Kleinschmidt, and D. Miller recorded voting no.)

#### Amendment No. 25

Representatives Gonzales, Alonzo, F. Brown, Castro, Gonzalez Toureilles, Herrero, Leibowitz, Lucio, Ortiz, Rios Ybarra, Mallory Caraway, and Moody 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 final 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, except that this subdivision does not apply to an institution that did not consider, on or before June 1, 2009, an applicant's race or ethnicity as a factor in its admissions of first-time resident undergraduate students for the 2009-2010 academic year.

Amendment No. 25 was adopted. (Button, Kleinschmidt, and D. Miller recorded voting no.)

### **Amendment No. 26**

Representative Gonzalez Toureilles 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 "adding Subsections (a-1), (a-2), and (g)" and substitute "adding Subsections (a-1), (a-2), (a-3), and (g)".

(2) In SECTION 1 of the bill, 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 2014-2015 academic year".

(3) In SECTION 1 of the bill, immediately following added Section 51.803(a-2), Education Code (page 4, between lines 2 and 3), insert the following:

(a-3) Notwithstanding Subsection (a-1), for an academic year for which a general academic teaching institution offers admission to first-time resident undergraduate students under that subsection, the institution shall offer admission to each applicant who:

(1) is qualified for automatic admission to a general academic teaching institution under Subsection (a); and

(2) graduated from a high school located in:

(A) Atascosa, Cameron, Karnes, Goliad, Bee, McMullen, Live Oak, or Jim Wells County; or

(B) a county adjacent to an international border.

Amendment No. 26 was withdrawn.

(Geren in the chair)

### **Amendment No. 27**

Representative Gonzalez Toureilles 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 "adding Subsections (a-1), (a-2), and (g)" and substitute "adding Subsections (a-1), (a-2), (a-3), and (g)".

(2) In SECTION 1 of the bill, immediately following added Section 51.803(a-2), Education Code (page 4, between lines 2 and 3), insert the following:

(a-3) Notwithstanding Subsection (a-1), for an academic year for which a general academic teaching institution offers admission to first-time resident undergraduate students under that subsection, the institution shall offer admission to each applicant who:

(1) is qualified for automatic admission to a general academic teaching institution under Subsection (a); and

(2) graduated from a high school located in a county with a population of 120,000 or less.

Amendment No. 27 was withdrawn.

### **Amendment No. 28**

Representative Gonzalez Toureilles 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), (a-3), and (g)".

(2) In SECTION 1 of the bill, at the beginning of added Section 51.803(a-1), Education Code (page 2, lines 5-6), strike "Beginning with admissions for the 2010-2011 academic year" and substitute "Beginning with admissions for the 2010-2011 academic year and subject to Subsection (a-3)".

(3) In SECTION 1 of the bill, 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 may not begin to offer admission to first-time resident undergraduate students under Subsection (a-1) unless the change in admission policy is approved by a majority of the students of the institution voting in a student referendum held at the institution for that purpose. The institution must conduct the student referendum in the fall semester of the academic year before the first academic year for which the institution intends to offer admission under Subsection (a-1). At the referendum, the ballot shall be prepared to permit students to vote for or against the proposition "Permitting (insert name of institution) to limit the admission of Texas residents who graduate in the top 10 percent of their high school graduating class to 60 percent of the entering freshman class of Texas residents." If the number of students voting for the proposition is less than a majority of the students voting in the referendum, the institution may not offer admission under Subsection (a-1)

for the following academic year. An institution at which the students vote to approve the proposition under this subsection is not required to conduct another referendum to continue to offer admission under Subsection (a-1).

Amendment No. 28 was withdrawn.

### **Amendment No. 29**

Representative Gonzalez Toureilles 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, in added Section 51.803(a-1), Education Code (page 2, lines 5 and 6), by striking "Beginning with admissions for the 2010-2011 academic year" and substituting "Beginning with admissions for the 2014-2015 academic year".

Amendment No. 29 was withdrawn.

### **Amendment No. 30**

Representative Burnam 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 "adding Subsections (a-1), (a-2), and (g)" and substitute "adding Subsections (a-1), (a-2), (a-3), and (g)".

(2) In SECTION 1 of the bill, 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 elects to offer admission to first-time resident undergraduate students under Subsection (a-1) for an academic year may not consider an applicant's legacy status as a factor in the institution's decisions relating to first-time undergraduate admissions for that academic year.

Amendment No. 30 was withdrawn.

### **Amendment No. 31**

Representative Alonzo 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, at the beginning of added Section 51.803(a-1) Education Code (page 2, line 5), between "(a-1)" and "Beginning", by inserting "This subsection does not apply to The University of Texas at Dallas."

Amendment No. 31 was withdrawn.

**Amendment No. 32**

Representative Lucio 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 "adding Subsections (a-1), (a-2), and (g)" and substitute "adding Subsections (a-1), (a-2), (a-3), and (g)".

(2) In SECTION 1 of the bill, immediately following added Section 51.803(a-2), Education Code (page 4, between lines 2 and 3), insert the following:

(a-3) Notwithstanding Subsection (a-1), for an academic year for which a general academic teaching institution elects to offer admission to first-time resident undergraduate students under that subsection, the institution shall offer admission to each applicant who is qualified for automatic admission to a general academic teaching institution under Subsection (a) and who graduated from a high school in a school district in which 50 percent or more of the students enrolled in the district are eligible for the national free or reduced-price lunch program under 42 U.S.C. Section 1751 et seq..

Amendment No. 32 was withdrawn.

**Amendment No. 33**

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, at the beginning of added Section 51.803(a-1) Education Code (page 2, line 5), between "(a-1)" and "Beginning", by inserting "This subsection does not apply to The University of Texas–Pan American."

Amendment No. 33 was withdrawn.

**Amendment No. 34**

Representative Martinez 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 "adding Subsections (a-1), (a-2), and (g)" and substitute "adding Subsections (a-1), (a-2), (a-3), and (g)".

(2) In SECTION 1 of the bill, immediately following added Section 51.803(a-2), Education Code (page 4, between lines 2 and 3), insert the following:

(a-3) Notwithstanding Subsection (a-1), for an academic year for which a general academic teaching institution offers admission to first-time resident undergraduate students under that subsection, the institution shall offer admission to each applicant who:

(1) is qualified for automatic admission to a general academic teaching institution under Subsection (a); and

(2) graduated from a high school located in a county that is adjacent to an international border.

Amendment No. 34 was withdrawn.

### **Amendment No. 35**

Representative Leibowitz 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), (g), and (h)".

(2) Immediately following added Section 51.803(g), Education Code (page 4, between lines 18 and 19), insert the following:

(h) The Texas Higher Education Coordinating Board shall publish an annual report on the impact of Subsection (a-1) on the state's goal of closing college access and achievement gaps under "Closing the Gaps," the state's master plan for higher education, with respect to students of an institution that offers admission under that subsection, disaggregated by race, ethnicity, socioeconomic status, and geographic region and by whether the high school from which the student graduated was a small school, as defined by the commissioner of education, or a public high school that is ranked among the lowest 20 percent of public high schools according to the percentage of each high school's graduates who enroll in a four-year institution, including a general academic teaching institution, in one of the two academic years following the year of the applicant's high school graduation. On request, a general academic teaching institution that offers admission under Subsection (a-1) shall provide the board with any information the board considers necessary for the completion of the report required by this subsection.

Amendment No. 35 was adopted.

### **Amendment No. 36**

Representative Farrar offered the following amendment to Amendment No. 1:

Amend **CSSB 175** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The Texas Higher Education Coordinating Board will conduct a study and produce a report projecting the impact of a cap on top ten percent enrollment at Texas public universities on:

- (a) rural high school representation;
- (b) minority enrollment;
- (c) economically disadvantaged student enrollment; and
- (d) the representation of high schools with 50% or more economically disadvantaged students

This report is due to the Legislature by December 1, 2012.

Amendment No. 36 was withdrawn.

### **Amendment No. 37**

Representative Coleman offered the following amendment to Amendment No. 1:

Add the following amendment to **CSSB 175**:

SECTION \_\_\_\_ Section 51.803, Education Code, is amended by amending Subsection (a) and adding Subsections (a-3) to read as follows:

(a-3) If an institution of higher education elects to offer admission under section (a-1), the institution shall allow all Texas resident students to pay tuition fees at the rate provided for Texas residents under Section 54.058(d) for the term or semester to which admitted.

Amendment No. 37 was withdrawn.

### **Amendment No. 18 - Vote Reconsidered**

Representative Castro moved to reconsider the vote by which Amendment No. 18 was adopted.

The motion to reconsider prevailed.

Amendment No. 18 was withdrawn.

### **Amendment No. 38**

Representative 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) Strike SECTION 2 of the bill, amending Section 28.026, Education Code (page 4, line 19, through page 5, line 25), and substitute the following:

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) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, ~~(3)~~ provide each eligible senior student under Section 51.803, and the student's parent or guardian ~~[at the commencement of a class's senior year,]~~ with a written notification of the student's eligibility with a detailed explanation in plain language 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. The notice to a student and the student's parent or guardian under Subsection (a)(4) must be on a single form that may contain one or more signature lines to indicate receipt of notice by the student or the student's parent or guardian.

(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.

(2) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. The commissioner of education shall adopt a form for notifying eligible high school seniors and their parents or guardians of automatic college admission as required by Section 28.026, Education Code, as amended by this Act, as soon as practicable after the effective date of this Act.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 38 was withdrawn.

### **Amendment No. 39**

Representative Alonzo 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 SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 33.007, Education Code, is amended by adding Subsection (c) to read as follows:

(c) At the beginning of grade 10 and 11, a school counselor certified under the rules of the State Board for Educator Certification shall explain the requirements of automatic admission to a general academic teaching institution

under Section 51.803 to each student enrolled in a high school or at the high school level in an open-enrollment charter school who has a grade point average in the top 25 percent of the student's high school class.

(Pitts now present)

Amendment No. 39 was adopted.

#### **Amendment No. 40**

Representative Veasey 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, at the beginning of added Section 51.803(a-1) Education Code (page 2, line 5), between "(a-1)" and "Beginning", by inserting "This subsection does not apply to The University of Texas at Arlington."

Amendment No. 40 was withdrawn.

#### **Amendment No. 41**

Representative Veasey 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 SECTION to the bill, and renumbering subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. Section 33.007, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Each school year a counselor at each high school, including an open-enrollment charter school high school, shall provide an informational session for students who are ranked in the top 20 percent of the school's sophomore or junior class according to grade point average. The informational session must include discussion of:

(1) the requirements of Section 51.803 for automatic admission to general academic teaching institutions;

(2) the name of each general academic teaching institution to which Section 51.803 applies; and

(3) resources for finding further information on applying to the institutions named under Subdivision (2).

Amendment No. 41 was withdrawn.

#### **Amendment No. 42**

Representative Veasey 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), (g), and (h)".

(2) Immediately following added Section 51.803(g), Education Code (page 4, between lines 18 and 19), insert the following:

(h) Each general academic teaching institution that offers admission under Subsection (a-1) must annually provide to each high school from which a student graduated before enrolling as a first time freshman in the institution in the preceding academic year the following information:

(1) the number of students from that high school the institution accepted for admission in the preceding academic year;

(2) the number of students from that high school who applied to the institution for admission in the preceding academic year but were not admitted;

(3) the class rank required of a student from that high school to be granted automatic admission under Subsection (a-1) in the preceding academic year and the average grade point average corresponding to that class rank; and

(4) the projected class rank that will be required for automatic admission to the institution from that high school in the following academic year.

Amendment No. 42 was withdrawn.

#### **Amendment No. 43**

Representative Martinez Fischer 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) Notwithstanding Subsection (a-1), a general academic teaching institution may not offer admission under that subsection for any 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, the individual serving as the president of the institution on May 1, 2009, is no longer serving in that capacity.

Amendment No. 43 was withdrawn.

#### **Amendment No. 44**

Representative Farrar 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, at the beginning of added Section 51.803(a-1) Education Code (page 2, line 5), between "(a-1)" and "Beginning", by inserting "This subsection does not apply to the University of Houston-Downtown."

Amendment No. 44 was withdrawn.

**Amendment No. 9 - Vote Reconsidered**

Representative Branch moved to reconsider the vote by which Amendment No. 9 was adopted.

The motion to reconsider prevailed.

Amendment No. 9 was withdrawn.

**Amendment No. 45**

Representative Branch 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 during evening hours or other low-demand hours as necessary to ensure the efficient use of the institution's available classrooms.

Amendment No. 45 was adopted.

**Amendment No. 46**

Representatives Castro and Herrero offered the following amendment to Amendment No. 1:

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

(1) Strike SECTION 2 of the bill, amending Section 28.026, Education Code (page 4, line 19, through page 5, line 25), and substitute the following:

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) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, [(3)] provide each eligible senior student under Section 51.803 and each student enrolled in the junior year of high school who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian [at the commencement of a class's senior year], with a written notification of the student's eligibility with a detailed explanation in plain language 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. The notice to a student and the student's parent or guardian under Subsection (a)(4) must be on a single form that may contain one or more signature lines to indicate receipt of notice by the student or the student's parent or guardian.

(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.

(2) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. The commissioner of education shall adopt a form for notifying eligible high school seniors and their parents or guardians of automatic college admission as required by Section 28.026, Education Code, as amended by this Act, as soon as practicable after the effective date of this Act.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 46 was adopted.

#### **Amendment No. 47**

Representatives Giddings and Hodge offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175** by inserting into the bill the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill to read as follows:

SECTION \_\_\_\_\_. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.07622 to read as follows:

Sec. 61.07622. HIGHER EDUCATION ASSISTANCE PLAN. (a) The board shall develop a plan under which each public high school in this state that is, as determined by the board in accordance with board rule, substantially below the state average in the number of graduates who attend public or private or independent institutions of higher education is required to:

(1) provide to prospective students information related to enrollment in public or private or independent institutions of higher education, including admissions and financial aid information; and

(2) assist those prospective students in completing applications related to enrollment in those institutions, including admissions and financial aid applications.

(Bonnen in the chair)

Amendment No. 47 was adopted.

**Amendment No. 48**

Representative Guillen 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, amending Section 51.803, Education Code, 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) Notwithstanding Subsection (a), for an academic year for which a general academic teaching institution may elect to offer admission under Subsection (a-1), if the number of applicants who qualify for automatic admission to a general academic teaching institution under Subsection (a) for the academic year does not exceed 60 percent of the institution's enrollment capacity designated for first-time resident undergraduate students, or if an institution does not elect to offer admission under Subsection (a-1), the 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 25 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 of Subsections (a)(1), (2), and (3), except that the institution is not required to offer admission to applicants qualified for admission under this subsection in excess of the number required to fill 60 percent of the institution's enrollment capacity designated for first-time resident undergraduate students for that academic year. The institution shall offer admission to applicants under this subsection 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 this subsection 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 for that academic year, except that the institution must offer admission to all applicants with the same percentile rank. In addition to those admissions, until applicants qualified under this subsection 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 admission under this subsection 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 this subsection. After the applicants qualified for admission under this subsection 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 admission under this subsection in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805.

Amendment No. 48 was withdrawn.

#### **Amendment No. 49**

Representatives England, McReynolds, and Hilderbran 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, amending Section 51.803, Education Code, as follows:

(1) In added Section 51.803(a-1), Education Code (page 3, on lines 6-13), strike "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." and substitute "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 fill the remaining designated capacity described by this subsection as provided by Subsection (a-2).

(2) Immediately following added Section 51.803(a-1), Education Code (page 3, between lines 17 and 18), insert the following:

(a-2) An institution that offers admission under Subsection (a-1) shall apportion one-half of the remaining enrollment capacity described by Subsection (a-1) equally as nearly as possible among the districts used to elect the members of the house of representatives. From the applicants for first-time resident undergraduate admission to the institution not offered admission under Subsection (a-1) who are otherwise eligible to be admitted to the institution, the institution shall identify those applicants who reside in each representative district and who graduated in the top 25 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. The institution shall offer admission to those applicants who reside in each representative district in the number required to fill the apportioned enrollment capacity for that district. If the number of those

applicants residing in a representative district exceeds the number estimated in good faith to fill the apportioned enrollment capacity for that district, the institution shall offer admission as the institution determines appropriate in accordance with Section 51.805 to those applicants in a number estimated in good faith as sufficient to fill the apportioned enrollment capacity. If the number of those applicants residing in a representative district is less than the number estimated in good faith to fill the apportioned enrollment capacity for that district, the institution may fill that remaining enrollment capacity, and any other remaining portion of enrollment capacity not apportioned to representative districts under this subsection, in accordance with Section 51.805 by offering admission to any remaining qualified applicants without regard the representative district in which the applicants reside, including applicants who did not graduate in the top 25 percent of the student's high school graduating class.

(3) Redesignate added Section 51.803(a-2) (page 3, line 18) as Section 51.803(a-3) and correct any cross-references to the subsections of amended Section 51.803 accordingly.

### **LEAVE OF ABSENCE GRANTED**

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

Pitts on motion of Farabee.

### **CSSB 175 - (consideration continued)**

Amendment No. 49 was withdrawn.

### **Amendment No. 50**

Representative Guillen 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, amending Section 51.803, Education Code, 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) This subsection applies only to a general academic teaching institution that does not have the option of electing to offer admission under Subsection (a-1). Notwithstanding Subsection (a), beginning with admissions for the 2011-2012 academic year, an institution to which this subsection applies 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 25 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 of Subsections (a)(1), (2), and (3), except that the institution is not required to offer admission to applicants qualified for admission under this subsection in excess of the number required to fill 60

percent of the institution's enrollment capacity designated for first-time resident undergraduate students for that academic year. The institution shall offer admission to applicants under this subsection 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 this subsection 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 for that academic year, except that the institution must offer admission to all applicants with the same percentile rank. In addition to those admissions, until applicants qualified under this subsection 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 admission under this subsection 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 this subsection. After the applicants qualified for admission under this subsection 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 admission under this subsection in the same manner as other applicants for admission as first-time undergraduate students in accordance with Section 51.805.

Representative Branch moved to table Amendment No. 50.

The motion to table prevailed by (Record 1130): 102 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Darby; Davis, J.; Driver; Dunnam; Eiland; Eissler; Elkins; Farabee; Farias; Fletcher; Flynn; Frost; Gallego; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hochberg; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; Kleinschmidt; Kolkhorst; Lewis; Lucio; Madden; Maldonado; Martinez Fischer; McCall; McReynolds; Merritt; Miklos; Miller, D.; Miller, S.; Morrison; Naishtat; Olivo; Orr; Otto; Parker; Patrick; Phillips; Pierson; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Walle; Weber; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Crownover; Davis, Y.; Deshotel; Dukes; England; Farrar; Flores; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hodge; King, T.; Legler; Leibowitz; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Moody; Ortiz; Peña; Pickett; Quintanilla; Raymond; Swinford; Veasey; Vo.

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

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dutton; Edwards; Giddings; Gutierrez; Howard, C.; King, S.; Laubenberg; Oliveira; Paxton; Thompson; Woolley.

### **STATEMENTS OF VOTE**

I was shown voting no on Record No. 1130. I intended to vote yes.

Crownover

When Record No. 1130 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting no on Record No. 1130. I intended to vote yes.

Menendez

### **PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

Representative Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, May 27.

The motion prevailed.

### **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 3W.15, to consider the calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, 5:30 p.m. today, 3W.15, for a formal meeting, to consider the calendar.

### **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. 41).

### **CSSB 175 - (consideration continued)**

#### **Amendment No. 51**

Representative England 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, amending Section 51.803, Education Code, as follows:

(1) Strike added Section 51.803(a-1), Education Code (page 2, line 5, through page 3, line 17), and substitute the following:

(a-1) Beginning with admissions for the 2011-2012 academic year, The University of Texas at Austin is not required to offer admission to applicants who qualify for automatic admission under Subsection (a) in excess of the number required to fill 75 percent of the university'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 The University of Texas at Austin under Subsection (a) for an academic year exceeds 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students for that academic year, the university may elect to offer admission to those applicants as provided by this subsection and not as otherwise required by Subsection (a). If the university elects to offer admission under this subsection, the university 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 university as sufficient to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students, except that the university must offer admission to all applicants with the same percentile rank. 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 75 percent of the designated enrollment capacity described by this subsection, the university shall fill the remaining designated capacity described by this subsection as provided by Subsection (a-2).

(2) Immediately following added Section 51.803(a-1), Education Code (page 3, between lines 17 and 18), insert the following:

(a-2) Notwithstanding Subsection (a-1), an institution that offers admission under Subsection (a-1) shall apportion one-half of the remaining enrollment capacity described by Subsection (a-1) equally as nearly as possible among the districts used to elect the members of the house of representatives. From the applicants for first-time resident undergraduate admission to the institution not offered admission under Subsection (a-1) who are otherwise eligible to be admitted to the institution, the institution shall identify those applicants who reside in each representative district and who graduated in the top 25 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. The institution shall offer admission to those applicants who reside in each representative district in the number required to fill the apportioned enrollment capacity for that district. If the number of those applicants residing in a representative district exceeds the number estimated in good faith to fill the apportioned enrollment capacity for that district, the institution shall offer admission as the institution determines appropriate in accordance with Section

51.805 to those applicants in a number estimated in good faith as sufficient to fill the apportioned enrollment capacity. If the number of those applicants residing in a representative district is less than the number estimated in good faith to fill the apportioned enrollment capacity for that district, the institution may fill that remaining enrollment capacity, and any other remaining portion of enrollment capacity not apportioned to representative districts under this subsection, in accordance with Section 51.805 by offering admission to any remaining qualified applicants without regard the representative district in which the applicants reside, including applicants who did not graduate in the top 25 percent of the student's high school graduating class.

(3) In added Section 51.803(a-2), Education Code (page 3, line 22), strike "60" and substitute "75".

(4) Redesignate added Section 51.803(a-2) (page 3, line 18) as Section 51.803(a-3) and correct any cross-references to the subsections of amended Section 51.803 accordingly.

Representative Branch moved to table Amendment No. 51.

The motion to table prevailed.

#### **Amendment No. 52**

Representative Veasey 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 amendment, in added Section 51.803(g), Education Code (page 4, line 18), after "subsection." by inserting "Each school district or open-enrollment charter school shall provide to a high school counselor providing information under Section 33.007(b)(7) special training in carrying out duties under the program.".

Amendment No. 52 was withdrawn.

#### **Amendment No. 53**

Representative Veasey 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 amendment, in added Section 51.803(g), Education Code (page 4, line 18), after "subsection." by inserting "Each school district or open-enrollment charter school shall provide to a middle school counselor providing information under Section 33.007(a) special training in carrying out duties under the program.".

Amendment No. 53 was withdrawn.

#### **Amendment No. 54**

Representative Leibowitz offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175**, by inserting into the amendment the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the amendment accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 54, Education Code, is amended by adding Section 54.016 to read as follows:

Sec. 54.016. FIXED TUITION RATE PLAN FOR FIRST-GENERATION UNDERGRADUATE STUDENTS AUTOMATICALLY ADMITTED TO GENERAL ACADEMIC TEACHING INSTITUTIONS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

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

(b) The governing board of a general academic teaching institution shall provide a fixed tuition rate plan to eligible undergraduate students as provided by this section.

(c) Under a fixed tuition rate plan under this section, a general academic teaching institution may not charge, in a semester or other academic term, an eligible student tuition under Section 54.0513 or under any other law granting the institution discretion to set the tuition rate, at a rate that exceeds the rate the institution charged to the student during the first semester or other academic term that the student enrolled at the institution.

(d) A student enrolled at a general academic teaching institution is eligible to pay tuition under a fixed tuition rate plan provided under this section only if the student:

(1) was, as determined by the institution, admitted to the institution under Section 51.803(a) or (a-1);

(2) is in the first generation of the student's family to attend an institution of higher education;

(3) has completed at least one semester or other academic term at the institution; and

(4) is currently, and at all times while enrolled at the institution has been, a resident of this state for purposes of Subchapter B or was otherwise entitled to pay tuition at the rate provided for residents of this state.

(e) A student enrolled at a general academic teaching institution is not eligible to pay tuition under a fixed tuition rate plan offered under this section after:

(1) the fourth anniversary of the date the student first enrolls at any public institution of higher education, regardless of whether the student transfers among any public or private institutions of higher education after the initial enrollment, if the student is enrolled in a degree program of four years or less; or

(2) the fifth anniversary of the date the student first enrolls at any public institution of higher education, regardless of whether the student transfers among any public or private institutions of higher education after the initial enrollment, if the student is enrolled in a degree program of more than four years.

(f) Each general academic teaching institution shall notify each entering undergraduate student of the eligibility requirements for a fixed tuition rate plan under this section.

(g) In consultation with the general academic teaching institutions, the coordinating board shall adopt any rules the coordinating board considers appropriate for the administration of this section.

(h) This section does not apply to a student who enters a general academic teaching institution for the first time before the 2010 fall semester. This subsection expires January 1, 2016.

Representative Villarreal moved to table Amendment No. 54.

The motion to table prevailed by (Record 1131): 75 Yeas, 60 Nays, 3 Present, not voting.

Yeas — Aycock; Berman; Bolton; Branch; Brown, B.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Dunnam; Edwards; Eissler; Elkins; Farabee; Farias; Flynn; Geren; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; Kleinschmidt; Kolkhorst; Legler; Lewis; Madden; McCall; Merritt; Miller, D.; Miller, S.; Morrison; Naishtat; Otto; Parker; Patrick; Riddle; Rose; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, S.; Villarreal; Weber; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; England; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Herrero; Hochberg; Hodge; Homer; Hopson; King, T.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Moody; Olivo; Orr; Ortiz; Peña; Phillips; Pickett; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Smith, T.; Thompson; Turner, C.; Vaught; Veasey; Vo; Walle.

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

Absent, Excused — Kuempel.

Absent, Excused, Committee Meeting — Pitts.

Absent — Brown, F.; Fletcher; Hernandez; Hilderbran; King, S.; Laubenberg; Oliveira; Paxton; Pierson; Woolley.

#### STATEMENTS OF VOTE

When Record No. 1131 was taken, I was temporarily out of the house chamber. I would have voted yes.

Fletcher

When Record No. 1131 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 1131 was taken, my vote failed to register. I would have voted yes.

S. King

**Amendment No. 55**

Representative Leibowitz offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (floor substitute) by Representative Branch to **CSSB 175**, by inserting into the amendment the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the amendment accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 54, Education Code, is amended by adding Section 54.016 to read as follows:

Sec. 54.016. FIXED TUITION RATE PLAN FOR UNDERGRADUATE STUDENTS AUTOMATICALLY ADMITTED TO GENERAL ACADEMIC TEACHING INSTITUTIONS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

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

(b) The governing board of a general academic teaching institution shall provide a fixed tuition rate plan to eligible undergraduate students as provided by this section.

(c) Under a fixed tuition rate plan under this section, a general academic teaching institution may not charge, in a semester or other academic term, an eligible student tuition under Section 54.0513 or under any other law granting the institution discretion to set the tuition rate, at a rate that exceeds the rate the institution charged to the student during the first semester or other academic term that the student enrolled at the institution.

(d) A student enrolled at a general academic teaching institution is eligible to pay tuition under a fixed tuition rate plan provided under this section only if the student:

(1) was, as determined by the institution, admitted to the institution under Section 51.803(a) or (a-1);

(2) has completed at least one semester or other academic term at the institution; and

(3) is currently, and at all times while enrolled at the institution has been, a resident of this state for purposes of Subchapter B or was otherwise entitled to pay tuition at the rate provided for residents of this state.

(e) A student enrolled at a general academic teaching institution is not eligible to pay tuition under a fixed tuition rate plan offered under this section after:

(1) the fourth anniversary of the date the student first enrolls at any public institution of higher education, regardless of whether the student transfers among any public or private institutions of higher education after the initial enrollment, if the student is enrolled in a degree program of four years or less; or

(2) the fifth anniversary of the date the student first enrolls at any public institution of higher education, regardless of whether the student transfers among any public or private institutions of higher education after the initial enrollment, if the student is enrolled in a degree program of more than four years.

(f) Each general academic teaching institution shall notify each entering undergraduate student of the eligibility requirements for a fixed tuition rate plan under this section.

(g) In consultation with the general academic teaching institutions, the coordinating board shall adopt any rules the coordinating board considers appropriate for the administration of this section.

(h) This section does not apply to a student who enters a general academic teaching institution for the first time before the 2010 fall semester. This subsection expires January 1, 2016.

The vote of the house was taken on the motion to table Amendment No. 55 and the vote was announced yeas 72, nays 70.

A verification of the vote was requested and was granted.

### **LEAVES OF ABSENCE GRANTED**

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

F. Brown on motion of Isett.

The following member was granted leave of absence for the remainder of today because of illness:

Woolley on motion of B. Brown.

### **CSSB 175 - (consideration continued)**

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1132): 72 Yeas, 69 Nays, 2 Present, not voting.

Yeas — Aycock; Berman; Bolton; Branch; Brown, B.; Button; Callegari; Castro; Chisum; Christian; Cohen; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Edwards; Eissler; Elkins; Farabee; Fletcher; Flynn; Geren; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hilderbran; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kleinschmidt; Legler; Lewis; Madden; Maldonado; McCall; Miller, D.; Morrison; Naishtat; Orr; Otto; Parker; Patrick; Paxton; Riddle; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor; Truitt; Turner, S.; Villarreal; Weber; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Burnam; Chavez; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Farias; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Kent; King, T.; Kolkhorst; Leibowitz; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez;

Merritt; Miklos; Miller, S.; Moody; Oliveira; Olivo; Ortiz; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Thibaut; Thompson; Turner, C.; Vaught; Veasey; Vo; Walle.

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

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent, Excused, Committee Meeting — Pitts.

Absent — Harper-Brown; Laubenberg; Swinford.

The chair stated that the motion to table Amendment No. 55 prevailed by the above vote.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1132. I intended to vote no.

Maldonado

When Record No. 1132 was taken, I was in the house but away from my desk. I would have voted yes.

Swinford

### REASON FOR VOTE

I support a stronger and broader tuition-relief bill than was proposed in the amendment. We must offer tuition relief to more than just our best students.

Castro

### Amendment No. 56

Representative England 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, amending Section 51.803, Education Code, as follows:

(1) Strike added Section 51.803(a-1), Education Code (page 2, line 5, through page 3, line 17), and substitute the following:

(a-1) Beginning with admissions for the 2011-2012 academic year, The University of Texas at Austin is not required to offer admission to applicants who qualify for automatic admission under Subsection (a) in excess of the number required to fill 75 percent of the university'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 The University of Texas at Austin under Subsection (a) for an academic year exceeds 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students for that academic year, the university may elect to offer admission to those applicants as provided by this subsection and not as otherwise required by Subsection (a). If the university elects to offer admission under this subsection, the university 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 university as sufficient to fill 75 percent of the university's enrollment capacity designated for first-time resident undergraduate students, except that the university must offer admission to all applicants with the same percentile rank. 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 75 percent of the designated enrollment capacity described by this subsection, the university shall fill the remaining designated capacity described by this subsection as provided by Subsection (a-2).

(2) Immediately following added Section 51.803(a-1), Education Code (page 3, between lines 17 and 18), insert the following:

(a-2) Notwithstanding Subsection (a-1), an institution that offers admission under Subsection (a-1) shall apportion 60 percent of the remaining enrollment capacity described by Subsection (a-1) equally as nearly as possible among the districts used to elect the members of the house of representatives. From the applicants for first-time resident undergraduate admission to the institution not offered admission under Subsection (a-1) who are otherwise eligible to be admitted to the institution, the institution shall identify those applicants who reside in each representative district and who graduated in the top 25 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. The institution shall offer admission to those applicants who reside in each representative district in the number required to fill the apportioned enrollment capacity for that district. If the number of those applicants residing in a representative district exceeds the number estimated in good faith to fill the apportioned enrollment capacity for that district, the institution shall offer admission as the institution determines appropriate in accordance with Section 51.805 to those applicants in a number estimated in good faith as sufficient to fill the apportioned enrollment capacity. If the number of those applicants residing in a representative district is less than the number estimated in good faith to fill the apportioned enrollment capacity for that district, the institution may fill that remaining enrollment capacity, and any other remaining portion of enrollment capacity not apportioned to representative districts under this subsection, in accordance with Section 51.805 by offering admission to any remaining qualified applicants without regard the representative district in which the applicants reside, including applicants who did not graduate in the top 25 percent of the student's high school graduating class.

(3) In added Section 51.803(a-2), Education Code (page 3, line 22), strike "60" and substitute "75".

(4) Redesignate added Section 51.803(a-2) (page 3, line 18) as Section 51.803(a-3) and correct any cross-references to the subsections of amended Section 51.803 accordingly.

Representative Branch moved to table Amendment No. 56.

The motion to table prevailed by (Record 1133): 78 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bolton; Branch; Button; Callegari; Castro; Chisum; Christian; Cohen; Cook; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Driver; Edwards; Eissler; Elkins; Farabee; Farias; Fletcher; Flynn; Gattis; Geren; Giddings; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Legler; Lewis; Madden; Maldonado; McCall; Merritt; Miller, D.; Morrison; Naishtat; Orr; Otto; Parker; Patrick; Paxton; Riddle; Rose; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Strama; Taylor; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Weber; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Chavez; Coleman; Craddick; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Kent; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Miller, S.; Moody; Oliveira; Olivo; Ortiz; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Smith, T.; Swinford; Thibaut; Thompson; Veasey; Vo; Walle.

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

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent, Excused, Committee Meeting — Pitts.

Absent — Brown, B.; Laubenberg; Marquez.

### STATEMENT OF VOTE

When Record No. 1133 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

### REASON FOR VOTE

I support a stronger and broader tuition-relief bill than was proposed in the amendment. We must offer tuition relief to more than just our best students.

Castro

### Amendment No. 57

Representative Coleman 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 SECTION to the bill and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter U, Chapter 51, Education Code, is amended by adding Section 51.8075 to read as follows:

Sec. 51.8075. UNIFORM POLICY REGARDING UNDERREPRESENTED STUDENTS. (a) The Texas Higher Education Coordinating Board shall adopt and as necessary amend a uniform affirmative

action policy that reflects recent decisions by the United States Supreme Court on issues related to admissions in higher education. The policy must include provisions designed to increase student diversity with respect to the different areas of this state.

(b) Not later than November 1 of each year, the coordinating board shall disseminate the policy described by Subsection (a) to each institution of higher education, as defined by Section 61.003. Not later than December 31 of that year, the governing board of each institution of higher education shall adopt, for use in its admissions for the following academic year, an affirmative action policy that is equivalent to or more stringent than the policy described by Subsection (a).

Amendment No. 57 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. 1).

### CSSB 175 - (consideration continued)

#### Amendment No. 58

Representative Martinez Fischer 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) Not later than December 31 of each academic year in which The University of Texas at Austin offers admission under Subsection (a-1), the university shall deliver a written report to the governor, the lieutenant governor, and speaker of the house of representatives regarding the university's progress in each of the following matters:

(1) increasing geographic diversity of the entering freshman class;

(2) counseling and outreach efforts aimed at students qualified for automatic admission under this section;

(3) recruiting Texas residents who graduate from other institutions of higher education to the university's graduate and professional degree programs;

(4) recruiting students who are members of underrepresented demographic segments of the state's population;

(5) increasing campus capacity and class size as necessary to facilitate the enrollment of a diverse undergraduate student population; and

(6) assessing and improving the university's regional recruitment centers.

Amendment No. 58 was adopted.

Amendment No. 1, as amended, was adopted.

(Speaker in the chair)

**CSSB 175 - REMARKS**

REPRESENTATIVE VILLARREAL: This has been a difficult bill to work on. As it first arrived, it was very unacceptable. Someone who believes that the top 10 has greatly benefitted the children in my community, and around the state, who historically have been underrepresented and have seen more opportunity under the top 10 rule. There's nothing I wanted to do to change it, but after sitting down and looking at the numbers that UT Austin has brought us and understanding how it's impacting their ability to fill their programs of study, at some point we are going to have to grapple with balancing our interests in protecting the top 10, with delivering some level of discretion to the university.

In the plan before you, I believe we have struck the right compromise. If you look at the total enrollment, determined by Texas residents, three quarters will be determined by top ten, one quarter will represent discretion to the university. I think that is a great deal. It is necessary, I'm happy we're moving forward with it. It is only a band-aid though, to a much larger problem. The fundamental problem is an undersupply of desirable top-tier universities that students want to enroll in. That truly is the root problem that we're grappling with. What we do here today is important on some level, but until we invest in other universities like UTSA, UT Arlington, North Dallas, PanAm—until we make an increased investment to build those universities up—we will continue to tinker with how we meter out the limited number of seats at UT Austin. That's unacceptable. Members, I ask for your consideration and your positive vote for this bill. Thank you.

REPRESENTATIVE COLEMAN: Representative Villarreal, are you familiar with the report that was done by the Legislative Study Group in December of 2007?

VILLARREAL: I am. This is the report on college affordability?

COLEMAN: It's more than that. It was a report on college affordability. It was a report on top-tier universities. It was a report on middle income scholarship. It was a report on tuition policy. In the report from December of 2007, that was editorialized on by the *Dallas Morning News*, the *Houston Chronicle*, the *San Antonio Express-News*, it editorialized in favor of, as a matter of fact, made the case for the tier one changes. As a matter of fact, we started on those in 1999, if I'm not mistaken, and that's when the argument was laid out that said it's not a matter of demand, it's a matter of supply.

VILLARREAL: That's absolutely right.

COLEMAN: So, I hope next time when you give a list of schools, you don't leave out the school that I represent, University of Houston, which is the closest to accomplishing that. And of course Texas Tech University, where chancellor Kent Hance has fought valiantly for opportunity for everyone. I appreciate your support of this bill and how you've approached it. I just don't want us to forget that it has been worked on, and the reason why no progress was made was because The University of Texas decided they didn't want to make any progress. I don't know if you agree with me, but I think you are obviously trying to move forward.

VILLARREAL: Representative Coleman, Chairman Coleman, I think you're right on the mark about the issue being an undersupply of tier one universities. I want to point out that when you look across this country, major metropolitan areas have how many tier one universities, on average? Two.

COLEMAN: At least two.

VILLARREAL: Two.

COLEMAN: You can find that in our report that you didn't read, but you can find it in there because it has it all laid out.

VILLARREAL: Thank you.

COLEMAN: That was put out in December of 2007, but if you want to see all of that we'll be happy to share a copy with you.

VILLARREAL: That's great. You do great work at Legislative Study Group.

COLEMAN: Thank you very much. I'm very aware that California, and the rest of them, New York, Virginia has more than Texas.

VILLARREAL: And that's why it's important to know, and have this membership know, that if we think that the change in the top 10 rule is gonna have parents stop calling us because little Johnny didn't get into UT Austin, that's not gonna stop. Our student high school graduating population is continuing to grow, outpace the growth in number of seats at UT Austin, and the collective number of seats at our public and private tier one universities. We have to recognize the root problem here is an under-investment in growing more tier one universities, and absolutely, University of Houston is closest to the goal line in reaching that, and I hope they do.

COLEMAN: Well, answer this, you know we've had a lot of discussion about one university today, University of Texas at Austin, and there are 34 other general academic institutions in this state, and that ought to tell us a lot about what our priorities are, wouldn't you say?

VILLARREAL: I think UT Austin commands a lot of floor time in this chamber. I do want to point out that the bill that we are about to pass—when it came to us it represented a reform of top 10 for all 34 general academic institutions. What we have now before us is a scaled down version that only reforms top 10 for one university, and that's UT Austin.

COLEMAN: Would you be surprised if I told you I offered an amendment to cap UT Austin on the top 10 percent rule in 2003, at it's current enrollment of top 10 percent at 67 percent?

VILLARREAL: That is news to me. I'm surprised.

COLEMAN: It wasn't accepted. So, I throw that out to say that this argument has been an argument now for six years and solutions were laid out in 2003. I laid out that solution and Legislative Study Group laid out these solutions. So, I just want to bring that forward because that was rejected, and it shouldn't have been rejected because everybody said they wanted to cap on the enrollment at that time. I said okay, let's do that, but leave every other university alone. So I

appreciate your support of this legislation getting to the point where I was in 2003, and I'm glad The University of Texas listened to that, and understood that you cannot continue to make policy for all of higher ed in Texas based on the needs of one university in Austin, Texas. Thank you.

REPRESENTATIVE VEASEY: Mr. Villarreal, I appreciate your comments and your eloquence on this issue. I know this has been very important to you this session, and you talked about if we had more top universities in the state that would attract more of our youngsters coming out of high school, we wouldn't be spending so much floor time on The University of Texas.

VILLARREAL: That's right.

VEASEY: I wanted to ask you because—and it's hard assessing these types of things because we live in Texas, we don't live in California—I know that often times when the discussion comes up it always centers around California, but I really wonder, are the kids that get rejected from Berkeley, are they excited about going to UC Davis or UC Irvine? The reason why I'm asking you that, I'm saying if we were to create, and spend the money to get this tiered system, which I think we should have, would it still eliminate people wanting to go to The University of Texas because of the political leaders that have come out of the university, the business leaders—

REPRESENTATIVE McREYNOLDS: Members, I don't intend to yield the mic and I don't intend to take up much of your time, but I would like to say two or three things. The first thing is, several of us were invited to Dallas to an educational summit a couple of weeks before session began. I learned some important things there that I would share with you. First, if Texas doesn't produce another 100,000-plus graduates from our universities, per year, we're going to be a third world state. We're not debating that today, but I want you to know we cannot compete with Germany, we cannot compete with Korea, we cannot compete with Japan. We must get higher education right. Another thing that I learned, that's been haunting, and I've been thinking about it a long time, one of the great problems that hasn't been addressed today, but it's a problem that I want you to know about. The Dana Center says that in our schools, our community colleges, and our four year universities, only 27 percent who go in the front door ever graduate—including such things as getting certificates from our community colleges for welding or something.

We've got a problem in Texas. I'm on the Health Committee. Something I learned at that summit, we put \$52 million this year to try to fill some gaps in health. Our nurses, we're short—one out of two nurses admitted to community colleges, or four year universities, wash out because of college algebra. So, there's sort of a pervasive sadness in me that we're debating the 10 percent bill for eight hours. Oh, it needed to be done, and I've listened to it, and I've got on my desk every amendment, but the issues are much, much greater than that and I wanted you to know it. We could be talking about flexible tuition, we could be talking about many other things besides this, but I think this needed to be fixed. And I do pray, as we send this bill to the other chamber, that it never comes back because we worked exceedingly hard and I would like to pay a high compliment

to Representative Branch for open meetings. Everybody was invited to them, and there were many, many, many hours in preparation for today, and I think there's been some good amendments, but after all, I only speak on this bill, not for it. Thank you.

REPRESENTATIVE GIDDINGS: Thank you to all who have worked and brought ideas, and to Chairman Branch. I am pleased to see that the debate has been elevated and no longer are we discussing the myth of the brain-drain, which never existed. The issue never was one of a brain-drain, and the misrepresentation made me furious.

This is a very difficult decision for me, one of the very few decisions in the house that is so personal that I discussed it with my family. I know this has been a long debate, but there are few things that we discuss here that are more important than education.

You can't work on issues of educational opportunity without thinking of *Brown v Board of Education*. That is sort of where it all started. You can't think of *Brown v Board of Education* without thinking of Thurgood Marshall, and you can't think of Thurgood Marshall without thinking of *Sweatt v Painter*. Thurgood Marshall argued both of those cases. Those cases really set us on the course of equal opportunity in education. The anniversary of *Brown v Board of Education* was handed down 45 years ago on May 17, 1954. Few people will leave the kind of legacy that Thurgood Marshall did. Certainly, I will never leave that kind of legacy, but I do want to leave a legacy that says I tried to get it right.

I have been animated and passionate during this debate and I will not apologize for that. I am trying to speak for those people who are shut out and people who just want an opportunity. The people in this room will be okay. Our children and grandchildren will get an education, but what about others who are shut out? I am glad we have taken the time to have this debate. We need to get this right. Many lives, perhaps the lives of some not yet born, will be affected by our actions.

Minorities are underrepresented in higher education in Texas, and that does not bode well for the future prosperity of our state. We have made progress in many areas under the top 20 percent; unfortunately, progress for African Americans at the university has remained stagnant. Indeed, we do have a capacity problem at UT and we need to take the necessary measures to correct that problem.

In the meantime, this has been an extremely difficult decision for me, as I am a joint author of the original top 10 percent bill. I am going to take a leap of faith and vote for this bill. While I am going to trust, I plan to verify early and often President Powers and Chancellor Cigarroa.

I think the words of W. E. B. DuBois are appropriate here. He said, "Of all the civil rights for which the world has struggled and fought for 5,000 years, the right to learn is undoubtedly the most fundamental. The freedom to learn has been bought by bitter sacrifice. And whatever we may think of the curtailment of other civil rights, we should fight to the last ditch to keep open the right to learn."

REPRESENTATIVE S. TURNER: Members, I'm going to take Representative Dutton's spot. Let me just take just a few minutes. I, too, intend to vote for it, and I want to primarily talk to the university itself, not so much to the people in this chamber.

In the 1990s, we made the change to top 10 because of the issue of race. We did not want to use race in the admissions process, and I think that was a court challenge, and we wanted to move away from it. So, we went to the top 10 percent because, I believe, that most felt at that time that if we based admissions on merit, then that was a better policy for the State of Texas. We went to merit on top 10 percent. So, the thought was that for our kids, who graduated at the top percentile of their class, that they earned the right to come, regardless of whether they were African American, Hispanic, rural, you name it, and we made that change.

Several years later, the institution has come to us and essentially said, "We need more discretion, that all of a sudden, 80 percent of our entering class, based on merit, is cramming others out, who are not in the top 10 percent." Now, there's the rush to change it, and in many ways the argument has said, "we now want to go from a merit system to a system where there is more discretion." That is a difficult position for many of us, when the change was made to get away from race, to go toward a merit system. I will agree with the university—with the system, with others—that we should not have an entering class—and I would not want an entering class—that is all African American, all Hispanic, or all rural, but there needs to be some diversity. I will agree with Representative Giddings and others that when you look at the numbers, the numbers do not lie, and for people coming from my district—that look very much like me—for a policy where the admissions of African Americans does not exceed six percent, under the top 10, is painful, and that prior to the top 10 percent, where the admissions percentage for African Americans was three percent is very, very low. You can't get much lower than that. Now, the university and the system comes to people that look like me and others and say, "Let's change it, and we will do better." We've heard that over, and over, and over again.

Now, let me specifically speak to the university, because I know many of them are listening. I know the chancellor is listening, and I know the president is listening. When you argue that there's a problem in recruitment of African Americans and others, I have a hard time believing you. When your basketball team at University of Texas is 66 percent black, when your football team at University of Texas in Austin is about 50 percent black, but when your academic enrollment at University of Texas is six percent, something is wrong with those numbers. Something is desperately wrong. I would argue with The University of Texas, and with other schools similarly situated, that if you want them, you will get them, and if you want them, you will reach out for them. So, today we are faced with a challenge of tweaking the policy in order to make it better, and the president, and the chancellor, and others have said, "We will do better, but we need the discretion within our system in order to better." Today, I will vote to give them the opportunity to do better, and I pray and I hope they will do better, because I believe that we can do a lot better than six percent.

I categorically reject the argument that there are only six percent of people that look like me that are academically capable of going to University of Texas or any institution. I categorically reject that, and I categorically reject the notion that everybody else can do better, except people that look like me. I categorically reject that. I believe there's an intent issue, and there's a desire issue, because when you want to be number one in football, you go and you find them. When you want to be number one in basketball, you go and find them. I will argue from this podium, or any podium, that there are people like me that are academically rich and can excel and exceed, if you give them the opportunity to do just that. The system says, "trust me." Quite frankly, I don't believe them, but I will vote for this bill to move it forward on the trust that they will do better as we go forward.

Ten years ago or less, I think this body and others did not want to discuss the issue of race. We changed it. Isn't it ironic that when race is no longer a factor in the admissions policy, we have spent seven to eight hours to tweak a policy decision based on merit to go to something else? Isn't it ironic? A poet once wrote, "Isn't it strange that kings and queens and clowns, that caper in sawdust rings, and common people like you and like me, are builders for eternity? For unto each of us is given a bag of tools, a shapeless mass, a book of rules, and each must make before life is flown, a stumbling block or a stepping stone." The ball is now in UT's court. I hope they are prepared to run with it on the academic field.

REPRESENTATIVE DUNNAM: When I was a freshman member, I was placed on the Higher Education Committee when the *Hopwood* decision came out, and Irma Rangel came up with a proposition to deal with it. I voted for it out of committee, I voted for it on the floor, and I'm pleased with some of the things it's done. But we are here making an arbitrary policy—and I'm going to vote for it—an arbitrary policy that is necessitated by our refusal to deal with the core issue—that we have a lack of capacity to educate the best of Texas. I'm very proud of our state. We have the second largest educational system in the United States—one of the largest ones in the world—but we rank near the bottom in people without a high school diploma, with the lowest graduation rates in the nation, and near the bottom in the rate in which our citizens go to college. That will not keep us great. We do have great universities, with three tier one universities—less than Pennsylvania, less than New York, less than California. Why? Because we refuse to deal with the issue of providing the capacity to provide a top education for our citizens. We don't appropriate the money, we don't give them the attention, we don't talk about it enough—we avoid the discussion, and we have to, therefore, pass arbitrary rules to limit enrollment.

We face a problem that has few options, necessitated by our refusal to deal with the real problem. We have a child, a young person, who makes straight A's, who has perfect attendance, who does everything that they are asked to do. And they're told, when they're a little kid, in kindergarten, "You do this, you will succeed. You are the captain of your own destiny. It's up to you." How many parents have said that to their kids? I've said it to mine. And then they do that—they do that—and they can't get into The University of Texas.

Why do they want to go to The University of Texas? Because it's an awesome school. I'm a Baylor grad, I don't say that lightly. It's a great school—it's a renowned institution. So is Rice University, Texas A&M, and so is Baylor. But if you live in Pennsylvania, you have choices that Texans don't have. You can go to Penn State, Lehigh or Carnegie University, University of Pennsylvania. If you live in California, you can go to Berkeley, you can go to Caltech, you can go to USC, you can go to UCLA—you can go to about five schools in the University of California System that are all tier one schools. You can't do that in the State of Texas. You can't do it because we will not provide our young people with the opportunity to do that, because we won't provide the funds, we won't provide the resources, we will not set that as a priority. That's shameful.

Instead, we set an arbitrary limit of the top 10 percent. It's a round number, I guess, but it's no different than top 11, or 12, or nine, or eight, or seven—it's just a number they picked out of the air because it sounded good. It's an arbitrary figure. What about the young man who's an Eagle Scout, who has worked at H-E-B sacking groceries since he was a freshman, who's a black belt in karate, who bought his own car, who pays for his own car insurance, but he's in the top 11 percent—what about him? We have a university here—we cannot tell them, "You should have 100,000 enrollment." There are practical limits that efficiently deliver an education at one campus. So we spent—I've been here, this is my 13th year—and so we are back, changing and tweaking, changing an arbitrary policy to deal with something that we won't do. People ask me, my voter base, and in the legislature—and I think it's fear. I think at some level, we all are primarily motivated by fear. We all have goals, but we have fear. We are all one—each of us is—one of 150 out of 25 million people. It's phenomenal, the unique opportunity that we have—one in 150 out of 25 million people. We have a unique opportunity no one else has. Millions and millions of people don't have this opportunity to make a difference, and my fear—I've told many of you this before—is being 85-years-old, and my grandkid comes to me and finds out that I had been in the legislature, and they say, "What did you do?" I don't want to have to remember that I passed **HB 4** in 2001, because I barely remember what that does now.

I want to make a difference. I want to be able to look at that young person and tell them the truth, with pride, that I made a difference for the future of Texas. This bill is not going to do that. This is not the bill I'm going to tell them what I did in the legislature, but we owe it to ourselves, by next session, to finally address the real problem, which is the lack of capacity to educate the brilliant young people who call themselves Texans.

REPRESENTATIVE DUTTON: I changed my mind because I don't even know at this point how I'm going to vote for this bill, or whether I'm going to vote against this bill. And part of my problem is this, it's—I was sitting in my chair, and I was trying to figure out what's the problem and who's the problem. And what's the problem, I think you've probably heard enough about, because I think

Mr. Dunnam talked about the capacity. But who's the problem? Then I finally figured it out. In fact, I have it in my pocket. See. And when you look in it, you see who the problem is. It's each one of us. It's each one of us.

And let me tell you why I say that. We have accepted the fact that all we can afford in this state is one University of Texas. That's all we can afford. And then we decide, you know, we're going to solve the problem, because we've got students who are excelling beyond our capacity to deal with them. But we needed a 10 percent rule in the first place. We should be working on a 100 percent rule, so every child in Texas can go to college, and yet, here we spend all this time trying to figure out how to force some of them away.

Last Sunday, I was at a graduation. My daughter graduated, some of you know, from medical school in Southern Cal. And I saw these graduates walking across, and I thought the same thing I thought when I was sitting back there. What happened to the African American males? There's not one in the whole class. And I thought, you know, I remembered when I watched their football team on television—they had black guys everywhere. And I still haven't figured out why we have a legislature who accepts the fact that the Committee on Corrections deals with a situation where too many black males didn't get an education, and so, somehow or another, they ended up as a stat on the other side. If we changed it to the University of the Texas-Department of Corrections tomorrow, we could improve the number of black males in colleges and universities in Texas by 5,000 percent. Because they reside there, that's where they end up, and yet we still don't have the courage to say, "Look, we're going to fix this."

I went to talk to Dr. Powers about this same situation. I was absolutely appalled, because he agrees with me. He said that the population of people who are largely untouched by any method they have used to increase the numbers at The University of Texas happen to be African American male students. And he saw me smiling, because he knew that he had walked into that proverbial trap. Because I asked him, I said, "Well, that doesn't look like that when you're looking at the football game; doesn't look like that when you're looking at the basketball game."

I still see the opportunity for us to entertain—but when it comes to looking for an African American male child who can carry a book and not just a ball, somehow or another we can't find him. But I still don't think the problem is The University of Texas or Dr. Powers. The problem is not 10 percent. The problem is us, folks. We ought to have all of our universities with students at their doors who are begging us, begging us to help them get in. And yet, we spent all this time about The University of Texas. Why not make University of Houston a top-tier university? Why not have them clamoring to get in, even to Texas Southern. And I don't want to leave them out because that happens to be a fantastic school, folks, and it's a fantastic school in spite of what we sometimes have not done for them.

And so, I still don't know whether or not voting for this bill, Mr. Branch, is a good idea or bad idea. But I do know this, I know that if this legislature doesn't change what it does in respect to education in this state, the outcome is not going

to be any different. We'll be coming back next session, or sessions after that, to try to figure out how to make it the top five percent, because we'll still be focusing only on The University of Texas. And so I just wanted to say to this legislature, I think we have an excellent opportunity. I think some of the finest minds are here, some of the finest people are here. But I think sometimes—my grandfather would say, "You know, you don't need a hunting dog that hunts under the wrong tree." We have been under the wrong tree for far too long. It's time for us to say, "Look, I'll tell you what we're going to do. We're going to change this state. We're going to change Texas."

And when we vote today, just like we voted back then for top 10 percent, we were voting for today. We voted to make Texas look like it does today, and when we take this vote today, we'll be voting to make Texas look a certain way tomorrow, and every vote we take in this house is a vote that dictates how Texas looks. If you want to continue to build prisons—if you want continue with having 157,000 people in prisons, you want to continue that, we'll just keep on doing what we're doing. If you want to keep having to argue about top 10 percent, just keep doing what we're doing. Because the outcome is going to be the same until we decide as a legislature that we want to make sure that every child in this state not only has an opportunity to go get an education, but that every institution is an institution of the first class in this state.

And so, ladies and gentlemen, I think the time is catching up with us. We happen to be behind the eight ball, because somehow or another, the students are out in front of us, the universities are out in front of us, and we're running a distant fourth, fifth, or sixth in this race. I'm begging you, I'm begging you, get in front. We ought to get in front and we ought to be dragging the state to where we want it to go, not trying to figure out how to get around it with some slick means to change top 10 percent. That makes no sense. And so, Mr. Speaker and members, I still don't know how I'm going to vote, but I think I'll just sit in my chair and make a vote based on—I'm going to look in this mirror, and I'm going to look and say, "Well, the problem is me. What can I do to fix it."

**REPRESENTATIVE CASTRO:** Mr. Speaker and members, it is said that education is the surest path to success, and I think that all of us on this house floor would agree with that. I know that in my life, and in all of our lives, it has been. Everyone here, I think, has remarked, whether you're for or against this bill, how difficult this vote is. For me personally, it's very difficult for a few reasons. First, I think, because this fight over the top 10 percent is really symptomatic of much deeper troubles in Texas, in public education and higher education. It's also symptomatic of a larger problem that we have, which is a history of not building out, what I believe, is the infrastructure of opportunity, which is our higher ed system, that path to success for all of our kids.

In assessing this rule, as I mentioned earlier, I looked at it in terms of three pools of students: the folks who are eligible, the folks who apply, and, finally, the folks who enroll. As I looked at the numbers in each of those categories, I would see, particularly in our rural and minority schools, this huge drop off. At Memorial High School in my district, for instance, in San Antonio, where my dad taught for a decade, you have about 20 people—they graduate about 200 people a

year—20 people eligible, four or five that apply, and maybe one or two who end up at University of Texas at Austin. The biggest problem that we face, despite the fact that we have spent time debating this eligibility issue, is not the fight over eligibility. It's the fact that we don't get enough people to apply, and we are also pricing people out of a higher education in Texas. It's why I commend the Appropriations Committee for adding money for TEXAS Grants.

There are many things that we have to do to refocus our efforts, to make sure that our kids, particularly underrepresented schools, have good counselors. You know, right now, there are over 100 high schools that have absolutely no counselors in the State of Texas? Not a single counselor to advise them. Everybody who spends time on public education issues knows how highly regulated teacher-to-student ratios are, and the categories of things that teachers can do. The counseling function in Texas is an anachronism. It is essentially left in the 18th century. There's no mandatory ratio. Counselor's duties are split among three different things, including being the frontline administrators of the TAKS test, and I want to give you one example of that. I was told a story during my time as vice-chair of Higher Ed when I brought up a counseling issue. Somebody was in my office and said that they were trying to help a girl apply to UT before the deadline, and this person was trying to get a transcript for this girl from her counselor. The counselor told this gentleman that she didn't have time to get the transcript for him because she was counting pencils for the TAKS test. That's how serious we've gotten in our public schools, how we're neglecting that responsibility.

We spend a lot of time talking about getting our kids "college ready," but I would submit to you that it's not enough to get them "college ready." We've actually got to get them to college and make sure that they go. It's also hard because I mention that we've refused to build out the infrastructure of opportunity. You know I had a conversation—Mike Villarreal and I worked a lot on negotiations with President Powers and Chancellor Cigarroa—and yesterday I told Mike, as we were negotiating and it looked like we might be able to come to an agreement, I said, "God, I don't know if I want to do this for the system. I don't know if I want to solve their problem for them." The reason is this: you have a system that has not bothered to place a medical school or a law school in the Valley of Texas, in an area of 1.5 million people, which has two or three doctoral programs for all of those folks. The system has come down here to ask us to solve their top 10 percent issue, yet there is just as big a crisis in a huge region of our state, and they refuse to move on it. With all due respect to the chairman, because I supported it, we passed a public law school in Dallas, and I congratulate the city of Dallas for that. In that same bill, we've got a note that says we'll do a study to see if we put a law school in the Valley. I think that's wrong. I think it's wrong, and I think it's time that we do something about that infrastructure of opportunity.

I want to help solve this issue today, because I think it's time that we move past it, because I think that there are solid and legitimate safeguards for those of us who have opposed this rule change. There is, to be very clear, an affirmative action safeguard, so that if affirmative action goes away, either by the board of

regents or by the courts, we revert back to the top 10 percent rule. Equally important is that there is an agreement from the system that we're going to let this program go for six years, that this is not a ladder down. It's not 75 percent in 2009, and then 60 percent in 2011. We understand that. They understand that. Finally, I hope that by getting an agreement on this issue, that we can move on to those deeper problems that we face. That's my hope in supporting this bill.

REPRESENTATIVE HILDERBRAN: Mr. Castro, do you think this bill has improved since it came on the floor of the house?

CASTRO: Absolutely.

HILDERBRAN: Do you think that those improvements, and the amendments that the house made to this bill, will stay on the bill, when it goes in the senate?

CASTRO: I expect that they will, and I can tell you, Harvey, if it comes back any other way, I'm voting against it.

HILDERBRAN: I think if it comes back any other way—I'm pretty confident—it will get killed on the floor. I expect that the chairman of the committee, the sponsor of the bill, and the other folks that you, and Representative Villarreal, and myself, and others, negotiated and dialogued with, to come up with a package that would pass the floor, and take a bill that was questionable, at best—that it could pass this house, and help it pass in a pretty strong fashion—could come back and fail if those changes aren't honored. I expect they will be, but I wanted to make sure, on the record, that those of us that worked on it have that as a notice that that's what we're going to do if they don't stick with the deal we made. Because we've passed the bill together—brought everybody together and passed the bill—that needs to stay, and the senate needs to concur the senate bill with the house amendments.

CASTRO: I agree. Thank you for your work, also.

VEASEY: Mr. Castro, I want to thank you for your work on the Higher Ed Committee. I know that when the tier one bill was making its way through, that you kept me updated on concerns I had about The University of Texas at Arlington, and you've definitely been a good resource for your neighbors that sit near you, and I really just want to thank you for all your help on that. I also know that you have talks on university level, and one of the things that came up during this debate was capacity, and University of Texas using all of the resources that they have to educate as many children, or as many of our college students, as possible. When we talk about the tier one system, we always talk about how many great schools that University of California has in that particular system, and that we need to make sure that we have as many schools as they do, so we need to fund more tier one universities in this state. I think one of the concerns that I have—and I'm going to vote for the bill, and I wanted to get your opinion on this since you have talked on the university level and you have served on Higher Ed—since UC came up so often, obviously the jewel of that system is UC Berkeley. I was looking at *US News & World Report* at some of the other schools that are on that list, and UC San Diego and UC Irvine—to me, if you're applying at UC Berkeley, I don't think that UC Irvine is quite the safety school

that a student of that caliber would be seeking. They probably want to try to shoot for Vanderbilt to be a safety school, because that's much more commensurate with UC Berkeley.

CASTRO: I agree with you. I don't think there's any question that, although California has nine top-tier research universities, there is a prestige hierarchy in California universities.

VEASEY: Absolutely, and because of University of Texas, and the business leaders that they've produced and the politicians that they've produced out of that state, if we invest in that tier one system, I could see us still having problems with kids getting into The University of Texas.

REPRESENTATIVE ALONZO: Mr. Speaker and members, I rise to speak against this bill. I respect all the work that's been done on this. First, let me start by saying that I want to thank Representative Rangel.

As I speak before you, I want you to just imagine what was happening several years ago when they did away with affirmative action, and people were trying to find something to work, and something that would bring us all together—bring the folks together, back then. There were several co-sponsors, as were mentioned, and basically, Representative Rangel's is on 10 percent.

First of all—in thinking about higher education—I know that all of us know how important it is, and I mentioned in the debate, how important it is to me. As I mentioned in the debate, my mom went to the third grade, my dad went to the first grade, and they could never imagine higher ed. In fact, I mentioned in the debate, how I would come home wanting to debate about history, and science, and math. She loved me, but she was cooking, making tortillas, and trying to take care of 10 other kids. It just wasn't there—so, I had to get something else. I made myself familiar with teachers in school that would give me that encouragement. So much so, that I ended up graduating from high school, and I was in the process of graduating, trying to decide—they didn't know anybody, anybody that heard anything about college. I knew it was just something you had to do to become a lawyer, because that's what I wanted to do. Back then, members, I applied to two schools. I applied to UT and Stanford. The reason I wanted to go to Stanford was because Jim Plunkett was the captain of the football team; to UT, because one of the teachers in high school talked about going to UT. I remember, during Thanksgiving, the big deal with watching the Texas A&M-UT game. I didn't understand what the big deal was—I really didn't know.

Anyway, I ended up at UT, which was my second choice. I had a great time—a great experience—and went on to law school at Texas Southern. As I come here, I fought real hard to get into higher ed. In fact, as we came in, in 2003, I wanted to be in higher ed, but my team had lost. So, I went to Chairman Gallego of the Mexican American Legislative Caucus, and said, "Mr. Chairman, can you please set up a committee of higher ed?" He did—he made me chairman and I started working on higher ed. It helped to get information about what's going on in higher ed. Lo and behold, we come to the situation of dealing with 10 percent, from practically every occasion. We go—I think—to where the

starting point of the debate is this year. Let me tell you what I think the starting point of the debate—although there's been discussion about the debate the last three days—the starting point of the debate, members, was two years ago when we wrote it down. The 10 percent proposal was—guess what? Sixty percent. Let me tell you why it was 60 percent—because that was the proposal that we voted on.

I just finished speaking with Representative Morrison, chairwoman at the time, that's what we voted on—67 percent. Where are we today on this debate—today, right now, at this moment? Well, as we started this session, we brought a bill over from the senate at 50 percent—or five percent. In the house Higher Education Committee, we substituted for four percent. On the floor of the house, there was an amendment for six percent. Guess who got us to where we are today? Harvey Hilderbran. He had an amendment—you remember—a couple of days ago for eight percent, and it passed. Okay, we start at 67, we go to four, we come to five, to four, to six, and we're at eight—we're at eight percent. Where are we right now?

The discussion has been, that the last three days—now listen—two years ago we started the debate at 67. In the last three days, guess where we are now? Now—remember—the 10 percent proposal in '97—the Irma Rangel—was 10 percent. According to the figures that were put together for me, now we're going to have 75 percent of 90 percent—we're back at 67 percent. So, the last three days, we had high-powered discussions, and we're back to 67 percent. So, '97—10 percent; two years ago—67 percent; this moment—67 percent.

So, I'm speaking against this, because I think we need to be clearer, in my opinion. Of course there's difference of opinion. We had several people—where, first, we had the Irma Rangel proposal. Now, before us, is a Castro-Villarreal-Branch proposal. I speak before you for this very point—I think the point is the big picture. As I was visiting—and an amendment was accepted that I proposed, that we tell the 10th-grade, 11th-graders about their opportunity to go to school—I said, you know, I've been supportive of top-tier universities; I've been supportive of the law school at North Texas. In fact, as I mentioned in the debate, I'm probably one of the ones that voted this more times than any of you last year, because I was on the Higher Ed Committee.

The big picture is to think—what are we going to do to make sure that we deal with higher ed? I'm so happy to be in Higher Ed because I get information, and I'll tell you the information, as I pointed out in the debate. Prior to 1993, in one-third of the state, there was only two doctoral programs—two doctoral programs! After '93, because of litigation that was lost—but we in the legislature thought about doing—we looked around the state the last year and, for example, UTEP—there's now 16 doctoral programs. There's doctoral programs at UTSA, and Texas A&M-Corpus, and Kingsville. You saw the debate, members. The last six years we had to fight real hard to work on the pharmacy school at Kingsville, and work on the medical school in UTEP. Members, I don't think we should have to be fighting for these things. These are things that are needed. I

think we get that we have to do them because, if we're gonna make sure that we take care of our students, and make sure to go to college, and be professional, and prepared—we have to do something about it.

Lastly, I'll say part of what's going on is we have laws. The problem is not the laws—the problem is the implementation of the laws. You know, part of the discussion a few minutes ago was trust, and faith, and prayer. Well, we have laws, and we can trust, and pray, but we've got to implement the laws. If we implement the laws, I think we're going to be in a better position. So, I know we have to move on—I'm gonna vote no. But let me tell you, this is not the end of the road. We've seen it before, we're going to have a vote—if it passes, it's gonna go back to the senate—we'll see what they do, and then we'll see what we do. So, again, members, I speak in what I think is not a difficult decision—it's a decision that I made. I ask you to vote no on this legislation. Thank you, members.

REPRESENTATIVE BRANCH: I appreciate the patience of the membership on this flight that's taken a long time today—a little over eight hours—and I know we started it on Thursday night when we were cut off by computer systems. I hope this will be a safe landing. That's what I hope for, and I think that's where we're headed. I want to thank so many people: my committee; my vice-chair, Representative Castro; the Higher Education Committee; the speaker, for the opportunity; the staff, Candice Woodruff, Andrea Sheridan; those at The University of Texas, Chancellor Cigarroa, Dr. Powers; everyone who's worked so hard. So many of you have already been mentioned and spoken, and you all know the critical role you play. This was clearly a team effort.

And I know that some of the remarks have been focused on more tier one universities. Let me just say that I think that this house has stood up this session and addressed that. And in **HB 51**, which we've sent over to the senate and is pending there, we do have a plan—a plan that calls for a package of almost \$800 billion to make sure we get moving on the way to more national research universities. One thing we've learned from the debate is, we need to have more high-demand venues for our students where they can go and learn and participate in higher education. So I think this is, for me, this is the second piece in the quest for solving the solution. First, we had **HB 51**, which with your help we sent to the senate, and I am very hopeful that they will pass, and this, today, is the second piece to that.

Members, this is a balance approach. This is really just about fixing an imbalance. It continues to provide for automatic admissions for so many thousands of our students. In fact, even after we, if we pass this bill, this adjustment, we'll still have more top 10 percent students than when we started this, and more at The University of Texas at Austin. But it also will ensure that we maintain, not only a balance in our tier one universities, but will continue to have other pathways to make sure that the students who don't quite make the top 10 also have an opportunity. It will allow for the flexibility to have great art students, and great music students, dance students, and architecture students, to make sure we can get them into The University of Texas. It will allow us to fill programs in the geosciences, physics, and electrical engineering. But maybe,

most importantly—and it was alluded to by Mr. Dunnam—this allows a student who has to work, or who maybe had a family tragedy, or maybe a divorce, or a death in the family, or just maybe a bad sophomore year, to still have a chance, because we've created some room, some discretion, some hope for the rest of our 90 percent of students who don't quite make it into the top 10 percent.

Let me just say that one of my Texas heroes is Sam Houston, whose portrait graces our chamber—and this was a man who had a lot of titles, probably more than any other, one title that no other human has ever held, which was governor of two states. He was also the president of this republic, and governor, and senator, and a congressman from another state, and the hero of the battle that led to our independence. And when he was asked at the end of his life what was the most important title that he ever held, what gave him the most significance? It was teacher. And today, and this week, and the last few months, many of you have taught me and given me the new perspective that, I think, improves this bill.

I'm not a graduate of The University of Texas. In fact, all of my family have degrees from UT or affiliated, except myself, but I hold it in high esteem. I think what we'll do here is we'll pass this—not only safely land this long flight—I think we will improve one of the great universities of this country and, in fact, the world. They have a slogan there that says, at The University of Texas, "what starts here changes the world." And I believe tonight that if we pass this bill, that what starts here will change UT, and I think will improve The University of Texas. I thank you, and I hope you'll support me in voting for this piece of legislation.

HILDERBRAN: Mr. Chairman, I want to ask you a couple of quick questions to verify. Earlier, the speaker mentioned we were about 67 percent when the 10 percent rule was originally passed, and today we're going back to that. As I understood, you brought a bill to the floor that was going to give 50 percent discretion, is that accurate?

BRANCH: Fifty percent discretion?

HILDERBRAN: You know, compared to where we are, the bill would have taken away, but when we entered the floor—I'm trying to explain to the floor, to house members, where we've taken this, because I want to make sure they understand—we did improve this bill on the floor. You started out at 50 percent, and we ended at 75 percent of a 10 percent rule. We've preserved the 10 percent rule, but capped it at 75 percent. And if your bill originally passed without our amendments, there would have been much more discretion. So we limited that discretion to about 25 percent, is that correct?

BRANCH: That is correct.

HILDERBRAN: Okay. You mentioned the three goals you had. You said **HB 151**, was that the flagship?

BRANCH: That was **HB 51**.

HILDERBRAN: **HB 51**, the flagship, to create more flagships?

BRANCH: More national research universities, yes.

HILDERBRAN: Right, more national and top-tier.

BRANCH: It actually—it's going to be broader than that.

HILDERBRAN: Right, and we supported that, and that's a good thing. And number two was 10 percent. And number three, that we need to address, and that the members have shown when they were voting the Leibowitz amendment—and that they would have shown if we would have voted on some other amendments that did not come before us today—on tuition. We need to address tuition.

BRANCH: Absolutely. We have a bill, and we have one that's passed the other chamber, and we passed it out of my committee, and it's in Calendars waiting for action.

HILDERBRAN: Well, we think it got to the Calendars Committee late, but I'll tell you what, we're expecting that, whether it's you or the next chairman of that committee, to help us deliver relief on tuition. Congratulations on your bill, and let's move forward.

REPRESENTATIVE DUKES: Congratulations on being able, it seems, to acquire support for the measures that are within **CSSB 175**. However, I would like to ask you a couple of questions, especially based on some of the things you mentioned in your closing address about the types of degrees and the types of programs that the university will now be able to extend opportunity for an education for students to enter the university. In those degree programs, when I was looking on the internet at statistical information that The University of Texas has on their own website, I noticed—I knew—but as I went to verify, I noticed that the majority of those degree programs that you listed, and those other items that would be reviewed, would diminish those African Americans' participation in education at The University of Texas, because presently, they're not very healthy in those numbers. So what I am asking you is that if in two years we come back and the numbers have dropped below six percent, where they are presently, will you have a plan in place to ensure that people in Texas of all colors will have an opportunity at The University of Texas for something other than sports?

BRANCH: Ms. Dukes, I believe this piece of legislation puts that plan in place—to make sure that we have more opportunity, more discretion, more opportunity for all Texans to have an opportunity to participate in those sorts of programs.

DUKES: I'm certain that you sincerely believe that, but it has been a long time since 1999 and *Hopwood*. It's been a long time since top 10 percent was put in place, and there's been little movement to better the recruitment and retention of minority students and, in particular, African American students at The University of Texas. And that is one of the main issues that Senator Barrientos brought up in the hearing on this bill—was that as we change—there could have been some changes at the university. Did we not, just two sessions ago, change the requirements of an individual who could receive a Teague Grant?

BRANCH: We did.

DUKES: And did we not change the requirements that one would not be able to receive a Teague and a TEXAS Grant?

BRANCH: I believe that's correct.

DUKES: And did we not choose to not fully fund TEXAS Grants so that fewer students would have the ability to receive financial aid?

BRANCH: We almost doubled the amount of money that we currently have in TEXAS Grants, and based on the statistical analysis, we're still going to be a little short.

DUKES: That is correct. So there will still be students who, based on the changes of this bill of top 10 percent, who will no longer be able to enter the university. Their only option is a private school. But changing Teague and not funding TEXAS Grants, they won't have an ability to higher education because private institutions are more expensive. So I would ask you that when we come back in two years, if African Americans are not able to get an education at greater numbers than they are now, that we revisit this top 10 percent and not just say we're going to deal with tier schools some time in the future.

#### REMARKS ORDERED PRINTED

Representative Edwards moved to print all closing remarks on **CSSB 175**.

The motion prevailed.

(Pitts now present)

**CSSB 175**, as amended, was passed to third reading by (Record 1134): 121 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dunnam; Edwards; Eiland; Eissler; Elkins; Farabee; Farias; Farrar; Fletcher; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Lucio; Madden; Maldonado; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Nays — Alonzo; Anchia; Burnam; Davis, Y.; Dukes; England; Flores; Gonzalez Toureilles; Guillen; Gutierrez; Isett; Keffer; Leibowitz; Mallory Caraway; Marquez; Martinez; McReynolds; Miklos; Miller, S.; Olivo; Otto; Peña; Quintanilla; Swinford.

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

Absent, Excused — Brown, F.; Kuempel; Woolley.

### PARLIAMENTARY INQUIRY

REPRESENTATIVE HERRERO: Mr. Speaker, I'd like to move to set **SB 14** as a special order for today, May 25, 2009, at 9:30 p.m.

SPEAKER STRAUS: Mr. Herrero, I'm not going to recognize you for that motion at this time.

HERRERO: Would you recognize me to move to set **SB 841** as a special order for today, May 25, 2009, at 10 p.m.?

SPEAKER: Not at this time, Mr. Herrero.

HERRERO: Would you recognize me to suspend the rules to pull up **SB 14** out of order, to be placed and considered today, May 25, 2009, at 9:30 p.m.?

SPEAKER: Mr. Herrero, I'm not sure even what bills those are. If you want to bring them down, I'll take a look at them.

HERRERO: Well, **SB 14**, Mr. Speaker, is the TWIA bill, relating to the operation of the Texas Windstorm Insurance Association and the Texas Fair Plan Association, making an appropriation.

SPEAKER: I won't recognize you at this time, but if you want to come down and discuss it with me, I'd be happy to do that.

HERRERO: Would you recognize me to suspend the rules to bring up out of order **SB 841**, known as the Children's Health Insurance Program, out of order today and considered today, May 25, 2009, at 10 p.m.?

SPEAKER: Not at this time, Mr. Herrero.

REPRESENTATIVE LEIBOWITZ: I move to set Senator Hegar's bill, **SB 1007**, as a special order of the house for today, May 25, 2009, at 9:30 p.m., relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties. I move to set that as a special order of the house for 9:30 this evening.

SPEAKER: The chair will not recognize you at this time for that motion.

### REMARKS ORDERED PRINTED

Representative Leibowitz moved to print remarks between Speaker Straus and Representative Leibowitz and between Speaker Straus and Representative Herrero.

The motion prevailed.

(Bohac in the chair)

### SB 1011 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Harper-Brown, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1011**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1011**: Harper-Brown, chair; Laubenberg, Paxton, Y. Davis, and McClendon.

### **HB 2374 - CONFERENCE COMMITTEE APPOINTED**

Representative Guillen moved that a conference committee be requested to adjust the differences between the two houses on **HB 2374**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2374**: Guillen, chair; Ritter, Martinez Fischer, Chisum, and Berman.

### **HB 1293 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1293**, A bill to be entitled An Act relating to disclosure of certain information regarding annuity transactions.

Representative Eiland moved to concur in the senate amendments to **HB 1293**.

The motion to concur in the senate amendments to **HB 1293** prevailed by (Record 1135): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac(C); Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; 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; Harcastle; Harless; Harper-Brown; Hartnett; Heflin; 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; 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; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Cohen; Davis, Y.; Hernandez; Martinez Fischer; Thompson.

### Senate Committee Substitute

**CSHB 1293**, A bill to be entitled An Act relating to the sale and marketing of life insurance and annuities.

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

SECTION 1. Subtitle A, Title 7, Insurance Code, is amended by adding Chapter 1116 to read as follows:

#### CHAPTER 1116. DISCLOSURE OF INFORMATION REGARDING ANNUITY TRANSACTIONS

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1116.001. PURPOSES. The purpose of this chapter is to:

(1) protect consumers and foster consumer education by providing standards for the disclosure of certain minimum information about annuity contracts; and

(2) ensure that purchasers of annuity contracts understand certain basic features of annuity contracts.

Sec. 1116.002. GENERAL DEFINITIONS. In this chapter:

(1) "Buyer's guide" means a buyer's guide published or adopted by the department under Section 1116.006.

(2) "Charitable gift annuity" has the meaning assigned by Section 102.001.

(3) "Contract owner" means the owner named in the annuity contract or, in the case of a group annuity contract, the certificate holder.

(4) "Funding agreement" means an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts that are not based on mortality or morbidity contingencies.

(5) "Generic name" means a short title descriptive of the annuity contract being illustrated or for which an applicant is applying, such as "single premium deferred annuity."

(6) "Structured settlement annuity" means:

(A) a "qualified funding asset," as defined by Section 130(d), Internal Revenue Code of 1986; or

(B) an annuity that would be a qualified funding asset but for the fact that the annuity is not owned by an assignee under a qualified assignment.

Sec. 1116.003. DETERMINABLE ELEMENTS. (a) For purposes of this chapter, "determinable elements" means elements derived from processes or methods that are guaranteed at issue and are not subject to company discretion, but for which the values or amounts cannot be determined until some point after issue. The term includes:

(1) premiums;

(2) credited interest rates, including any bonus;

(3) benefits;

(4) values;

(5) noninterest based credits;

(6) charges; and

(7) elements of formulas used to determine any element described by Subdivisions (1)-(6).

(b) Determinable elements may be described as guaranteed but not determined at issue. An element is considered determinable if the element was computed from only underlying determinable elements, or from both determinable and guaranteed elements.

Sec. 1116.004. GUARANTEED AND NONGUARANTEED ELEMENTS. (a) For purposes of this chapter, "guaranteed element" means an element listed in Sections 1116.003(a)(1)-(7) that is guaranteed and determined at issue. An element is considered guaranteed if all of the underlying elements used in its computation are guaranteed.

(b) For purposes of this chapter, "nonguaranteed element" means an element listed in Sections 1116.003(a)(1)-(7) that is subject to the insurer's discretion and is not guaranteed at issue. An element is considered nonguaranteed if any underlying element used in its computation is nonguaranteed.

Sec. 1116.005. APPLICABILITY; SCOPE. (a) Except as provided by Subsection (b), this chapter applies to all group and individual annuity contracts and certificates.

(b) This chapter does not apply to:

(1) immediate and deferred annuities that do not contain elements that are nonguaranteed;

(2) annuities used to fund:

(A) an employee pension plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.);

(B) a plan described by Section 401(a), 401(k), or 403(b), Internal Revenue Code of 1986, in which the plan, for purposes of the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), is established or maintained by an employer;

(C) a governmental or church plan as defined by Section 414, Internal Revenue Code of 1986, or a deferred compensation plan of a state or local government or a tax-exempt organization under Section 457, Internal Revenue Code of 1986; or

(D) a nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

(3) a structured settlement annuity;

(4) a charitable gift annuity qualified under Chapter 102;

(5) a funding agreement; or

(6) an annuity contract used to fund a contract for prepaid funeral benefits, as defined by Chapter 154, Finance Code.

(c) This chapter applies to an annuity used to fund a plan or arrangement that is funded solely by contributions an employee elects to make, whether on a pretax or after-tax basis, if the insurer has been notified that plan participants may choose from among two or more fixed annuity providers and there is a direct solicitation of an individual employee by a producer for the purchase of an annuity contract. As used in this subsection, "direct solicitation" does not include a meeting held by a producer solely for the purpose of educating or enrolling employees in the plan or arrangement.

Sec. 1116.006. BUYER'S GUIDES. (a) The commissioner by rule shall adopt buyer's guides for consumers who are considering purchasing an annuity contract or certificate.

(b) In adopting buyer's guides under this section, the commissioner may adopt the buyer's guides published by the National Association of Insurance Commissioners or similar comprehensive guides produced by the department or published by national insurance organizations recognized by the commissioner. If a buyer's guide to a particular type of annuity has not been adopted nationally, the commissioner may not adopt a buyer's guide for that type of annuity.

Sec. 1116.007. EFFECT ON OTHER LAW. Compliance with this chapter or rules implementing this chapter is not an affirmative defense in any action brought by or for the department alleging a violation of Chapter 541, 1114, or 1115.

[Sections 1116.008-1116.050 reserved for expansion]

#### SUBCHAPTER B. DISCLOSURES AND DISCLOSURE STANDARDS

Sec. 1116.051. STANDARDS FOR DISCLOSURE DOCUMENT AND BUYER'S GUIDE. (a) If an application for an annuity contract or certificate is taken in a face-to-face meeting, the applicant shall be given, at or before the time of application, both the disclosure document described by Section 1116.052 and the appropriate buyer's guide.

(b) If the application is taken by means other than in a face-to-face meeting, the applicant shall be sent both the disclosure document and the appropriate buyer's guide not later than the fifth business day after the date on which the completed application is received by the insurer.

(c) If the application is received as a result of a direct solicitation through the mail, providing the appropriate buyer's guide and the disclosure document in a mailing inviting prospective applicants to apply for an annuity contract or certificate is considered to satisfy the requirement that the appropriate buyer's guide and the disclosure document be provided not later than the fifth business day after the date of receipt of the application.

(d) If the application is received through the Internet, taking reasonable steps to ensure that the appropriate buyer's guide and the disclosure document are available for viewing and printing on the insurer's website is considered to satisfy the requirement that the appropriate buyer's guide and the disclosure document be provided not later than the fifth business day after the date of receipt of the application.

(e) A solicitation for an annuity contract that is provided in a manner other than a face-to-face meeting must include a statement that the proposed applicant may contact the department for a free annuity buyer's guide or that the prospective applicant may contact the insurer for a free annuity buyer's guide.

(f) If the appropriate buyer's guide and the disclosure document are not provided at or before the time of application, a free look period of at least 15 days must be provided during which the applicant may return the annuity contract without penalty. This period shall run concurrently with any other free look period required under this code or another law of this state. An unconditional refund without penalty for purposes of this subsection for variable or modified

guaranteed annuity contracts shall mean a refund equal to the cash surrender value provided in the annuity contract, plus any fees or charges deducted from the premiums or imposed under the contract. The refund and free look period in this subsection do not apply if the prospective owner is an accredited investor, as defined in Regulation D as adopted by the United States Securities and Exchange Commission.

Sec. 1116.052. DISCLOSURE DOCUMENT. (a) At a minimum, the following information must be included in the disclosure document required to be provided under this chapter:

(1) the generic name of the contract, the insurer product name, if different from the generic name, the insurer's form number, and a statement of the fact that the contract is an annuity;

(2) the insurer's name and address;

(3) a description of the contract and the benefits provided under the contract, emphasizing the contract's long-term nature, and including examples as appropriate;

(4) the guaranteed, nonguaranteed, and determinable elements of the contract, any limitations of those elements, and an explanation of how those elements operate;

(5) an explanation of the initial crediting rate, specifying any bonus or introductory portion, the duration of the initial crediting rate, and the fact that rates may change from time to time and are not guaranteed;

(6) periodic income options, both on a guaranteed and nonguaranteed basis;

(7) any value reductions caused by withdrawals from or surrender of the contract;

(8) how values in the contract can be accessed;

(9) the death benefit, if available, and how the death benefit is computed;

(10) a summary of:

(A) the federal tax status of the contract; and

(B) any penalties applicable on withdrawal of values from the contract;

(11) the impact of any rider, such as a long-term care rider;

(12) a list of the specific dollar amount or percentage charges and fees, with an explanation of how those charges and fees apply; and

(13) information about the current guaranteed rate for new contracts that contains a clear notice that the rate is subject to change.

(b) An insurer shall define terms used in the disclosure document in language that facilitates the understanding by a typical person within the segment of the public to which the disclosure document is directed.

(c) A disclosure document that complies with the Financial Industry Regulatory Authority (FINRA) Conduct Rules and Securities and Exchange Commission prospectus requirements satisfies the requirements of this section for disclosure documents. This subsection does not limit the commissioner's ability to enforce the provisions of this section or require the use of a FINRA-approved

disclosure document. This subsection is intended to grant a safe harbor under this chapter for an annuity contract that is regulated by, and complies with, the FINRA Conduct Rules and the SEC prospectus requirements pertaining to disclosure.

Sec. 1116.053. REPORT TO CONTRACT OWNERS. (a) For annuities in the payout period with changes in nonguaranteed elements and for the accumulation period of a deferred annuity, the insurer shall provide each contract owner with a report, at least annually, on the status of the contract.

(b) The report must contain at least the following information:

- (1) the beginning and ending date of the current reporting period;
- (2) the accumulation and cash surrender value, if any, at the end of:
 
  - (A) the previous reporting period; and
  - (B) the current reporting period;
- (3) the total amounts, if any, that have been credited, charged to the contract or certificate value, or paid during the current reporting period; and
- (4) the amount of any outstanding loans as of the end of the current reporting period.

[Sections 1116.054-1116.100 reserved for expansion]

#### SUBCHAPTER C. ENFORCEMENT

Sec. 1116.101. VIOLATION. A violation of a requirement of this chapter by an insurer or agent constitutes an unfair or deceptive act or practice in the business of insurance for purposes of Chapter 541.

SECTION 2. Section 1114.004(a), Insurance Code, is amended to read as follows:

(a) Except as otherwise specifically provided by this chapter, this chapter does not apply to transactions involving:

- (1) credit life insurance;
- (2) group life insurance or group annuities for which there is no direct solicitation of individuals by an agent;
- (3) ~~group~~ life insurance and annuities used to fund prepaid funeral benefits contracts, as defined by Chapter 154, Finance Code;
- (4) an application to:
  - (A) exercise a contractual change or a conversion privilege made to the insurer that issued the existing policy or contract;
  - (B) replace an existing policy or contract by the insurer that issued the existing policy or contract under a program filed with and approved by the commissioner; or
  - (C) exercise a term conversion privilege among corporate affiliates;
- (5) life insurance proposed to replace life insurance under a binding or conditional receipt issued by the same insurer;
- (6) a policy or contract used to fund:
  - (A) an employee pension benefit plan or employee welfare benefit plan that is covered by the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.);
  - (B) a plan described by Section 401(a), 401(k), or 403(b), Internal Revenue Code of 1986, if established or maintained by an employer;

(C) a government or church plan, as defined by Section 414, Internal Revenue Code of 1986, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization described under Section 457, Internal Revenue Code of 1986; or

(D) a nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

(7) new coverage provided under a life insurance policy or contract if the cost is borne wholly by the insured's employer or by an association of which the insured is a member;

(8) an existing life insurance policy that is a nonconvertible term life insurance policy scheduled to expire in five years or less and that cannot be renewed;

(9) immediate annuities purchased with proceeds from an existing contract; or

(10) structured settlements.

SECTION 3. Section 541.058(b), Insurance Code, is amended to read as follows:

(b) It is not a rebate or discrimination prohibited by Section 541.056(a) or 541.057:

(1) for a life insurance or life annuity contract, to pay a bonus to a policyholder or otherwise abate the policyholder's premiums in whole or in part out of surplus accumulated from nonparticipating insurance policies if the bonus or abatement:

(A) is fair and equitable to policyholders; and

(B) is in the best interests of the insurer and its policyholders;

(2) for a life insurance policy issued on the industrial debit plan, to make to a policyholder who has continuously for a specified period made premium payments directly to the insurer's office an allowance in an amount that fairly represents the saving in collection expenses;

(3) for a group insurance policy, to readjust the rate of premium based on the loss or expense experience under the policy at the end of a policy year if the adjustment is retroactive for only that policy year;

(4) for a life annuity contract, to waive surrender charges under the contract when the contract holder exchanges that contract for another annuity contract issued by the same insurer or an affiliate of the same insurer that is part of the same holding company group if:

(A) the waiver and the exchange are fully, fairly, and accurately explained to the contract holder in a manner that is not deceptive or misleading; and

(B) the contract holder is given credit for the time that the prior contract was held when determining any surrender charges under the new contract;

(5) in connection with an accident and health insurance policy, to provide to policy or certificate holders, in addition to benefits under the terms of the insurance contract, health-related services or health-related information, or to disclose the availability of those additional services and information to prospective policy or certificate holders; or

(6) in connection with a health maintenance organization evidence of coverage, to provide to enrollees, in addition to benefits under the evidence of coverage, health-related services or health-related information, or to disclose the availability of those additional services and information to prospective enrollees or contract holders.

SECTION 4. Subchapter B, Chapter 1114, Insurance Code, is amended by adding Section 1114.057 to read as follows:

Sec. 1114.057. DISCLOSURE OF AVAILABILITY OF WAIVER OF SURRENDER CHARGES. An insurer that offers to waiver surrender charges consistent with Section 541.058(b)(4) of this code shall provide reasonable notice of such offer to its prospective or current contract holders. Such notice may be included through any available means, including a disclosure document or displayed on a link that is prominently placed on the insurer's web page.

SECTION 5. The change in law made by this Act applies only to an application for an annuity contract or certificate, or a solicitation for an annuity contract, made on or after January 1, 2010. An application for an annuity contract or certificate, or a solicitation for an annuity contract, made before January 1, 2010, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2009.

### **HB 3544 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3544**, A bill to be entitled An Act relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.

Representative Lucio moved to concur in the senate amendments to **HB 3544**.

The motion to concur in the senate amendments to **HB 3544** prevailed by (Record 1136): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac(C); Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; 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; McCall; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Flores; Martinez Fischer; McClendon; McReynolds.

### Senate Committee Substitute

**CSHB 3544.** A bill to be entitled An Act relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.

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

SECTION 1. Section 5.128, Water Code, is amended to read as follows:

Sec. 5.128. ELECTRONIC REPORTING TO COMMISSION; ELECTRONIC TRANSMISSION OF INFORMATION BY COMMISSION; REDUCTION OF DUPLICATE REPORTING. (a) The commission shall encourage the use of electronic reporting through the Internet, to the extent practicable, for reports required by the commission. Notwithstanding any other law, the commission may:

(1) adjust fees as necessary to encourage electronic reporting and the use of the commission's electronic document receiving system. An electronic report must be submitted in a format prescribed by the commission. The commission may consult with the Department of Information Resources on developing a simple format for use in implementing this subsection; and

(2) utilize electronic means of transmission of information, including notices, orders, and decisions issued or sent by the commission.

(b) The commission shall strive to reduce duplication in reporting requirements throughout the agency.

SECTION 2. Sections 11.31(c), (d), (e), and (i), Tax Code, are amended to read as follows:

(c) In applying for an exemption under this section, a person seeking the exemption shall present in a permit application or permit exemption request to the executive director of the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality information detailing:

(1) the anticipated environmental benefits from the installation of the facility, device, or method for the control of air, water, or land pollution;

(2) the estimated cost of the pollution control facility, device, or method; and

(3) the purpose of the installation of such facility, device, or method, and the proportion of the installation that is pollution control property.

If the installation includes property that is not used wholly for the control of air, water, or land pollution, the person seeking the exemption shall also present such financial or other data as the executive director requires by rule for the determination of the proportion of the installation that is pollution control property.

(d) Following submission of the information required by Subsection (c), the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality shall determine if the facility, device, or method is used wholly or partly as a facility, device, or method for the control of air, water, or land pollution. As soon as practicable, the executive director shall send notice by regular mail or by electronic means to the chief appraiser of the appraisal district for the county in which the property is located that the person has applied for a determination under this subsection. The executive director shall issue a letter to the person stating the executive director's determination of whether the facility, device, or method is used wholly or partly to control pollution and, if applicable, the proportion of the property that is pollution control property. The executive director shall send a copy of the letter by regular mail or by electronic means to the chief appraiser of the appraisal district for the county in which the property is located.

(e) Not later than the 20th day after the date of receipt of the letter issued by the executive director, the person seeking the exemption or the chief appraiser may appeal the executive director's determination to the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality. The commission shall consider the appeal at the next regularly scheduled meeting of the commission for which adequate notice may be given. The person seeking the determination and the chief appraiser may testify at the meeting. The commission may remand the matter to the executive director for a new determination or deny the appeal and affirm the executive director's determination. On issuance of a new determination, the executive director shall issue a letter to the person seeking the determination and provide a copy to the chief appraiser as provided by Subsection (d). A new determination of the executive director may be appealed to the commission in the manner provided by this subsection. A proceeding under this subsection is not a contested case for purposes of Chapter 2001, Government Code.

(i) A person seeking an exemption under this section shall provide to the chief appraiser a copy of the letter issued by the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality under Subsection (d) determining that the facility, device, or method is used wholly or partly as pollution control property. The chief appraiser shall accept a final determination by the executive director as conclusive evidence that the facility, device, or method is used wholly or partly as pollution control property.

SECTION 3. Section 11.31, Tax Code, is amended by adding Subsections (g-1) and (n) to read as follows:

(g-1) The standards and methods for making a determination under this section that are established in the rules adopted under Subsection (g) apply uniformly to all applications for determinations under this section, including applications relating to facilities, devices, or methods for the control of air, water, or land pollution included on a list adopted by the Texas Commission on Environmental Quality under Subsection (k).

(n) The Texas Commission on Environmental Quality shall establish a permanent advisory committee consisting of representatives of industry, appraisal districts, taxing units, and environmental groups, as well as members who are not representatives of any of those entities but have substantial technical expertise in pollution control technology and environmental engineering, to advise the commission regarding the implementation of this section. Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

SECTION 4. As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall appoint the initial members of the advisory committee under Section 11.31(n), Tax Code, as added by this Act.

SECTION 5. (a) The change in law made by Sections 11.31 (g-1) and (n), Tax Code, applies only to a determination that is not final on the effective date of the Act on an application that was filed on or after January 1, 2009.

(b) A determination that is not final on the effective date of the Act on an application that was filed before January 1, 2009 is governed by law in effect before the effective date of this act, and that law is continued in effect for that purpose.

SECTION 6. The change in law made by Section 11.31 (g-1) and (n), Tax Code, applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION 7. Section 552.137, Government Code, is amended to read as follows:

Sec. 552.137. CONFIDENTIALITY OF CERTAIN E-MAIL ADDRESSES. (a) Except as otherwise provided by this section, an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this chapter.

(b) Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release.

(c) Subsection (a) does not apply to an e-mail address:

(1) provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;

(2) provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;

(3) contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a governmental body in the course of negotiating the terms of a contract or potential contract; ~~or~~

(4) provided to a governmental body on a letterhead, coversheet, printed document, or other document made available to the public; or

(5) provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license as defined by Section 2001.003(2) of this Code, or receiving orders or decisions from a governmental body.

(d) Subsection (a) does not prevent a governmental body from disclosing an e-mail address for any reason to another governmental body or to a federal agency.

SECTION 8. Section 552.228, Government Code, is amended to read as follows:

Sec. 552.228. PROVIDING SUITABLE COPY OF PUBLIC INFORMATION WITHIN REASONABLE TIME. (a) It shall be a policy of a governmental body to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.

(b) If public information exists in an electronic or magnetic medium, the requestor may request a copy ~~[either on paper or]~~ in an electronic medium, such as on diskette or on magnetic tape. A governmental body shall provide a copy in the requested medium if:

(1) the governmental body has the technological ability to produce a copy of the requested information in the requested medium;

(2) the governmental body is not required to purchase any software or hardware to accommodate the request; and

(3) provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the governmental body and a third party.

(c) If a governmental body is unable to comply with a request to produce a copy of information in a requested medium for any of the reasons described by this section, the governmental body shall provide ~~[a paper copy of the requested information or]~~ a copy in another medium that is acceptable to the requestor. A governmental body is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

SECTION 9. The changes in law made to Section 552.228, Government Code, by this Act apply only to requests received by the agency on or after September 1, 2009. Requests received by the agency before the effective date of this Act are governed by the former law, and that law is continued in effect for that purpose.

SECTION 10. Except as otherwise provided by the Act, this Act takes effect September 1, 2009.

**HB 3515 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

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

Representative Dunnam moved to concur in the senate amendments to **HB 3515**.

The motion to concur in the senate amendments to **HB 3515** prevailed by (Record 1137): 140 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac(C); Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; 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.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Nays — Riddle.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Hartnett; Jackson; Kolkhorst; Laubenberg; Turner, S.

**Senate Committee Substitute**

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

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

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.121 to read as follows:

Sec. 38.121. FAILURE TO REPORT BARRATRY OR SOLICITATION OF EMPLOYMENT. (a) A lawyer commits an offense if the lawyer, during the course of representation of a client:

(1) acquires knowledge that would reasonably cause a lawyer to believe that a person, other than a lawyer subject to the Texas Disciplinary Rules of Professional Conduct, while acting on behalf of a lawyer, has engaged in conduct that constitutes an offense under Section 38.12; and

(2) fails to report the knowledge to the State Bar of Texas not later than the 45th business day after the lawyer acquires the knowledge.

(b) An offense under this section is a Class C misdemeanor.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

### **HB 1969 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1969**, A bill to be entitled An Act relating to the enforcement of a penalty clause for contesting a will or trust.

Representative Hartnett moved to concur in the senate amendments to **HB 1969**.

The motion to concur in the senate amendments to **HB 1969** prevailed by (Record 1138): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — England; Geren; Phillips; Pierson.

## STATEMENT OF VOTE

When Record No. 1138 was taken, my vote failed to register. I would have voted yes.

Pierson

### Senate Committee Substitute

**CSHB 1969**, A bill to be entitled An Act relating to the enforcement of certain provisions in a will or trust that forfeit or void devises or interests.

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

SECTION 1. Chapter IV, Texas Probate Code, is amended by adding Section 64 to read as follows:

Sec. 64. FORFEITURE CLAUSE. A provision in a will that would cause a forfeiture of a devise or void a devise or provision in favor of a person for bringing any court action, including contesting a will, is unenforceable if:

- (1) probable cause exists for bringing the action; and
- (2) the action was brought in good faith.

SECTION 2. Section 111.0035(b), Property Code, is amended to read as follows:

(b) The terms of a trust prevail over any provision of this subtitle, except that the terms of a trust may not limit:

- (1) the requirements imposed under Section 112.031;
- (2) the applicability of Section 114.007 to an exculpation term of a trust;
- (3) the periods of limitation for commencing a judicial proceeding regarding a trust;
- (4) a trustee's duty:

(A) with regard to an irrevocable trust, to respond to a demand for accounting made under Section 113.151 if the demand is from a beneficiary who, at the time of the demand:

(i) is entitled or permitted to receive distributions from the trust; or

(ii) would receive a distribution from the trust if the trust terminated at the time of the demand; and

(B) to act in good faith and in accordance with the purposes of the trust; ~~or~~

(5) the power of a court, in the interest of justice, to take action or exercise jurisdiction, including the power to:

(A) modify or terminate a trust or take other action under Section 112.054;

(B) remove a trustee under Section 113.082;

(C) exercise jurisdiction under Section 115.001;

(D) require, dispense with, modify, or terminate a trustee's bond; or

(E) adjust or deny a trustee's compensation if the trustee commits a breach of trust; or

(6) the applicability of Section 112.038.

SECTION 3. Subchapter B, Chapter 112, Property Code, is amended by adding Section 112.038 to read as follows:

Sec. 112.038. FORFEITURE CLAUSE. A provision in a trust that would cause a forfeiture of or void an interest for bringing any court action, including contesting a trust, is unenforceable if:

- (1) probable cause exists for bringing the action; and
- (2) the action was brought in good faith.

SECTION 4. (a) Section 64, Texas Probate Code, as added by this Act, applies only to the estate of a decedent who dies on or after the effective date of this Act. The estate of a decedent who dies before the effective date of this Act is governed by the law in effect on the date of the decedent's death, and the former law is continued in effect for that purpose.

(b) Section 112.038, Property Code, as added by this Act, and Section 111.0035(b), Property Code, as amended by this Act, apply to a trust existing on or created on or after the effective date of this Act.

(c) The intent of this Act is to clarify existing law.

SECTION 5. 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 1969** (committee version) as follows:

- (1) On page 1, line 20, between "brought" and "in" insert "and maintained"
- (2) On page 1, line 58, between "brought" and "in" insert "and maintained"

#### **HB 2066 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2066**, A bill to be entitled An Act relating to enhancing penalties for assaulting a family member by strangulation or suffocation.

Representative Gallego moved to concur in the senate amendments to **HB 2066**.

The motion to concur in the senate amendments to **HB 2066** prevailed by (Record 1139): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac(C); Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones;

Keffer; 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; 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; Zerwas.

Nays — Hartnett.

Present, not voting — Mr. Speaker; Christian.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Cohen; Farrar; Pierson.

### STATEMENT OF VOTE

When Record No. 1139 was taken, my vote failed to register. I would have voted yes.

Pierson

### Senate Committee Substitute

**CSHB 2066**, A bill to be entitled An Act relating to enhancing penalties for assaulting a family member by strangulation or suffocation.

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

SECTION 1. Section 22.01, Penal Code, is amended by amending Subsections (b) and (f) and adding Subsections (b-1) and (g) to read as follows:

(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

(1) a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if:

(A) it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or

(B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth;

(3) a person who contracts with government to perform a service in a facility as defined by Section 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code, or an employee of that person:

(A) while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by government to provide the service; or

(B) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract;

(4) a person the actor knows is a security officer while the officer is performing a duty as a security officer; or

(5) a person the actor knows is emergency services personnel while the person is providing emergency services.

(b-1) Notwithstanding Subsection (b)(2), an offense under Subsection (a)(1) is a felony of the second degree if:

(1) the offense is committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;

(2) it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; and

(3) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.

(f) For the purposes of Subsections (b)(2)(A) and (b-1)(2) [~~Subsection (b)(2)~~]:

(1) a defendant has been previously convicted of an offense listed in those subsections [~~Subsection (b)(2)~~] committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision; and

(2) a conviction under the laws of another state for an offense containing elements that are substantially similar to the elements of an offense listed in those subsections [~~Subsection (b)(2)~~] is a conviction of the an offense listed [~~in Subsection (b)(2)~~].

(g) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. 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. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2009.

**HB 4781 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 4781**, A bill to be entitled An Act relating to the imposition and rate of the county hotel occupancy tax in certain counties.

Representative Gallego moved to concur in the senate amendments to **HB 4781**.

The motion to concur in the senate amendments to **HB 4781** prevailed by (Record 1140): 129 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Branch; Brown, B.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; 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; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Bonnen; Callegari; Crabb; Flynn; Gattis; Geren; Hancock; Howard, C.; Legler; Madden; Miller, S.; Parker; Sheffield; Solomons; Truitt; Weber.

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

Absent, Excused — Brown, F.; Kuempel; Woolley.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 1140. I intended to vote no.

McCall

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

Amend **HB 4781** (Senate committee printing) by adding the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. Section 351.102, Tax Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) An eligible central municipality or a municipality with a population of 173,000 or more that is located within two counties may pledge the revenue derived from the tax imposed under this chapter from a hotel project that is owned by or located on land owned by the municipality or, in an eligible central municipality, by a nonprofit corporation acting on behalf of an eligible central municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality for the payment of bonds or other obligations issued or incurred to acquire, lease, construct, and equip the hotel and any facilities ancillary to the hotel, including shops and parking facilities. For bonds or other obligations issued under this subsection, an eligible central municipality or a municipality with a population of 173,000 or more that is located within two counties may only pledge revenue or other assets of the hotel project benefiting from those bonds or other obligations.

(b-1) A municipality with a population of 173,000 or more that is located within two counties and is not an eligible central municipality may not pledge revenue under Subsection (b) in relation to a particular hotel project after the earlier of:

(1) the 20th anniversary of the date the municipality first pledged the revenue to the hotel project; or

(2) the date the revenue pledged to the hotel project equals 40 percent of the hotel project's total construction cost.

SECTION \_\_\_\_\_. Subsection (b), Section 1504.001, Government Code, is amended to read as follows:

(b) An eligible central municipality, as defined by Section 351.001, Tax Code, or a municipality with a population of 173,000 or more that is located within two counties may establish, acquire, lease as lessee or lessor, construct, improve, enlarge, equip, repair, operate, or maintain a hotel, and any facilities ancillary to the hotel, including shops and parking facilities, that are owned by or located on land owned by the municipality or by a nonprofit corporation acting on behalf of the municipality, and that is located within 1,000 feet of a convention center facility owned by the municipality.

SECTION \_\_\_\_\_. Subsection (b), Section 1504.002, Government Code, is amended to read as follows:

(b) An eligible central municipality, as defined by Section 351.001, Tax Code, or a municipality with a population of 173,000 or more that is located within two counties by ordinance may issue bonds or incur other obligations to acquire, lease, construct, or equip a facility described by Section 1504.001(b).

**HB 1722 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1722**, A bill to be entitled An Act relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

Representative Castro moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1722**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1722**: Castro, chair; Gallego, Moody, Hunter, and Phillips.

### **HB 3004 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3004**, A bill to be entitled An Act relating to animal shelter standards; providing a civil penalty.

Representative Coleman moved to concur in the senate amendments to **HB 3004**.

The motion to concur in the senate amendments to **HB 3004** prevailed by (Record 1141): 144 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Miller, S.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Callegari.

### Senate Committee Substitute

**CSHB 3004**, A bill to be entitled An Act relating to animal shelter standards; providing a civil penalty.

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

SECTION 1. Chapter 823, Health and Safety Code, is amended by adding Sections 823.008 and 823.009 to read as follows:

Sec. 823.008. ENFORCEMENT BY COUNTY. (a) A county may enforce this chapter.

(b) This section does not authorize a county to establish standards for operating an animal shelter.

(c) A county may not enforce this chapter at an animal shelter operated by a municipality.

Sec. 823.009. CIVIL PENALTY. (a) A person may not cause, suffer, allow, or permit a violation of this chapter or a rule adopted under this chapter.

(b) A person who violates this chapter or a rule adopted under this chapter shall be assessed a civil penalty. A civil penalty under this chapter may not be less than \$100 or more than \$500 for each violation and for each day of a continuing violation. This subsection does not apply at an animal shelter operated by a municipality.

(c) If it appears that a person has violated, is violating, or is threatening to violate this chapter or a rule adopted under this chapter, the county or municipality in which the violation occurs may institute a civil suit in district court for:

(1) injunctive relief to restrain the person from continuing the violation or threat of violation;

(2) the assessment and recovery of the civil penalty; or

(3) both injunctive relief and the civil penalty.

(d) A bond is not required in an action brought under this section.

SECTION 2. The change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

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

### **HB 3148 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative T. Smith called up with senate amendments for consideration at this time,

**HB 3148**, A bill to be entitled An Act relating to exempting certain young persons who are convicted of an offense involving consensual sex from the requirement of registering as a sex offender in this state.

Representative T. Smith moved to concur in the senate amendments to **HB 3148**.

The motion to concur in the senate amendments to **HB 3148** prevailed by (Record 1142): 111 Yeas, 28 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Berman; Bohac(C); Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Cohen; Coleman; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kolkhorst; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Vaught; Veasey; Villarreal; Vo; Walle; Weber.

Nays — Aycock; Chisum; Christian; Cook; Craddick; Creighton; Darby; Elkins; Fletcher; Flynn; Harless; Harper-Brown; Hughes; King, P.; Kleinschmidt; Laubenberg; Mallory Caraway; Miklos; Moody; Morrison; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Turner, C.; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Bolton; Dukes; Hodge; Kent; Rose; Taylor; Turner, S.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1142. I intended to vote no.

Hopson

When Record No. 1142 was taken, I was in the house but away from my desk. I would have voted no.

Kent

I was shown voting yes on Record No. 1142. I intended to vote no.

Raymond

I was shown voting yes on Record No. 1142. I intended to vote no.

Weber

#### Senate Committee Substitute

**CSHB 3148**, A bill to be entitled An Act relating to exempting certain young persons who are convicted of an offense involving consensual sex from the requirement of registering as a sex offender in this state.

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

SECTION 1. Article 42.017, Code of Criminal Procedure, is amended to read as follows:

Art. 42.017. FINDING REGARDING AGE-BASED OFFENSE. In the trial of an offense under Section 21.02, 21.11, 22.011, 22.021, or 43.25, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that:

(1) at the time of the offense, the defendant was not more than four years older than the victim or intended victim [younger than 19 years of age] and the victim or intended victim was at least 14 [13] years of age; and

(2) the conviction is based solely on the ages of the defendant and the victim or intended victim at the time of the offense.

SECTION 2. Section 5(g), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(g) If a judge places on community supervision under this section a defendant charged with an offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines that:

(1) at the time of the offense, the defendant was not more than four years older than the victim or intended victim [younger than 19 years of age] and the victim or intended victim was at least 14 [13] years of age; and

(2) the charge to which the plea is entered under this section is based solely on the ages of the defendant and the victim or intended victim at the time of the offense.

SECTION 3. Article 62.301, Code of Criminal Procedure, is amended by amending Subsections (a), (c), and (d) and adding Subsection (a-1) to read as follows:

(a) A [If eligible under Subsection (b) or (c), a] person required to register under this chapter may petition the court having jurisdiction over the case for an order exempting the person from registration under this chapter:

(1) at any time on or after the date of the person's sentencing or [after] the date the person is placed on deferred adjudication community supervision, as applicable, if the person is eligible to petition the court under Subsection (b) or (c); or

(2) at any time on or after the date the person receives a dismissal and discharge under Section 5(c), Article 42.12, if the person is eligible to petition the court under Subsection (a-1).

(a-1) A person is eligible to petition the court as described by Subsection (a) if the person:

(1) is required to register only a result of a single reportable adjudication, other than an adjudication of delinquent conduct, for an offense under Section 21.11 or 22.011, Penal Code, if the charge for the offense is based solely on the ages of the person and the victim or intended victim;

(2) was younger than 21 years of age at the time the offense was committed; and

(3) before or on the date of the petition, received a dismissal and discharge under Section 5(c), Article 42.12.

(c) A defendant who before September 1, 2009 [~~2001~~], is convicted of or placed on deferred adjudication community supervision for an offense under Section 21.11, 22.011, 22.021, or 43.25, Penal Code, is eligible to petition the court as described by Subsection (a). The court may consider the petition only if the petition states and the court finds that the defendant would have been entitled to the entry of an affirmative finding under Article 42.017 or Section 5(g), Article 42.12, as appropriate, had the conviction or placement on deferred adjudication community supervision occurred after September 1, 2009 [~~2001~~].

(d) After a hearing on the petition described by Subsection (a), the court may issue an order exempting the person from registration under this chapter if it appears by a preponderance of the evidence that:

(1) [~~as presented by a registered sex offender treatment provider, that~~] the exemption does not threaten public safety; [~~and~~]

(2) [~~that~~] the person's conduct did not occur without the consent of the victim or intended victim as described by Section 22.011(b), Penal Code;

(3) the exemption is in the best interest of the victim or intended victim;

and

(4) the exemption is in the best interest of justice.

SECTION 4. Article 62.402, Code of Criminal Procedure, is amended to read as follows:

Art. 62.402. DETERMINATION OF MINIMUM REQUIRED REGISTRATION PERIOD. (a) The department [~~council~~] by rule shall determine the minimum required registration period under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Section 16901 et seq.) [~~14071 (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)~~] for each reportable conviction or adjudication under this chapter, if this state is to receive the maximum amount of federal money available to a state as described by that law.

(b) After determining the minimum required registration period for each reportable conviction or adjudication under Subsection (a), the department [~~council~~] shall compile and publish a list of reportable convictions or adjudications for which a person must register under this chapter for a period that exceeds the minimum required registration period under federal law.

(c) To the extent possible, the department [~~council~~] shall periodically verify with the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking [~~Bureau of Justice Assistance~~] or another appropriate federal agency the accuracy of the list of reportable convictions or adjudications described by Subsection (b).

SECTION 5. The changes in law made by this Act in amending Chapter 62, Code of Criminal Procedure, apply to any person who, on or after the effective date of this Act, is required to register under that chapter, regardless of whether the offense or conduct for which the person is required to register occurs before, on, or after the effective date of this Act.

SECTION 6. Article 42.017 and Section 5(g), Article 42.12, Code of Criminal Procedure, as amended by this Act, apply only to a judgment of conviction entered on or after the effective date of this Act or a grant of deferred adjudication made on or after the effective date of this Act.

SECTION 7. This Act takes effect September 1, 2009.

**HB 1861 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1861**, A bill to be entitled An Act relating to the operation and administration of the judiciary in the event of a disaster.

Representative Eiland moved to concur in the senate amendments to **HB 1861**.

The motion to concur in the senate amendments to **HB 1861** prevailed by (Record 1143): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Taylor.

**STATEMENT OF VOTE**

When Record No. 1143 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

**Senate Committee Substitute**

**CSHB 1861**, A bill to be entitled An Act relating to the operation and administration of the judiciary in the event of a disaster.

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

SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0035 to read as follows:

Sec. 22.0035. MODIFICATION OR SUSPENSION OF CERTAIN PROVISIONS RELATING TO COURT PROCEEDINGS AFFECTED BY DISASTER. (a) In this section, "disaster" has the meaning assigned by Section 418.004.

(b) Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 30 days from the date the order was signed unless renewed by the supreme court.

(c) If a disaster prevents the supreme court from acting under Subsection (b), the chief justice of the supreme court may act on behalf of the supreme court under that subsection.

(d) If a disaster prevents the chief justice from acting under Subsection (c), the court of criminal appeals may act on behalf of the supreme court under Subsection (b).

(e) If a disaster prevents the court of criminal appeals from acting under Subsection (d), the presiding judge of the court of criminal appeals may act on behalf of the supreme court under Subsection (b).

SECTION 2. Section 74.093(c), Government Code, is amended to read as follows:

(c) The rules may provide for:

(1) the selection and authority of a presiding judge of the courts giving preference to a specified class of cases, such as civil, criminal, juvenile, or family law cases; ~~and~~

(2) a coordinated response for the transaction of essential judicial functions in the event of a disaster; and

(3) any other matter necessary to carry out this chapter or to improve the administration and management of the court system and its auxiliary services.

SECTION 3. Section 418.002, Government Code, is amended to read as follows:

Sec. 418.002. PURPOSES. The purposes of this chapter are to:

(1) reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary action;

(2) prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster;

(3) provide a setting conducive to the rapid and orderly restoration and rehabilitation of persons and property affected by disasters;

(4) clarify and strengthen the roles of the governor, state agencies, the judicial branch of state government, and local governments in prevention of, preparation for, response to, and recovery from disasters;

(5) authorize and provide for cooperation in disaster mitigation, preparedness, response, and recovery;

(6) authorize and provide for coordination of activities relating to disaster mitigation, preparedness, response, and recovery by agencies and officers of this state, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;

(7) provide an emergency management system embodying all aspects of predisaster preparedness and postdisaster response;

(8) assist in mitigation of disasters caused or aggravated by inadequate planning for and regulation of public and private facilities and land use; and

(9) provide the authority and mechanism to respond to an energy emergency.

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

#### **HB 2225 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

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

Representative Parker moved to concur in the senate amendments to **HB 2225**.

The motion to concur in the senate amendments to **HB 2225** prevailed by (Record 1144): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown, F.; Kuempel; Woolley.

### Senate Committee Substitute

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

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

SECTION 1. (a) The Department of Family and Protective Services, in conjunction with the adoption review committee described by Subsection (b) of this section, shall conduct an extensive review of the foster care system to:

(1) identify obstacles that impede the department's ability to find a permanent placement for foster children, including placement by adoption; and  
(2) develop ways to improve the foster care system by:

(A) reducing the time a child is in the conservatorship of the department before being permanently placed;

(B) reducing the number of children in the conservatorship of the department who are placed outside of their home county; and

(C) enhancing the procedures for adopting foster children.

(b) The adoption review committee is composed of the following nine members:

(1) four members appointed by the executive commissioner of the Health and Human Services Commission as follows:

(A) an employee of the Department of Family and Protective Services;

(B) a representative from a licensed child-placing agency that provides adoption services;

(C) a representative from the Council on Adoptable Children of Texas; and

(D) an attorney with expertise in handling adoptions; and

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

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

(d) Not later than December 1, 2010, the Department of Family and Protective Services shall submit a written report of the results of the review conducted under Subsection (a) of this section to the governor, the lieutenant governor, the speaker of the house of representatives, the House Committee on Human Services, and the Senate Committee on Health and Human Services. The report must include:

(1) a summary of the findings of the review conducted under Subsection (a) of this section;

(2) a summary of the obstacles identified in the review that impede the department's ability to find permanent placements for foster children;

(3) recommendations of actions the department should take to eliminate the obstacles described by Subdivision (2) of this subsection; and

(4) any legislative recommendations that would improve the foster care system.

SECTION 2. Not later than December 1, 2009, the executive commissioner of the Health and Human Services Commission and the governor shall appoint the members of the adoption review committee and the adoption review committee shall begin performing its duties as provided by this Act.

SECTION 3. The adoption review committee is abolished and this Act expires September 1, 2011.

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

**HB 3983 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3983**, A bill to be entitled An Act relating to certain homestead preservation reinvestment zones.

Representative Rodriguez moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3983**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3983**: Rodriguez, chair; D. Howard, Harless, Patrick, and Maldonado.

**HB 2763 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2763**, A bill to be entitled An Act relating to the regulation of industrialized housing and buildings.

Representative Geren moved to concur in the senate amendments to **HB 2763**.

The motion to concur in the senate amendments to **HB 2763** prevailed by (Record 1145): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Thompson.

### Senate Committee Substitute

**CSHB 2763**, A bill to be entitled An Act relating to the regulation of industrialized housing and buildings.

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

SECTION 1. Section 1202.002(c), Occupations Code, is amended to read as follows:

(c) Industrialized housing does not include:

(1) a residential structure that exceeds three stories or 49 feet in height [~~as measured from the finished grade elevation at the building entrance to the peak of the roof~~];

(2) housing constructed of a sectional or panelized system that does not use a modular component; or

(3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

SECTION 2. Section 1202.003(d), Occupations Code, is amended to read as follows:

(d) An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include:

(1) a commercial structure that exceeds three stories or 49 feet in height [~~as measured from the finished grade elevation at the building entrance to the peak of the roof~~]; or

(2) a commercial building or structure that is:

(A) installed in a manner other than on a permanent foundation;

and

(B) either:

(i) not open to the public; or

(ii) less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

SECTION 3. Subchapter A, Chapter 1202, Occupations Code, is amended by adding Section 1202.004 to read as follows:

Sec. 1202.004. RELOCATABLE EDUCATIONAL FACILITIES. (a) In this section, "relocatable educational facility" means a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Section 28.002, Education Code.

(b) A relocatable educational facility that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under this chapter.

SECTION 4. Section 1202.1535(b), Occupations Code, is amended to read as follows:

(b) The owner of an industrialized building designed to be transported from one commercial site to another that bears an approved decal or insignia indicating the building complies with the mandatory building codes and that is modified or altered after the date the council adopts a new mandatory building code or the council approves a building code amendment must ensure that the modified or altered building complies with the requirements and standards of the new building code or amendment to the extent required by the most recent edition of the International Existing Building Code adopted by the council [:

~~[(1) the entire building complies with the mandatory building code or building code amendment if the cost of the modification or alteration to the building is at least 50 percent of the value of the modules or modular components used in the construction of the building; or~~

~~[(2) the modified or altered portion of the building complies with the mandatory building code or building code amendment if the cost of the modification or alteration is less than 50 percent of the value of the modules or modular components].~~

SECTION 5. Section 46.008(b), Education Code, is repealed.

SECTION 6. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009.

(b) Section 5 of this Act takes effect December 31, 2009.

### **HB 3346 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3346**, A bill to be entitled An Act relating to the definition of a gas utility.

Representative Farabee moved to concur in the senate amendments to **HB 3346**.

The motion to concur in the senate amendments to **HB 3346** prevailed by (Record 1146): 139 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; 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; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; 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; 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; Zerwas.

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

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Deshotel; Flores; King, S.; McClendon; Pierson.

### **Senate Committee Substitute**

**CSHB 3346**, A bill to be entitled An Act relating to the definition of a gas utility.

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

SECTION 1. Section 121.001(a), Utilities Code, is amended to read as follows:

(a) In this chapter, "gas utility" means a person who owns, manages, operates, leases, or controls in this state property or equipment or a pipeline, plant, facility, franchise, license, or permit for a business that:

(1) transports, conveys, distributes, or delivers natural gas:

(A) for public use or service for compensation;

(B) for sale to municipalities or persons engaged in distributing or selling natural gas to the public, in a situation described by Subdivision (3);

(C) for sale or delivery to a person operating under a franchise or contract with a political subdivision of this state; or

(D) for sale or delivery to the public for domestic or other use;

(2) owns, operates, or manages a pipeline:

(A) that is for transporting or carrying natural gas, whether for public hire or not; and

(B) for which the right-of-way has been or is hereafter acquired by exercising the right of eminent domain, or by representing to a property owner that the person has the right to acquire right-of-way by the use of eminent domain; or

(3) produces or purchases natural gas and transports or causes the transportation of natural gas by a pipeline to or near the limits of a municipality in which the gas is received and distributed or sold to the public by another gas utility or by the municipality in a situation in which the business is the only or practically the only agency of supply of natural gas to the gas utility or municipality.

SECTION 2. Section 181.021(2), Utilities Code, is amended to read as follows:

(2) "Gas utility" means a person, firm, or corporation subject to the jurisdiction of the Railroad Commission of Texas, or a municipality, engaged in the business of transporting or distributing gas [~~for public consumption~~].

SECTION 3. This Act takes effect September 1, 2009.

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

Amend **CSHB 3346** by adding the word "lawfully" between the words "by" and "representing" on lines 33 and 34.

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

Amend **CSHB 3346** (Senate committee printing) by striking SECTION 3 of the bill (page 1, line 49), and substituting the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. Section 101.003(7), Utilities Code, is amended to read as follows:

(7) "Gas utility" includes a person or river authority that owns or operates for compensation in this state equipment or facilities to transmit or distribute combustible hydrocarbon natural gas or synthetic natural gas for sale or resale in a manner not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act (15 U.S.C. Section 717 et seq.). The term includes a lessee, trustee, or receiver of a gas utility. The term does not include:

(A) a municipal corporation;

(B) a person or river authority to the extent the person or river authority:

(i) produces, gathers, transports, or sells natural gas or synthetic natural gas under Section 121.004 or 121.005;

(ii) distributes or sells liquefied petroleum gas; or

(iii) transports, delivers, or sells natural gas for fuel for irrigation wells or any other direct agricultural use;

(C) a person to the extent the person:

(i) sells natural gas for use as vehicle fuel;

(ii) sells natural gas to a person who later sells the natural gas for use as vehicle fuel; or

(iii) owns or operates equipment or facilities to sell or transport natural gas for ultimate use as vehicle fuel;

(D) a person not otherwise a gas utility who furnishes gas or gas service only to itself, its employees, or its tenants as an incident of employment or tenancy, if the gas or gas service is not resold to or used by others; ~~[or]~~

(E) a person excluded from being considered a gas utility under Section 121.007; or

(F) an electric cooperative, as that term is defined by Section 11.003, or its subsidiary, that is excluded from regulation as a gas utility by Section 121.008.

SECTION \_\_\_\_\_. Subchapter A, Chapter 121, Utilities Code, is amended by adding Section 121.008 to read as follows:

Sec. 121.008. CERTAIN STORAGE FACILITIES OWNED BY ELECTRIC COOPERATIVES EXCLUDED. An electric cooperative, as that term is defined by Section 11.003, or its subsidiary, that sells electricity at wholesale is not a gas utility or subject to regulation as a gas utility solely because it provides gas storage services for hire if the gas storage facility is predominantly operated to support the integration of renewable resources. Such a gas storage facility shall not have a working gas capacity of greater than five billion cubic feet.

SECTION \_\_\_\_\_. Section 111.001(2), Natural Resources Code, is amended to read as follows:

(2) "Public utility" means a person, association of persons, or corporation that owns, operates, or manages crude petroleum storage tanks or storage facilities for the public for hire, either in connection with a pipeline, pipelines, or otherwise. The term does not include an electric cooperative, as that term is defined by Section 11.003, Utilities Code, or its subsidiary, that sells electricity at wholesale and that owns or operates an underground storage facility and provides gas storage services to the public for hire if the gas storage facility is predominantly operated to support the integration of renewable resources. Such a gas storage facility shall not have a working gas capacity of greater than five billion cubic feet.

SECTION \_\_\_\_\_. Section 111.003, Natural Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The provisions of this chapter, and any common law requirements or limitations applicable to a common carrier, do not apply to an underground storage facility owned or operated by an electric cooperative, as that term is defined by Section 11.003, Utilities Code, or its subsidiary, that sells electricity at wholesale and offers or provides gas storage services to the public for hire if the gas storage facility is predominately operated to support the integration of renewable resources. Such a gas storage facility shall not have a working gas capacity of greater than five billion cubic feet.

SECTION \_\_\_\_\_. 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 2571 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Gallego moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2571**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2571**: Gonzales, chair; Pickett, T. Smith, McClendon, and Phillips.

**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.)

**RESOLUTIONS ADOPTED**

Representative Corte moved to suspend all necessary rules to take up and consider at this time **HR 1172**, **HR 1636 - HR 1638**, **HR 2543**, **HR 2554**, **HR 2574 - HR 2580**, **HR 2582**, and **HR 2583**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 1172** (by B. Brown), In memory of U.S. Army Specialist Jonathan David Arthur "J. D." Emar of Terrell.

**HR 1636** (by Chavez, Marquez, Pickett, Quintanilla, and Moody), In memory of U.S. Navy Airman Adrian M. Campos of El Paso.

**HR 1637** (by Chavez, Marquez, Pickett, Quintanilla, and Moody), In memory of U.S. Air Force Major Rodolpho Ivan Rodriguez of El Paso.

**HR 1638** (by Chavez, Marquez, Pickett, Quintanilla, and Moody), In memory of U.S. Army Specialist Quincy J. Green of El Paso.

**HR 2543** (by McReynolds), In memory of U.S. Army Sergeant Joseph Bradley Milledge of Point Blank.

**HR 2554** (by Rose), In memory of U.S. Army Corporal Jason K. LaFleur of Lockhart.

**HR 2574** (by Hancock), In memory of Corporal Christopher J. West of Arlington.

**HR 2575** (by Flores), In memory of U.S. Army Corporal Jose A. Rubio Hernandez of Mission.

**HR 2576** (by Flores), In memory of U.S. Army Specialist Alex Daniel Gonzalez of Mission.

**HR 2577** (by Creighton), In memory of U.S. Army Corporal Brandon Will Smitherman of Conroe.

**HR 2578** (by Phillips), In memory of U.S. Army Sergeant First Class Miguel Antonio Wilson of Bonham.

**HR 2579** (by Gutierrez), In memory of U.S. Marine Sergeant Matthew E. Mendoza of San Antonio.

**HR 2580** (by C. Turner), In memory of U.S. Army Chief Warrant Officer 2 Corry A. Edwards of Kennedale.

**HR 2582** (by Merritt), In memory of U.S. Marine Corps Staff Sergeant John C. Stock of Longview.

**HR 2583** (by Merritt), In memory of U.S. Army Sergeant Chadrick Omar Domino of Ennis.

The resolutions were unanimously adopted by a rising vote.

(McClendon in the chair)

#### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**SCR 65** (Kent - House Sponsor), Designating May 12, 2009, as Mary Kay Ash Day in the State of Texas.

**HR 2174** was previously adopted.

**HR 2175** was previously adopted.

**HR 2176** (by Naishtat), Honoring Katie Carmichael for her service as a legislative intern.

**HR 2177** (by Naishtat), Honoring Jennifer Fein for her service as a legislative intern.

**HR 2178** (by Naishtat), Honoring Daniel Goldstein for his service as a legislative intern.

**HR 2179** (by Naishtat), Honoring Jackie Mintz for her service as a legislative intern.

**HR 2180** (by Naishtat), Honoring Meghan Kempf for her service as a legislative intern.

**HR 2181** (by Creighton), Congratulating Michelle Cabassol of Montgomery on her achievements in the sport of diving.

**HR 2183** (by Shelton), Congratulating Muhamad "Fahim" Azizi of Fort Worth on his graduation from the Texas School for the Deaf.

**HR 2184** was withdrawn.

**HR 2185** (by Menendez), Commending Joseph Ricardo Garcia for serving as a Democratic precinct chair in Bexar County.

**HR 2188** (by Veasey), Honoring Johnnye Jeanell Hughes, a charter member of the Eta Chapter of Eta Phi Beta Sorority, Inc.

**HR 2189** (by Veasey), Honoring Mildred L. Thornton of the Eta Chapter of Eta Phi Beta Sorority, Inc.

**HR 2190** (by Veasey), Honoring A. Pearl Hunt of the Eta Chapter of Eta Phi Beta Sorority, Inc.

**HR 2192** was previously adopted.

**HR 2193** (by Chavez), Congratulating Rafael Camacho, Everardo Chacon, Rita Espinoza, and Lorena Gonzales for aiding an El Paso family during a house fire.

**HR 2194** (by Frost), Recognizing the 100th anniversary of the founding of Rocky Point Congregational Methodist Church.

**HR 2195** (by Rodriguez), Honoring Cindy Stocking on being named 2009 Teacher of the Year by the Austin Independent School District.

**HR 2197** (by Callegari), Congratulating the Katy High School football team on winning the 2008 UIL 5A Division II state championship.

**HR 2198** (by Rios Ybarra), Commending Kenedy County Judge J. A. Garcia for his many years of public service.

**HR 2200** (by Quintanilla), Commending Lacy Baron of El Paso for her service as a legislative assistant in the office of State Representative Chente Quintanilla.

**HR 2201** (by Quintanilla), Commending Moctezuma "Monte" Zuniga, Jr., of McAllen for his service as a legislative assistant in the office of State Representative Chente Quintanilla.

**HR 2202** (by Quintanilla), Commending Olivia Provencio-Johnson of Weslaco for her service as a legislative assistant in the office of State Representative Chente Quintanilla.

**HR 2203** (by Quintanilla), Commending Danielle Faulkner of El Paso for her service as a legislative assistant in the office of State Representative Chente Quintanilla.

**HR 2204** (by Quintanilla), Commending Lee Baron of El Paso for his service as a legislative assistant in the office of State Representative Chente Quintanilla.

**HR 2205** (by Quintanilla), Commending Samantha Dominguez of El Paso for her service as a legislative assistant in the office of State Representative Chente Quintanilla.

**HR 2206** (by Menendez), Commending Linda Rangel Moore for serving as a Democratic precinct chair in Bexar County.

**HR 2207** (by Menendez), Commending R. Chale Perez for serving as a Democratic precinct chair in Bexar County.

**HR 2208** (by Menendez), Commending Dan M. Perez for serving as a Democratic precinct chair in Bexar County.

**HR 2209** (by Menendez), Commending Derek A. Castro for serving as a Democratic precinct chair in Bexar County.

**HR 2210** (by Menendez), Commending Susan "Susana" Gonzalez for serving as a Democratic precinct chair in Bexar County.

**HR 2211** (by Menendez), Commending Fernando Contreras for serving as a Democratic precinct chair in Bexar County.

**HR 2212** (by Menendez), Commending Joseph "Joe" Gallegos for serving as a Democratic precinct chair in Bexar County.

**HR 2213** (by Menendez), Commending Amador A. Aguilar for serving as a Democratic precinct chair in Bexar County.

**HR 2214** (by Menendez), Commending Lori E. Gallaway for serving as a Democratic precinct chair in Bexar County.

**HR 2215** (by Menendez), Commending Thomas C. Rockeymoore for serving as a Democratic precinct chair in Bexar County.

**HR 2216** (by Menendez), Commending Celina N. Herrera for serving as a Democratic precinct chair in Bexar County.

**HR 2217** (by Menendez), Commending Jeannette Hernandez for serving as a Democratic precinct chair in Bexar County.

**HR 2218** (by Menendez), Commending Esmeralda Lopez Rodriguez for serving as a Democratic precinct chair in Bexar County.

**HR 2219** (by Menendez), Commending Joshua M. Bailey for serving as a Democratic precinct chair in Bexar County.

**HR 2220** (by Menendez), Commending Chad A. Hammet for serving as a Democratic precinct chair in Bexar County.

**HR 2221** (by Menendez), Commending Mary K. Lepel for serving as a Democratic precinct chair in Bexar County.

**HR 2222** (by Menendez), Commending George Limon Alejos for serving as a Democratic precinct chair in Bexar County.

**HR 2223** (by Menendez), Commending Juan R. Gonzalez for serving as a Democratic precinct chair in Bexar County.

**HR 2224** (by Menendez), Commending Grace Ybarra Solano for serving as a Democratic precinct chair in Bexar County.

**HR 2225** (by Menendez), Commending Rebecca Dorrycott for serving as a Democratic precinct chair in Bexar County.

**HR 2226** (by Menendez), Commending Lawrence "Larry" Romo for serving as a Democratic precinct chair in Bexar County.

**HR 2228** (by Bonnen), Congratulating Sergeant Philip R. Hester of the Clute Police Department on being recognized by the Texas Commission on Law Enforcement Officer Standards and Education.

**HR 2229** (by Miklos), Congratulating Al Forsythe on his reelection to the Mesquite City Council.

**HR 2230** (by Miklos), Congratulating Bill Porter on his election to the Mesquite City Council.

**HR 2233** (by Marquez), Honoring the Texas Western College 1966 NCAA champion basketball team.

**HR 2234** (by Rios Ybarra), Honoring Gloria Reyes Garcia of Raymondville for her myriad achievements.

**HR 2235** (by Phillips), Honoring Dr. Oscar C. Page of Sherman on the occasion of his retirement as the president of Austin College.

**HR 2237** (by Peña), Honoring Shaine Mata of Mission for his participation in and media coverage of the Rio Grande Valley VA Hospital March to San Antonio.

**HR 2238** (by Guillen), Honoring Monica Peña of Edinburg on her 40th birthday.

**HR 2241** (by Y. Davis), Congratulating Mallory Gibson on her graduation from The University of Texas School of Law in 2009.

**HR 2242** (by Y. Davis), Congratulating Dikita Enterprises of Dallas on its 30th anniversary in 2009.

**HR 2243** (by Truitt), Commemorating the 20th anniversary of the Greater Keller Women's Club.

**HR 2244** (by Zerwas), Congratulating Donald and Bonnie Bales of El Campo on their 50th wedding anniversary.

**HR 2245** (by Kolkhorst), Honoring Richard Stadelmann of Brenham on the occasion of his retirement as associate professor of philosophy at Texas A&M University.

**HR 2247** (by Leibowitz), Commending Kristina Maria Garza for her service as legislative director in the office of Representative David McQuade Leibowitz and congratulating her on her 30th birthday.

**HR 2248** (by Leibowitz), Congratulating Robert Anthony Martinez Borja and Anna Lillian Bryan-Borja of Austin on the birth of their son, Zachary Davies Bryan Borja.

**HR 2250** (by Maldonado), Honoring the Texas Child Study Center at Dell Children's Medical Center of Central Texas.

**HR 2251** (by Maldonado), Congratulating Matt Dearmon on his selection as the Round Rock ISD Secondary Teacher of the Year for 2009.

**HR 2252** (by Maldonado), Honoring Circle of Friends and manager Rita Willoughby for support of the Children's Medical Center Foundation of Central Texas.

**HR 2253** (by Maldonado), Honoring Michael Hurta for his service in the office of Representative Diana Maldonado.

**HR 2254** (by Maldonado), Honoring Jamie Falconnier for her service in the office of Representative Diana Maldonado.

**HR 2255** (by Maldonado), Commending the cities of Hutto and Taylor for "adopting" the 1st Battalion 4th Aviation Regiment of Fort Hood.

**HR 2256** (by Maldonado), Commending the city of Round Rock and the Round Rock Chamber of Commerce for "adopting" the 404th Aviation Support Battalion of Fort Hood.

**HR 2258** (by S. King), Congratulating Joan Rust on her 2009 retirement from Jane Long Elementary School in Abilene.

**HR 2260** (by Miklos), Congratulating Karen E. Gray on her reelection to the Balch Springs City Council.

**HR 2262** (by Gallego), Congratulating the Honorable Mickey R. Pennington on his retirement as judge of the 38th State District Court.

**HR 2263** (by Naishtat), Honoring the Mexic-Arte Museum in Austin on its 25th anniversary.

**HR 2265** (by Marquez), Commending Rachel Harracksingh for receiving the 2009 Joe B. Brown Humanitarian of the Year Award from the Texas Ambulance Association.

**HR 2266** (by Marquez), Congratulating Charles and Barbara Horak of El Paso on their 50th wedding anniversary.

**HR 2267** (by Marquez), Honoring former El Paso mayor Bert Williams for his outstanding achievements.

**HR 2269** (by Kent), Honoring Ron Natinsky for his dedicated service as a member of the Dallas City Council.

**HR 2270** (by Kent), Commending Matthew Weinstein for his service as a legislative aide in the office of State Representative Carol Kent.

**HR 2271** (by Kent), Commending Will Stovall for his service as chief of staff in the office of State Representative Carol Kent.

**HR 2272** (by Kent), Commending Anna Russo for her service as an intern in the office of State Representative Carol Kent.

**HR 2273** (by Kent), Commending Stephen Rispoli for his service as a legislative assistant in the office of State Representative Carol Kent.

**HR 2274** (by Kent), Commending Phil Lovegren for his service as legislative director in the office of State Representative Carol Kent.

**HR 2275** (by Kent), Commending Mahsa Kashkooly for her service as an intern in the office of State Representative Carol Kent.

**HR 2276** (by Kent), Commending Creighton Holley for his service as an intern in the office of State Representative Carol Kent.

**HR 2277** (by Kent), Commending Lauren Buchanan for her service as an intern in the office of State Representative Carol Kent.

**HR 2278** (by Kent), Commending Kayla Bramble for her service as an intern in the office of State Representative Carol Kent.

**HR 2279** (by Kent), Commending Eliza Alvarado for her service as district director in the office of State Representative Carol Kent.

**HR 2280** (by Kent), Commending Matthew Abrahamson for his service as an intern in the office of State Representative Carol Kent.

**HR 2281** (by Kent), Honoring Donna Kent on her receipt of the National PTA Life Membership Award from the Midway Parent Teacher Association.

**HR 2282** (by Berman), Congratulating Jean Paul Destarac of Tyler on being named a Distinguished Finalist in the 2009 Prudential Spirit of Community Awards program.

**HR 2283** (by Gonzales), Commending SOCIALIFE News Magazine for its contributions to the Rio Grande Valley community.

**HR 2284** (by Gonzales), Congratulating Hidalgo County Judge Juan de Dios "J. D." Salinas III on his receipt of the Leadership Award presented by the Rio Grande Council of Boy Scouts of America.

**HR 2285** (by Castro), Honoring CPS Energy on being ranked number one in wind energy capacity among municipal utilities by the American Wind Energy Association and on being named the AWEA Municipal Utility of the Year.

**HR 2286** (by Geren), Honoring Janice Vastine of Austin on her retirement from the Texas House of Representatives.

**HR 2287** (by Kent), Honoring Alice Post for her outstanding work as an intern in the office of State Representative Carol Kent.

**HR 2288** (by Marquez), Honoring Jim Phillips of El Paso for his outstanding efforts in behalf of his community.

**HR 2289** (by Dutton), Congratulating Officer Christopher M. Sellers of the Houston PD for receiving the 2008 State of Texas Law Enforcement Achievement Award for Valor.

**HR 2290** (by Dutton), Honoring Graden E. Taylor for his contributions to young Texans.

**HR 2291** (by Dutton), Congratulating Aviance Kelechi Obie on being named an honoree at the 2009 Reginald Keith Guillory Scholarship Luncheon.

**HR 2292** (by Dutton), Honoring Our Mother of Mercy Parochial School for its service to Houston's Fifth Ward community.

**HR 2293** (by Dutton), Congratulating Helen Araujo Sierra on the occasion of her 90th birthday.

**HR 2346** (by S. Turner, Dutton, and Edwards), Congratulating Jewell L. McGowen of Houston on her 80th birthday.

**HR 2347** (by Castro), Congratulating educator Ruby Leona Gates of San Antonio on her retirement from Taft High School.

**HR 2348** (by Y. Davis), Congratulating Katrice Williams of William Lee Hastings Elementary School in Duncanville on her selection to attend the 2009 National Mickelson ExxonMobil Teachers Academy.

**HR 2349** (by D. Howard), Commemorating the 100th anniversary of the founding of the Bureau of Economic Geology at The University of Texas at Austin.

**HR 2350** (by Flynn), Congratulating Marvin and Louise Moser of Quinlan on their 55th wedding anniversary.

**HR 2351** (by Flynn), Congratulating Bob and Crystal Andrews of Greenville on their 55th wedding anniversary.

**HR 2353** (by Hodge), Congratulating Meg and Jay Propes of Austin on the birth of their son, William Hall Propes.

**HR 2354** (by Craddick), Congratulating Crane Gulf Federal Credit Union on its 51st anniversary.

**HR 2355** (by Craddick), Congratulating Fritz Niggeler of the Midland Fire Department on his promotion to assistant fire chief.

**HR 2356** (by Craddick), Congratulating the automobile mechanics students of Crane High School on their victories at the 2009 Texas SkillsUSA competition.

**HR 2357** (by Edwards), Congratulating Brittany Winfrey on being named the 2009 valedictorian of Worthing High School in Houston.

**HR 2358** (by Edwards), Congratulating Charlita Blossom on being named Teacher of the Year at Cullen Middle School in Houston.

**HR 2359** (by Edwards), Congratulating Darlene Speights-Evens on being named the 2009 Teacher of the Year at Frost Elementary School in Houston.

**HR 2360** (by Edwards), Congratulating Bonnie Bibeau on being named 2009 Teacher of the Year for Carnegie Vanguard High School and on her selection as a finalist for the Houston Independent School District Secondary Teacher of the Year award.

**HR 2361** (by Edwards), Congratulating Idaena Wade for being named Teacher of the Year for 2008-2009 at Tina E. Whidby Elementary School in Houston.

**HR 2362** (by Edwards), Congratulating Dara Eng on being named salutatorian of the Evan E. Worthing Senior High School Class of 2009 in Houston.

**HR 2363** (by Edwards), Congratulating Nicole Benjamin on her selection as the 2009 Teacher of the Year by Parker Elementary School in Houston.

**HR 2364** (by Edwards), Commending Galveston Mayor Lyda Ann Thomas for her support of Juneteenth activities.

**HR 2365** (by Edwards), Honoring Dr. Ben Raimer for his longtime support of Juneteenth events in Galveston.

**HR 2366** (by Edwards), Honoring Maggie and Ennis Williams for their contributions to Juneteenth celebrations in Galveston.

**HR 2367** (by Edwards), Commending Dwayne Jones for his support of Juneteenth activities.

**HR 2368** (by Edwards), Commending Douglas Matthews for his support of Juneteenth activities.

**HR 2369** was withdrawn.

**HR 2370** (by Chavez), Honoring Junior Leadership El Paso Class VI.

**HR 2371** (by Chavez), Honoring James J. Crouch of the Air Defense Artillery Center and School at Fort Bliss on his notable career.

**HR 2372** (by Chavez), Honoring Roberto Juarez, Jr., Jeremy Griffin, and Paul J. Spillane for their work as foster dog owners and trainers in a pilot program between the Humane Society of El Paso and El Paso Mental Health and Mental Retardation.

**HR 2373** (by Chavez), Honoring Ruth King of El Paso for her outstanding volunteerism in behalf of the YWCA.

**HR 2374** (by Chavez), Commending Mary Hoover on her record of service with the El Paso YWCA.

**HR 2375** (by Chavez), Commending Alex Boerschinger of El Paso for helping to rescue a woman from a burning house.

**HR 2377** (by Chavez), Commending Jeanne Foskett on her record of service with the El Paso YWCA.

**HR 2378** (by Chavez), Commending Shirley Terrell Leavell on her record of service with the El Paso YWCA.

**HR 2379** (by Chavez), Commending Melissa Wiseman on her record of service with the El Paso YWCA.

**HR 2380** (by Chavez), Commending Nancy Gale on her record of service with the El Paso YWCA.

**HR 2381** (by Leibowitz), Congratulating Taylor Brian Courtney of San Antonio on becoming an Eagle Scout.

**HR 2382** (by Gallego), Honoring Maria Elena Cardenas for her service as the county clerk of Val Verde County.

**HCR 225** (by Isett), Congratulating Sergeant First Class Corey J. King on being named the U.S. Army Cadet Command's Army Noncommissioned Officer of the Year for 2009.

**HCR 227** (by Bohac), Congratulating Adam Taylor on becoming an Eagle Scout.

**HCR 228** (by J. Davis), Honoring Ralph Parr for his service to the Clear Creek Independent School District on the occasion of his retirement from the Clear Creek ISD Board of Trustees.

**HCR 231** (by Homer), Honoring the Texas Land Title Association for its continued support of the Texas Courthouse Stewardship Program.

**HCR 233** (by J. Davis), Congratulating Elizabeth Radicioni on being named Clear Creek ISD Secondary Teacher of the Year.

**HCR 234** (by J. Davis), Congratulating Julie Ballew on being nominated as Clear Creek ISD Elementary Teacher of the Year.

**HCR 235** (by J. Davis), Congratulating Margaret Berti on being nominated as Clear Creek ISD Teacher of the Year.

**HCR 236** (by J. Davis), Congratulating Samantha Youts on being nominated as Clear Creek ISD Secondary Teacher of the Year.

**HCR 240** (by J. Davis), Congratulating Edna Meeks on being nominated as Clear Creek ISD Secondary Teacher of the Year.

**HCR 241** (by J. Davis), Congratulating Dawn Gibler on being named the Clear Creek ISD Elementary Teacher of the Year.

**HCR 242** (by J. Davis), Congratulating John Kennedy on his retirement as city manager of Nassau Bay.

**HCR 246** (by Homer), Honoring Kathryn Jay Hamilton of Lubbock for her outstanding career in education on the occasion of her retirement.

The resolutions were adopted.

#### **HR 2353 - NAMES ADDED**

On motion of Representative Hodge, the names of all the members of the house were added to **HR 2353** as signers thereof.

The following memorial resolutions were laid before the house:

**HR 2182** (by Madden), In memory of Richard A. Bode of Plano.

**HR 2187** (by Veasey), In memory of U.S. Army Sergeant Dustin S. Wakeman of Fort Worth.

**HR 2191** (by Veasey, Hodge, Mallory Caraway, Giddings, and Y. Davis), Honoring the life of Dallas gospel radio legend Edward Joe Bagby, Sr.

**HR 2196** (by Hilderbran), In memory of Edwin R. Carseth of Kerrville.

**HR 2199** (by Quintanilla), In memory of U.S. Marine Lance Corporal Javier Perales, Jr., of San Elizario.

**HR 2231** (by Harper-Brown), In memory of former Irving mayor Morris Holland Parrish.

**HR 2239** (by Peña), In memory of former Edinburg mayor Al Ramirez.

**HR 2246** (by Kolkhorst, et al.), In memory of Mary Jane Krueger of Bellville.

**HR 2249** (by D. Howard), In memory of Dr. Douglas Allison Carmichael of Austin.

**HR 2259** (by Menendez), In memory of Jo Ann Cain of Silsbee.

**HR 2268** was previously adopted.

**HR 2376** (by Chavez), In memory of Keith Calpito of El Paso.

**HCR 224** (by Homer), In memory of Fredrick Michael Ford of Sulphur Springs.

**HCR 229** (by Homer and Flynn), Honoring the memory of Clayton Bradley Rogers of Canton.

**HCR 230** was withdrawn.

**HCR 232** (by Homer), In memory of Dustin Dow Clements of North Hopkins.

**HCR 238** (by Homer), In memory of Joe Don Minor of Austin.

**HCR 239** (by Homer), In memory of Ruth Evelyn Burd of Paris, Texas.

**HCR 243** (by McReynolds), Honoring the memory of Stephanye Irene Sampley of Atascocita.

**HCR 244** (by Homer), In memory of William Richard McCord of Sumner.

**HCR 245** (by Homer), Honoring the life of Shawn A. Edwards of Roxton.

**HCR 247** (by Homer), In memory of Charles R. Grimes of Paris, Texas.

**HCR 248** (by Homer), In memory of Mamie Bell Newsom of Paris, Texas.

**HCR 249** (by Homer), In memory of Clyde Donald Smith of Paris, Texas.

The resolutions were unanimously adopted by a rising vote.

(Speaker pro tempore in the chair)

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 588 ON THIRD READING  
(Zerwas - House Sponsor)**

**SB 588**, A bill to be entitled An Act relating to the creation of the Waller County Municipal Utility District No. 9; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 588** was passed by (Record 1147): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Bohac; Davis, Y.; Madden; McCall.

**STATEMENTS OF VOTE**

When Record No. 1147 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1147 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

**SB 880 ON THIRD READING**  
**(Zerwas - House Sponsor)**

**SB 880**, A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 200; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 880** was passed by (Record 1148): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Burnam; McCall.

**SB 860 ON THIRD READING**  
**(Zerwas - House Sponsor)**

**SB 860**, A bill to be entitled An Act relating to the creation of the Fort Bend-Waller Counties Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**LEAVE OF ABSENCE GRANTED**

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

Geren on motion of Taylor.

**SB 860 - (consideration continued)**

**SB 860** was passed by (Record 1149): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

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

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Edwards; Giddings; Turner, C.

#### STATEMENT OF VOTE

When Record No. 1149 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

#### SB 1979 ON THIRD READING (Creighton - House Sponsor)

**SB 1979**, A bill to be entitled An Act relating to the creation of the Blaketree Municipal Utility District No. 1 of Montgomery County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 1979** was passed by (Record 1150): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Davis, J.; Hancock.

**SB 637 ON THIRD READING**  
**(Zerwas - House Sponsor)**

**SB 637**, A bill to be entitled An Act relating to the creation of the Wharton County Drainage District.

**SB 637** was passed by (Record 1151): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Edwards; Giddings.

**STATEMENT OF VOTE**

When Record No. 1151 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

**SB 1039 ON THIRD READING**  
**(Fletcher - House Sponsor)**

**SB 1039**, A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 478; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 1039** was passed by (Record 1152): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; 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; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Edwards; Giddings; Hancock; Swinford.

**STATEMENT OF VOTE**

When Record No. 1152 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

**SB 2480 ON THIRD READING**  
**(Weber - House Sponsor)**

**SB 2480**, A bill to be entitled An Act relating to the board of navigation and canal commissioners of the Matagorda County Navigation District No. 1.

**SB 2480** was passed by (Record 1153): 139 Yeas, 0 Nays, 2 Present, not voting.

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

Dutton; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Gonzales; Gonzalez Toureilles; Guillen; 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; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; 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; Zerwas.

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

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Dunnam; Edwards; Giddings; Gutierrez; Peña.

### STATEMENT OF VOTE

When Record No. 1153 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

### NAMES ORDERED PRINTED

Representative Gattis moved to print the names of the members who objected to taking one record vote for all bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage.

The motion prevailed.

The following members objected to taking one record vote for all bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage:

Martinez Fischer, Farrar, Dunnam, and Veasey.

### SB 994 ON THIRD READING (Olivo - House Sponsor)

**SB 994**, A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 192; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 994** was passed by (Record 1154): 141 Yeas, 0 Nays, 2 Present, not voting.

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

Flynn; Frost; Gallego; Gattis; 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; Zerwas.

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

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Edwards; Farias; Giddings.

#### STATEMENT OF VOTE

When Record No. 1154 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

#### SB 1337 ON THIRD READING (Phillips - House Sponsor)

**SB 1337**, A bill to be entitled An Act relating to the creation of the Van Alstyne Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 1337** was passed by (Record 1155): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

Present, not voting — Mr. Speaker; Miklos.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 2460 ON THIRD READING**  
**(Weber - House Sponsor)**

**SB 2460**, A bill to be entitled An Act relating to the creation of the Brazoria County Municipal Utility District No. 65; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2460** was passed by (Record 1156): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 2464 ON THIRD READING**  
**(D. Miller - House Sponsor)**

**SB 2464**, A bill to be entitled An Act relating to the creation of the Comal County Water Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2464** was passed by (Record 1157): 142 Yeas, 0 Nays, 2 Present, not voting.

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

Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flynn; Frost; Gallego; Gattis; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; 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; Zerwas.

Present, not voting — Mr. Speaker; Miklos.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Flores; Jackson.

**SB 2463 ON THIRD READING**  
**(D. Miller - House Sponsor)**

**SB 2463**, A bill to be entitled An Act relating to the creation of the Comal County Water Improvement District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2463** was passed by (Record 1158): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

Present, not voting — Mr. Speaker; Miklos.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 2410 ON THIRD READING**  
**(B. Brown - House Sponsor)**

**SB 2410**, A bill to be entitled An Act relating to the creation of the Twin Lakes Municipal Utility District No. 1 of Kaufman County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2410** was passed by (Record 1159): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

Present, not voting — Mr. Speaker; Miklos.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 1483 ON THIRD READING**  
**(Eiland - House Sponsor)**

**SB 1483**, A bill to be entitled An Act relating to the creation of the Galveston County Municipal Utility District No. 76; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 1483** was passed by (Record 1160): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Miklos.

**SB 660 ON THIRD READING**  
**(Rose - House Sponsor)**

**SB 660**, A bill to be entitled An Act relating to the creation of the Caldwell County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 660** was passed by (Record 1161): 141 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Hartnett.

Present, not voting — Mr. Speaker; Miklos.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Edwards; Mallory Caraway.

**SB 2466 ON THIRD READING**  
**(Jackson - House Sponsor)**

**SB 2466**, A bill to be entitled An Act relating to the creation of the Cypress Waters Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

**SB 2466** was passed by (Record 1162): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crossover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

Present, not voting — Mr. Speaker; Miklos.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 2479 ON THIRD READING**  
**(Weber - House Sponsor)**

**SB 2479**, A bill to be entitled An Act relating to the creation of the Country Place Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

**SB 2479** was passed by (Record 1163): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Crossover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen;

Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Brown, B.; Creighton; Isett.

**SB 2504 ON THIRD READING**  
**(Creighton - House Sponsor)**

**SB 2504**, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility Districts Nos. 128 and 129; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2504** was passed by (Record 1164): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker; Chisum.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 2529 ON THIRD READING**  
**(Phillips - House Sponsor)**

**SB 2529**, A bill to be entitled An Act relating to the creation of the Red River Groundwater Conservation District; providing authority to issue bonds; granting the power of eminent domain.

**SB 2529** was passed by (Record 1165): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 2496 ON THIRD READING**  
**(Hochberg and Thibaut - House Sponsors)**

**SB 2496**, A bill to be entitled An Act relating to the powers of the Westchase District.

**SB 2496** was passed by (Record 1166): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Burnam; Crownover; Menendez; Taylor.

**SB 2483 ON THIRD READING**  
**(Eissler - House Sponsor)**

**SB 2483**, A bill to be entitled An Act relating to the authority of the Harris-Montgomery Counties Municipal Utility District No. 386, formerly known as Harris County Municipal Utility District No. 386, to issue bonds supported by ad valorem taxes to finance recreational facilities.

**SB 2483** was passed by (Record 1167): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Dunnam.

**SB 2507 ON THIRD READING**  
**(Legler - House Sponsor)**

**SB 2507**, A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 16; providing authority to impose an assessment, impose a tax, and issue bonds.

**SB 2507** was passed by (Record 1168): 142 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Burnam.

**SB 2486 ON THIRD READING**  
**(Eissler - House Sponsor)**

**SB 2486**, A bill to be entitled An Act relating to the creation of the Montgomery County Water Control and Improvement District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2486** was passed by (Record 1169): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Burnam.

**SB 2478 ON THIRD READING**  
**(Rose - House Sponsor)**

**SB 2478**, A bill to be entitled An Act relating to the Parklands Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2478** was passed by (Record 1170): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 2506 ON THIRD READING**  
**(Chisum - House Sponsor)**

**SB 2506**, A bill to be entitled An Act relating to the creation of the Gray County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2506** was passed by (Record 1171): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycocock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; 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; Miller, D.; Miller, S.; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Creighton; Hodge; Miklos; Moody.

**STATEMENT OF VOTE**

When Record No. 1171 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

**SB 2509 ON THIRD READING**  
**(Eissler - House Sponsor)**

**SB 2509**, A bill to be entitled An Act relating to the creation of the Montgomery County Water Control and Improvement District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2509** was passed by (Record 1172): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

**SB 2520 ON THIRD READING**  
**(Heflin - House Sponsor)**

**SB 2520**, A bill to be entitled An Act relating to election and qualifications of members of the board of directors of the Santa Rita Underground Water Conservation District.

**SB 2520** was passed by (Record 1173): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Heflin; Villarreal.

**SB 2515 ON THIRD READING**  
**(Eissler - House Sponsor)**

**SB 2515**, A bill to be entitled An Act relating to the administration, powers and duties, operations, and financing of The Woodlands Township; providing authority to impose an events admission tax.

**SB 2515** was passed by (Record 1174): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; 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; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Hartnett; Villarreal.

**SB 2521 ON THIRD READING**  
**(Weber - House Sponsor)**

**SB 2521**, A bill to be entitled An Act relating to the creation of the Brazoria County Municipal Utility District No. 63; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2521** was passed by (Record 1175): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Hochberg.

**SB 2514 ON THIRD READING**  
**(Zerwas - House Sponsor)**

**SB 2514**, A bill to be entitled An Act relating to the powers of the North Fort Bend Water Authority.

**SB 2514** was passed by (Record 1176): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Riddle; Villarreal.

**SB 2536 ON THIRD READING**  
**(Callegari - House Sponsor)**

**SB 2536**, A bill to be entitled An Act relating to the powers of the West Harris County Regional Water Authority.

**SB 2536** was passed by (Record 1177): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Branch; Crownover; Howard, C.; Thibaut; Villarreal.

**STATEMENT OF VOTE**

When Record No. 1177 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

**SB 2531 ON THIRD READING**  
**(Hernandez - House Sponsor)**

**SB 2531**, A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 15; providing authority to impose an assessment, impose a tax, and issue bonds.

**SB 2531** was passed by (Record 1178): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

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

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Eissler; Pierson.

**SB 2570 ON THIRD READING**  
**(Rios Ybarra - House Sponsor)**

**SB 2570**, A bill to be entitled An Act relating to the board of directors of the Kenedy County Groundwater Conservation District.

**SB 2570** was passed by (Record 1179): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Weber.

**SB 80 ON THIRD READING**  
**(Truitt - House Sponsor)**

**SB 80**, A bill to be entitled An Act relating to employer contributions under small employer health benefit plans.

**SB 80** was passed by (Record 1180): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; 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(C); Eissler; Elkins; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Cohen; England; McReynolds; Rios Ybarra.

**SB 202 ON THIRD READING**  
**(Gonzales - House Sponsor)**

**SB 202**, A bill to be entitled An Act relating to provisional licensing of physicians to practice in underserved areas.

**SB 202** was passed by (Record 1181): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Shelton.

**SB 229 ON THIRD READING**  
**(Callegari - House Sponsor)**

**SB 229**, A bill to be entitled An Act relating to the procurement methods authorized for public projects by certain local governments.

**SB 229** was passed by (Record 1182): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Laubenberg.

**SB 279 ON THIRD READING**  
**(Aycock - House Sponsor)**

**SB 279**, A bill to be entitled An Act relating to a prohibition against certain court orders in a suit affecting the parent-child relationship during a parent's military deployment.

**SB 279** was passed by (Record 1183): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Chavez; Laubenberg; Ritter.

**SB 282 ON THIRD READING**  
**(Eissler - House Sponsor)**

**SB 282**, A bill to be entitled An Act relating to grant and outreach programs to provide nutrition education to children.

**SB 282** was passed by (Record 1184): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Alonzo; Gonzalez Tourelles.

**SB 305 ON THIRD READING**  
**(Castro - House Sponsor)**

**SB 305**, A bill to be entitled An Act relating to an online list of work-study employment opportunities available to students at a public institution of higher education.

**SB 305** was passed by (Record 1185): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Elkins; Hamilton.

**SB 334 ON THIRD READING**  
**(Pickett - House Sponsor)**

**SB 334**, A bill to be entitled An Act relating to the repeal of the authority of the Texas Department of Transportation to regulate air carriers.

**SB 334** was passed by (Record 1186): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Alonzo; Castro; Chavez; Elkins; Patrick.

(Farabee in the chair)

**SB 348 ON THIRD READING**  
**(Pickett - House Sponsor)**

**SB 348**, A bill to be entitled An Act relating to the Texas Transportation Commission's authority to establish advisory committees.

**SB 348** was passed by (Record 1187): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee(C); Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Alonzo; Castro; Chavez; Eiland; Paxton.

**SB 375 ON THIRD READING**  
**(T. Smith - House Sponsor)**

**SB 375.** A bill to be entitled An Act relating to the release of certain motor vehicle accident report information.

**SB 375** was passed by (Record 1188): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; 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(C); Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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, 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; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Alonzo; Cohen; Jackson; Ritter.

**SB 376 ON THIRD READING**  
**(Phillips - House Sponsor)**

**SB 376**, A bill to be entitled An Act relating to the powers and duties of the Texas Department of Transportation related to county traffic officers.

**SB 376** was passed by (Record 1189): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee(C); Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; 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; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Solomons.

**SB 379 ON THIRD READING**  
**(Guillen - House Sponsor)**

**SB 379**, A bill to be entitled An Act relating to an annual report by the Texas Fusion Center regarding criminal street gangs and gang-related crime.

**SB 379** was passed by (Record 1190): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee(C); Farias; Farrar; Fletcher; Flores; Flynn; Gallego; Gattis; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Geren; Kuempel; Woolley.

Absent — Frost.

(Geren now present)

**SB 410 ON THIRD READING**  
**(Miklos - House Sponsor)**

**SB 410**, A bill to be entitled An Act relating to the statute of limitations for a misdemeanor.

**SB 410** was passed by (Record 1191): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee(C); Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; 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; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Hartnett; Oliveira; Pickett.

**SB 417 ON THIRD READING**  
**(Isett and Homer - House Sponsors)**

**SB 417**, A bill to be entitled An Act relating to the purchase of a retired firearm from the Parks and Wildlife Department by a game warden.

**SB 417 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE GUTIERREZ: We had almost run out of time on the last time we spoke of this bill. This was a very serious bill—I thought—because for liability reasons, and so on, and so forth. I really applaud what you're trying to do. We were trying to put some language—I think—in for legislative intent. We have a great proliferation of guns in our community—a lot of guns that are being sold at these gun shows and ending up back in Mexico, fueling these drug cartels, and so on. I just wanted to make sure—I think that what we had last discussed, Representative Isett, was that we could put some language in here. This was intended to be a legacy piece that would stay with the new owner, basically the former law enforcement officer.

REPRESENTATIVE ISETT: Sure, and I think that clearly is the intent of this legislation, and we'll put it in that as legislative intent. Please, also remember, we're only talking about 20 or 30 guys a year that retire.

GUTIERREZ: Yes, sir.

ISETT: So, it isn't a huge proliferation of guns on the market. These are guns that they've had in their possession for many years. They have sentimental value to them and perhaps, may also, to their heirs. That's what we're trying to accomplish.

GUTIERREZ: The intent is specifically so that these cannot be resold back into the resale gun market and end up in gun shows and possibly in—

ISETT: Sure. Exactly.

**SB 417** was passed by (Record 1192): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee(C); 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

### REMARKS ORDERED PRINTED

Representative Gutierrez moved to print remarks between Representative Isett and Representative Gutierrez.

The motion prevailed.

### SB 455 ON THIRD READING

#### (Hopson, Edwards, Marquez, and Patrick - House Sponsors)

**SB 455**, A bill to be entitled An Act relating to the regulation of the practice of dental assistants, including the delegation of certain dental acts.

**SB 455** was passed by (Record 1193): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Anderson; Farias; Heflin; Villarreal.

### STATEMENT OF VOTE

When Record No. 1193 was taken, I was in the house but away from my desk. I would have voted yes.

Heflin

(Speaker pro tempore in the chair)

### SB 490 ON THIRD READING

#### (Vaught - House Sponsor)

**SB 490**, A bill to be entitled An Act relating to money paid into the registry of a court in certain counties.

**SB 490** was passed by (Record 1194): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Morrison; Naishtat; Oliveira; 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; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Davis, J.; Hancock; Heflin; Hodge; Miklos; Moody; Olivo; Villarreal.

### STATEMENTS OF VOTE

When Record No. 1194 was taken, I was in the house but away from my desk. I would have voted yes.

Heflin

When Record No. 1194 was taken, I was in the house but away from my desk. I would have voted yes.

Moody

**SB 524 ON THIRD READING**  
**(Heflin - House Sponsor)**

**SB 524**, A bill to be entitled An Act relating to the grounds for removal of a member of the board of directors of the Lynn County Hospital District.

**SB 524** was passed by (Record 1195): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Davis, J.; Hancock; Heflin; Solomons; Villarreal.

**STATEMENT OF VOTE**

When Record No. 1195 was taken, I was in the house but away from my desk. I would have voted yes.

Heflin

**SB 530 ON THIRD READING**  
**(J. Davis - House Sponsor)**

**SB 530**, A bill to be entitled An Act relating to the disposition of cash in possession of a deceased pauper.

**SB 530** was passed by (Record 1196): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Heflin; Morrison; Villarreal.

#### STATEMENT OF VOTE

When Record No. 1196 was taken, I was in the house but away from my desk. I would have voted yes.

Heflin

#### SB 575 ON THIRD READING (Shelton - House Sponsor)

**SB 575**, A bill to be entitled An Act relating to the time for dissolution of crime control and prevention districts.

#### Amendment No. 1

Representative Ortiz offered the following amendment to **SB 575**:

Amend **SB 575** (house committee report) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 321, Tax Code, is amended by adding Section 321.1055 to read as follows:

Sec. 321.1055. IMPOSITION OF FIRE CONTROL OR CRIME CONTROL DISTRICT TAX ON THE RESIDENTIAL USE OF GAS AND ELECTRICITY. (a) This section applies to a fire control, prevention, and emergency medical services district or crime control and prevention district located in all or part of a municipality that imposes a tax on the residential use of gas and electricity under Section 321.105.

(b) The board of directors of a district to which this section applies may, by order or resolution adopted in a public hearing by a vote of a majority of the membership of the board and recorded in the district's minutes:

(1) impose a tax adopted under Section 321.106 or 321.108, as applicable, on receipts from the sale, production, distribution, lease, or rental of, and the use, storage, or other consumption within the district of, gas and electricity for residential use;

(2) exempt from taxation the items described by Subdivision (1); or

(3) reimpose the tax under Subdivision (1).

(c) A district that adopts an order or resolution under Subsection (b) shall:

(1) send a copy of the order or resolution to the comptroller by United States certified or registered mail;

(2) send a copy of the order or resolution and a copy of the district's boundaries to each gas and electric company whose customers are subject to the tax by United States certified or registered mail; and

(3) publish notice of the order or resolution in a newspaper of general circulation in the district.

(d) If the residential use of gas and electricity ceases to be taxable in the municipality in which a district is located, then the residential use of gas and electricity is not taxable by the district.

(e) The provisions of Sections 321.201 and 321.204 that govern the computation of municipal taxes on gas and electricity for residential use apply to the computation of district taxes on gas and electricity for residential use under this section.

SECTION \_\_\_\_\_. Subsection (b), Section 321.3022, Tax Code, is amended to read as follows:

(b) The comptroller on request shall provide to a municipality that has adopted a tax under this chapter information relating to the amount of tax paid to the municipality under this chapter during the preceding or current calendar year by each person doing business in an area, as defined by the municipality, that is part of:

(1) an interlocal agreement;

(2) a tax abatement agreement;

(3) a reinvestment zone;

(4) a tax increment financing district;

(5) a revenue sharing agreement;

(6) an enterprise zone;

(7) a neighborhood empowerment zone;

(8) a crime control and prevention district;

(9) a fire control, prevention, and emergency medical services district;

(10) any other agreement, zone, or district similar to those listed in Subdivisions (1)-(9) [~~(4)-(7)~~]; or

(11) [~~(9)~~] any area defined by the municipality for the purpose of economic forecasting.

SECTION \_\_\_\_\_. The changes in law made by this Act by the addition of Section 321.1055, Tax Code, and the amendment of Section 321.3022(b), Tax Code, take effect January 1, 2010.

Amendment No. 1 was adopted.

**SB 575**, as amended, was passed by (Record 1197): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; 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; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Heflin; Hughes; Olivo; Rios Ybarra; Villarreal.

**SB 584 ON THIRD READING**  
**(Gonzales - House Sponsor)**

**SB 584**, A bill to be entitled An Act relating to notification to a patient of a state-operated mental health facility or resident of a residential care facility of the exemption of certain trusts from liability to pay for support.

**SB 584** was passed by (Record 1198): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.;

Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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.; Veasey; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Vaught; Villarreal.

**SB 585 ON THIRD READING**  
**(Kent - House Sponsor)**

**SB 585**, A bill to be entitled An Act relating to standards of conduct and ethics policies for metropolitan planning organizations.

**SB 585** was passed by (Record 1199): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; 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(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker; Cohen.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Burnam; Villarreal.

**SB 596 ON THIRD READING**  
**(Christian and Hopson - House Sponsors)**

**SB 596**, A bill to be entitled An Act relating to the name of Stephen F. Austin State University.

**SB 596** was passed by (Record 1200): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; 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(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Anderson; Cohen; Laubenberg; Villarreal.

**SB 636 ON THIRD READING**  
**(Rose - House Sponsor)**

**SB 636**, A bill to be entitled An Act relating to the authority of a county or other local governmental entity to receive local sales tax information.

**Amendment No. 1**

Representatives D. Miller and Y. Davis offered the following amendment to **SB 636**:

Amend **SB 636** on third reading as follows:

(1) Strike the recital to the SECTION of the bill added by Amendment No. 2 by Thompson on second reading that amends Section 321.203, Tax Code, and substitute the following:

Section 321.203, Tax Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), (c-3), and (c-4) to read as follows:

(2) In Section 321.203(c-3), Tax Code, as added by Amendment No. 2 by Thompson on second reading, strike "a municipality that has entered into an economic development agreement described by Subsection (c-2)" and substitute "a municipality that has entered into an economic development agreement described by Subsection (c-2) or (c-4)".

(3) Immediately following Section 321.203(c-3), Tax Code, as added by Amendment No. 2 by Thompson on second reading, insert the following:

(c-4) Notwithstanding any other provision of this section, Subsection (c) does not apply if:

(1) the taxable item is shipped or delivered from a warehouse:

(A) that is a place of business of the retailer;

(B) that is located in a county in which a navigable river is wholly located and in the largest municipality in that county that has created an industrial development corporation; and

(C) in relation to which the retailer has an economic development agreement with:

(i) the municipality in which the warehouse is located that was entered into under Chapter 380, 504, or 505, Local Government Code, a predecessor statute, or any other law, and that took effect before January 1, 2009; or

(ii) the county in which the warehouse is located that was entered into under Chapter 381, Local Government Code, a predecessor statute, or any other law, and that took effect before January 1, 2009; and

(2) the place of business of the retailer at which the retailer first receives the order in the manner described by Subsection (c) is a retail outlet identified as being served by the warehouse on January 1, 2009, in information provided to the comptroller as prescribed by Subsection (c-3) or Section 323.203(c-3), as applicable, before their expiration.

(4) Strike the recital to the SECTION of the bill added by Amendment No. 2 by Thompson on second reading that amends Section 323.203, Tax Code, and substitute the following:

Section 323.203, Tax Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), (c-3), and (c-4) to read as follows:

(5) In Section 323.203(c-3), Tax Code, as added by Amendment No. 2 by Thompson on second reading, strike "a county that has entered into an economic development agreement described by Subsection (c-2)" and substitute "a county that has entered into an economic development agreement described by Subsection (c-2) or (c-4)".

(6) Immediately following Section 323.203(c-3), Tax Code, as added by Amendment No. 2 by Thompson on second reading, insert the following:

(c-4) Notwithstanding any other provision of this section, Subsection (c) does not apply if:

(1) the taxable item is shipped or delivered from a warehouse:

(A) that is a place of business of the retailer;

(B) that is located in a county in which a navigable river is wholly located and in the largest municipality in that county that has created an industrial development corporation; and

(C) in relation to which the retailer has an economic development agreement with:

(i) the county in which the warehouse is located that was entered into under Chapter 381, Local Government Code, a predecessor statute, or any other law, and that took effect before January 1, 2009; or

(ii) the municipality in which the warehouse is located that was entered into under Chapter 380, 504, or 505, Local Government Code, a predecessor statute, or any other law, and that took effect before January 1, 2009; and

(2) the place of business of the retailer at which the retailer first receives the order in the manner described by Subsection (c) is a retail outlet identified as being served by the warehouse on January 1, 2009, in information provided to the comptroller as prescribed by Subsection (c-3) or Section 321.203(c-3), as applicable, before their expiration.

(7) Strike the SECTION of the bill added by Amendment No. 2 by Thompson on second reading that specifies the effective date of the changes made to Sections 321.203 and 323.203, Tax Code, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Notwithstanding any other provision of this Act, Sections 321.203(c-3) and 323.203(c-3), Tax Code, as added by this Act, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Sections 321.203(c-3) and 323.203(c-3), Tax Code, as added by this Act, take effect August 31, 2009.

Amendment No. 1 was withdrawn.

**SB 636** was passed by (Record 1201): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Brown, F.; Kuempel; Woolley.

Absent — Branch; Miller, S.; Orr.

### ADJOURNMENT

Representative Geren moved that the house adjourn until 10 a.m. today, May 26.

The motion prevailed.

The house accordingly, at 12:08 a.m. May 26, adjourned until 10 a.m. today.

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### ADDENDUM

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#### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

##### List No. 1

**HCR 250** (By Martinez Fischer), Recognizing the heroism of U.S. Marine Corporal Roy Cisneros of San Antonio.

To Rules and Resolutions.

**HCR 251** (By W. Smith), In memory of Lisa Hood Urban of Baytown.

To Rules and Resolutions.

**HCR 253** (By McCall), In memory of former first lady, Lady Bird Johnson.

To Rules and Resolutions.

**HCR 254** (By Homer), Honoring the 2009 and 2010 State Artist appointees.

To Rules and Resolutions.

**HCR 257** (By Sheffield), In memory of James Michael Grant of Gatesville.

To Rules and Resolutions.

**HCR 259** (By J. Davis), Congratulating James Alford Davis of Menard on the occasion of his 80th birthday.

To Rules and Resolutions.

**HCR 260** (By Lewis), In memory of Odessa City Council member Michael Sanchez.

To Rules and Resolutions.

**HCR 261** (By Homer), In memory of Marguerite Stone Butler of Paris, Texas.

To Rules and Resolutions.

**HCR 262** (By Homer), In memory of Martha Sue Brunson of Paris, Texas.

To Rules and Resolutions.

**HR 2383** (By Frost), Honoring George Moore for his service to Texarkana ISD.

To Rules and Resolutions.

**HR 2384** (By Gallego), Congratulating D. L. "Dally" Willis on the occasion of his retirement as a lobbyist for the Communications Workers of America and other labor groups.

To Rules and Resolutions.

**HR 2385** (By Geren), Designating the grandchildren of house members as honorary mascots.

To House Administration.

**HR 2386** (By Geren), Electing the children of house members to the office of mascot.

To House Administration.

**HR 2387** (By Peña), Congratulating Tyler and Jillian Lampley of Austin on their third wedding anniversary.

To Rules and Resolutions.

**HR 2388** (By Hilderbran), Congratulating Russell Lee Weihs on becoming an Eagle Scout.

To Rules and Resolutions.

**HR 2389** (By McClendon), Honoring San Antonio Mayor-Elect Julian Castro.

To Rules and Resolutions.

**HR 2390** (By McClendon), Congratulating Henrietta Eugene Roberts Stevenson on being recognized as a Diamond Member of Alpha Kappa Alpha Sorority.

To Rules and Resolutions.

**HR 2391** (By McClendon), Honoring Greater Mount Olive Baptist Church of San Antonio on its 95th anniversary.

To Rules and Resolutions.

**HR 2392** (By Miklos), Congratulating Carrie F. Gordon on her election as mayor of Balch Springs.

To Rules and Resolutions.

**HR 2393** (By Miklos), Congratulating John Monaco on his reelection as mayor of Mesquite.

To Rules and Resolutions.

**HR 2394** (By Gallego), In memory of Barbara Gulick Rathke of Del Rio.

To Rules and Resolutions.

**HR 2395** (By Gutierrez), Commending the Honorable Phil Hardberger on his service as mayor of San Antonio.

To Rules and Resolutions.

**HR 2397** (By Rodriguez), Congratulating Shila Grace Gill of Austin on her second birthday.

To Rules and Resolutions.

**HR 2398** (By Rodriguez), In memory of the Honorable Scott Alan Ozmun of Austin, judge of the 353rd District Court.

To Rules and Resolutions.

**HR 2399** (By D. Howard), Congratulating Dr. Newt Hasson of Austin on his induction into the Texas High School Football Hall of Fame.

To Rules and Resolutions.

**HR 2400** (By Craddick), Honoring the Midland Fire Department for its 100 years of service to the community.

To Rules and Resolutions.

**HR 2401** (By Eiland), Congratulating Allison McMullen of Galveston on being named an Unsung Hero by the Galveston County Daily News.

To Rules and Resolutions.

**HR 2402** (By Eiland), Congratulating Bill Beveridge of Galveston on being named an Unsung Hero by the Galveston County Daily News.

To Rules and Resolutions.

**HR 2403** (By Jackson), Recognizing August 8, 2009, as Robert K. Koga Day in Texas.

To Rules and Resolutions.

**HR 2404** (By S. King), Honoring the service of Dr. David A. Polnick, superintendent of the Abilene Independent School District.

To Rules and Resolutions.

**HR 2405** (By Bolton), In memory of Randall "Poodie" Locke of Briarcliff.

To Rules and Resolutions.

**HR 2406** (By McReynolds), Honoring the directors and staff of the Community Supervision and Corrections Department for their notable public service.

To Rules and Resolutions.

**HR 2410** (By Bonnen), Commending U.S. Army Sergeant Mark Alan Vaughn of Clute for his courageous service in Iraq.

To Rules and Resolutions.

**HR 2411** (By Bonnen), Congratulating David and Renee Winder of Midland, Michigan, on the birth of their daughter, Sophia Renee Winder.

To Rules and Resolutions.

**HR 2412** (By Walle), In memory of Arlene Nichols of Houston.

To Rules and Resolutions.

**HR 2413** (By Chavez), Commemorating the 60th anniversary of the opening of Thomas Jefferson High School in El Paso.

To Rules and Resolutions.

**HR 2414** (By Chavez), Honoring the Eta Iota Zeta Chapter of Zeta Phi Beta Sorority, Inc., for its contributions to the El Paso community.

To Rules and Resolutions.

**HR 2415** (By Chavez), Honoring the Stork's Nest program in El Paso.

To Rules and Resolutions.

**HR 2417** (By Peña), Congratulating Gilberto Garza, Jr., on his retirement as superintendent of the Edinburg Consolidated Independent School District.

To Rules and Resolutions.

**HR 2418** (By Sheffield), Congratulating Chad Bludau on his graduation from The University of Texas at Austin.

To Rules and Resolutions.

**HR 2419** (By Kent), Honoring John Willis for his service on the Garland City Council.

To Rules and Resolutions.

**HR 2420** (By Anderson), Congratulating Carl and Louise Threadgill of Robinson on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 2421** (By Anderson), Congratulating George and Ruth Erickson of Waco on their 65th wedding anniversary.

To Rules and Resolutions.

**HR 2422** (By Anderson), Congratulating Ollie and Leta Hartgroves of McGregor on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2423** (By Anderson), Congratulating Donald and Carol Ann Tindell on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2424** (By Anderson), Congratulating Brian and Mozelle Cunningham on their 70th wedding anniversary.

To Rules and Resolutions.

**HR 2425** (By Anderson), Congratulating Norm and Tippy Gowens on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2426** (By Anderson), Honoring Velton and Darlene Cunningham of Woodway on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2427** (By Anderson), Congratulating Myra and William R. Casbeer of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2428** (By Anderson), Congratulating Don and Linda Filgo of Woodway on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2429** (By Anderson), Honoring Francis and Lorraine Trzcinski of Robinson on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2430** (By Bonnen), In memory of Frances Chalmers of Angleton.

To Rules and Resolutions.

**HR 2431** (By Gallego), Recognizing Sandra K. Henry for her service as Edwards County district and county clerk.

To Rules and Resolutions.

**HR 2432** (By Gallego), In memory of George Frazier Riggs of Pecos County.

To Rules and Resolutions.

**HR 2433** (By Dutton), Commemorating EXPO 2009, hosted by the Houston Minority Supplier Development Council.

To Rules and Resolutions.

**HR 2434** (By Kent), Honoring Garland City Council member Laura Perkins Cox for her civic contributions.

To Rules and Resolutions.

**HR 2435** (By Crabb), Paying tribute to the life of Deputy U.S. Marshal George Wise.

To Rules and Resolutions.

**HR 2436** (By Darby), In memory of Patsy L. Roach of San Angelo.

To Rules and Resolutions.

**HR 2437** (By Truitt), Honoring Summer Santa for its outstanding service to children in northeast Tarrant County.

To Rules and Resolutions.

**HR 2438** (By Maldonado), Honoring John Jefferson Bradshaw, Collin Cruz Evans, and Christopher Russell Marshall of Austin for receiving the 2009 Gold Congressional Award.

To Rules and Resolutions.

**HR 2440** (By Strama), Honoring Kimberly Faust on being named Teacher of the Year at John B. Connally High School in the Pflugerville Independent School District.

To Rules and Resolutions.

**HR 2441** (By Strama), In memory of Anthony Wayne Sepeda of Pflugerville.

To Rules and Resolutions.

**HR 2442** (By Flynn), Congratulating Diana Wilt on her graduation from Grand Saline High School.

To Rules and Resolutions.

**HR 2443** (By Anderson), Congratulating Bob and Beth Braden of China Spring on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2444** (By Kent), Commending Darren Lathen on his service as a member of the Garland City Council.

To Rules and Resolutions.

**HR 2445** (By Anderson), Congratulating Jack and Rita Boozer of Woodway on their 45th wedding anniversary.

To Rules and Resolutions.

**HR 2446** (By Anderson), Congratulating James and Elleen Frazier of Hewitt on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2447** (By Anderson), Congratulating Harvey and Zelma Hunke of Robinson on their 65th wedding anniversary.

To Rules and Resolutions.

**HR 2448** (By Anderson), Congratulating Clayton and Dorothy Thompson on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 2449** (By Anderson), Congratulating Joe and Mildred Stanislav of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 2450** (By Anderson), Congratulating Kenneth and Nelda Weldon of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2451** (By Anderson), Congratulating Bennice and LaVerne Johnson of Woodway on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2452** (By Marquez), Honoring Enriqueta G. Fierro of El Paso for her notable history of civic leadership and volunteerism.

To Rules and Resolutions.

**HR 2453** (By Marquez), Congratulating Edgar and Ida Bulloch of El Paso on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2454** (By Marquez), Congratulating Francisco and Velia Morga of El Paso on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2455** (By Marquez), Honoring James J. Crouch of the Air Defense Artillery Center and School at Fort Bliss on his notable career.

To Rules and Resolutions.

**HR 2456** (By Hodge), Congratulating Vicki Hallman on her retirement from the parole division of the Texas Department of Criminal Justice.

To Rules and Resolutions.

**HR 2458** (By Gallego), Honoring the life of Louy Elworth Younts, Jr., of Del Rio.

To Rules and Resolutions.

**HR 2459** (By Gallego), Commending James E. Epperson, Jr., of Rocksprings on his three terms as an Edwards County commissioner.

To Rules and Resolutions.

**HR 2460** (By Marquez), Congratulating Dr. Robert Santoscoy on receiving the Vision of Excellence Award from the El Paso Hispanic Chamber of Commerce.

To Rules and Resolutions.

**HR 2461** (By Marquez), Congratulating the El Paso Hispanic Chamber of Commerce for being named the Region III Large Hispanic Chamber of the Year for 2008.

To Rules and Resolutions.

**HR 2462** (By Maldonado), Commending Chris Gieringer for being named the 2009 Round Rock ISD Elementary Teacher of the Year.

To Rules and Resolutions.

**HR 2464** (By Y. Davis), Congratulating Erasmo Seguin Community Learning Center in Dallas on its receipt of the HealthierUS School Challenge Gold Certificate Award.

To Rules and Resolutions.

**HR 2465** (By Kent), Honoring Barbara Chick for her service on the Garland City Council.

To Rules and Resolutions.

**HR 2466** (By Kent), Honoring Mayor Ronald E. Jones for his service to the Garland community.

To Rules and Resolutions.

**HR 2467** (By Kent), Commending Linda Koop for her service as a member of the Dallas City Council.

To Rules and Resolutions.

**HR 2468** (By Kent), Honoring Jerry Allen for his service on the Dallas City Council.

To Rules and Resolutions.

**HR 2469** (By Bonnen), Honoring U.S. Army Captain Robert Clayton Hinchman of Angleton for his service to his country.

To Rules and Resolutions.

**HR 2470** (By Bonnen), In memory of Barbara Gene Ross of Angleton.

To Rules and Resolutions.

**HR 2471** (By Leibowitz), Commending Andrea Chavez for her work as an intern in the office of Representative David McQuade Leibowitz and congratulating her on her 20th birthday.

To Rules and Resolutions.

**HR 2472** (By Craddick), Honoring the Railway Ranch of Midland, Crane, and Upton Counties on its receipt of a 2009 Lone Star Land Steward Award.

To Rules and Resolutions.

**HR 2473** (By Craddick), Commemorating the First Annual Memorial "Running Against the Wind" 5K in Rankin.

To Rules and Resolutions.

**HR 2474** (By Hopson), Congratulating Susan Weaver on her retirement as director of the Depot Museum in Henderson.

To Rules and Resolutions.

**HR 2475** (By Rios Ybarra), Honoring Frank Torres, director of Willacy County Emergency Medical Services, for his public service.

To Rules and Resolutions.

**HR 2476** (By Rios Ybarra), Commemorating the 100th anniversary of the founding of The New York Store in Hebbbronville.

To Rules and Resolutions.

**HR 2477** (By Craddick), Congratulating Beverly and Norvan Bourland on their 66th wedding anniversary.

To Rules and Resolutions.

**HR 2478** (By Anchia), In memory of Alisandra Vei Galvan of Argyle.

To Rules and Resolutions.

**HR 2479** (By Anchia), Congratulating Robert Rivera on his reelection to the Arlington City Council.

To Rules and Resolutions.

**HR 2480** (By Gallego), Honoring Thomas F. "Tom" Roberts for his service as sheriff and tax assessor-collector of Jeff Davis County.

To Rules and Resolutions.

**HR 2481** (By Hughes), In memory of Hayes H. Bolitho of Holly Lake Ranch.

To Rules and Resolutions.

**HR 2482** (By Hughes), Congratulating Ed and Grace Trieb on their 67th wedding anniversary.

To Rules and Resolutions.

**HR 2483** (By Hughes), Congratulating Pascual and Maria Martinez on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2484** (By Hughes), Congratulating James and Ruby Hollis of Mineola on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2485** (By Hughes), In memory of Mary Catherine McGuyer Porter of Grand Saline.

To Rules and Resolutions.

**HR 2486** (By Kent), Commending Emily Blair Watler for her service as an intern in the office of State Representative Carol Kent.

To Rules and Resolutions.

**HR 2487** (By Kent), Honoring Dallas mayor Tom Leppert for his outstanding public service.

To Rules and Resolutions.

**HR 2488** (By Castro), Congratulating Build San Antonio Green on being named a 2009 Local Green Home Building Program of the Year by the National Association of Home Builders.

To Rules and Resolutions.

**HR 2489** (By Castro), Honoring Colonel Lamar Beckworth of Austin on his appointment as interim director of the Texas Department of Public Safety.

To Rules and Resolutions.

**HR 2490** (By Castro), Commending Anthony M. Brown of San Antonio for being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 2491** (By Castro), Commemorating the dedication of the Penascal Wind Power Project in Kenedy County.

To Rules and Resolutions.

**HR 2492** (By Castro), Commending Salvadore M. Hernandez for his service as a member of the San Antonio Water System board of trustees.

To Rules and Resolutions.

**HR 2493** (By Castro), Recognizing Maricela and Ricardo Rocha on the grand opening of Chela's Fiesta Bar and Restaurant in San Antonio.

To Rules and Resolutions.

**HR 2494** (By Castro), Honoring Professor Diane Hays and architecture students from The University of Texas at San Antonio for their contributions to Raymond Russell County Park.

To Rules and Resolutions.

**HR 2495** (By Castro), Honoring the Northside Independent School District students who were named scholar finalists in the National Hispanic Recognition Program for 2008-2009.

To Rules and Resolutions.

**HR 2496** (By Castro), Commending Jon Gonzales for being named a scholar finalist in the 2008-2009 National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 2497** (By Castro), Honoring Home Comforts for its service to the mentally ill of Bexar County.

To Rules and Resolutions.

**HR 2498** (By Craddick), Congratulating Emma Leigh Rodriguez, Jonathan Suiter, and Christine Folger on earning scholarships from Midland Teen Court.  
To Rules and Resolutions.

**HR 2499** (By Chavez), Congratulating Arturo S. Rodriguez, president of the United Farm Workers, on the occasion of his 60th birthday and commending him for his service with the UFW.  
To Rules and Resolutions.

**HR 2500** (By Chavez), Honoring Mirian D. Spencer of El Paso for her career in public service and her community involvement.  
To Rules and Resolutions.

**HR 2501** (By Chavez), Honoring David Murguia of El Paso for his outstanding academic achievements.  
To Rules and Resolutions.

**HR 2502** (By Chavez), Honoring LULAC Project Amistad in El Paso for its efforts to improve the lives of the elderly and adults with disabilities.  
To Rules and Resolutions.

**SB 2277** to Higher Education.

**SB 2487** to Natural Resources.

**SB 2539** to Natural Resources.

**SB 2540** to Natural Resources.

**SCR 59** to Judiciary and Civil Jurisprudence.

**SCR 72** to Judiciary and Civil Jurisprudence.

**SCR 75** to Rules and Resolutions.

**SCR 78** to Rules and Resolutions.

### **SIGNED BY THE SPEAKER**

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

#### **House List No. 40**

**HB 19, HB 107, HB 348, HB 407, HB 422, HB 449, HB 471, HB 739, HB 749, HB 802, HB 807, HB 888, HB 890, HB 1023, HB 1031, HB 1058, HB 1084, HB 1178, HB 1294, HB 1487, HB 1740, HB 1785, HB 1881, HB 1883, HB 1922, HB 1947, HB 1949, HB 1966, HB 1985, HB 2065, HB 2130, HB 2186, HB 2191, HB 2283, HB 2401, HB 2480, HB 2580, HB 2893, HB 2963, HB 2972, HB 2983, HB 2991, HB 3517, HB 3643, HB 3674, HB 4149, HB 4231, HB 4276, HB 4341, HB 4540, HB 4541, HB 4593**

#### **House List No. 41**

**HB 4154**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 25, 2009 - 1

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 3613** Otto SPONSOR: Williams  
Relating to the determination of the market value of a residence homestead for ad valorem tax purposes on the basis of the property's value as a residence homestead.  
(Amended)

**SCR 79** Deuell  
Commemorating the life of railway engineer Alonzo John Wemple.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**ENROLLED**

May 24 - HB 236, HB 396, HB 405, HB 409, HB 497, HB 594, HB 618, HB 643, HB 655, HB 846, HB 1060, HB 1093, HB 1232, HB 1682, HB 1789, HB 2263, HB 2542, HB 2667, HB 2729, HB 2835, HB 2840, HB 2985, HB 3139, HB 3231, HB 3246, HB 3429, HB 3692, HB 3756, HB 3800, HB 4029, HB 4043, HCR 18, HCR 57, HCR 126, HCR 168

**RECOMMENDATIONS FILED WITH THE SPEAKER**

May 24 - HB 4780, HB 4788, HB 4801, HB 4802, HB 4803, HB 4804, HB 4805, HB 4807, HB 4808, HB 4809, HB 4810, HB 4811, HB 4814, HB 4817, HB 4823, HB 4824, HB 4825, HB 4827, HB 4828, HB 4829, HB 4831, HB 4832, HB 4835

