

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

TWELFTH DAY — TUESDAY, JUNE 21, 2011

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

The roll of the house was called and a quorum was announced present (Record 120).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Castro; Driver; Giddings; Harless; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Burnam.

The invocation was offered by Representative Hancock.

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

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

Harless on motion of Solomons.

The following members were granted leaves of absence for today because of important business:

Castro on motion of D. Howard.

Giddings on motion of D. Howard.

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

L. Taylor on motion of Crownover.

The following members were granted leaves of absence for today because of important business in the district:

Driver on motion of Landtroop.

Mallory Caraway on motion of Gonzalez.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas, through their state constitution, have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Eighty-Second Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8, and Article III, Section 40, of the Texas Constitution, do hereby present the following subject matter to the Eighty-Second Texas Legislature, First Called Session, for consideration:

Legislation relating to prosecution and punishment for the offense of official oppression of persons seeking access to public buildings and transportation.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 2011.

Rick Perry
Governor of Texas

(SEAL)
Esperanza "Hope" Andrade
Secretary of State

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 11:15 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 11:15 a.m. today, 3W.15, for a formal meeting, to set a calendar.

HCR 20 - ADOPTED

(by Craddick, Parker, Darby, and Anchia)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 20**.

The motion prevailed.

The following resolution was laid before the house:

HCR 20, Commemorating the 40th anniversary of Southwest Airlines.

HCR 20 was read and was adopted.

On motion of Representative Anchia, the names of all the members of the house were added to **HCR 20** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Craddick who introduced representatives of Southwest Airlines, including co-founder Herb Kelleher, who briefly addressed the house.

SCR 3 - ADOPTED

(Perry - House Sponsor)

Representative Frullo moved to suspend all necessary rules to take up and consider at this time **SCR 3**.

The motion prevailed.

The following resolution was laid before the house:

SCR 3, In memory of Stacy Richards Furdek of Lubbock.

SCR 3 was unanimously adopted by a rising vote.

On motion of Representative Frullo, the names of all the members of the house were added to **SCR 3** as signers thereof.

HCR 18 - ADOPTED

(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 18**.

The motion prevailed.

The following resolution was laid before the house:

HCR 18, In memory of Sergeant Joshua David Powell of Quitman.

HCR 18 was unanimously adopted by a rising vote.

On motion of Representative White, the names of all the members of the house were added to **HCR 18** as signers thereof.

HCR 19 - ADOPTED
(by Hughes, Simpson, and White)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 19**.

The motion prevailed.

The following resolution was laid before the house:

HCR 19, In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater.

HCR 19 was unanimously adopted by a rising vote.

On motion of Representatives Simpson and White, the names of all the members of the house were added to **HCR 19** as signers thereof.

SB 6 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Eissler, the house granted the request of the senate for the appointment of a Conference Committee on **SB 6**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 6**: Eissler, chair; Aycock, Branch, Hochberg, and Strama.

SB 8 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Eissler, the house granted the request of the senate for the appointment of a Conference Committee on **SB 8**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 8**: Eissler, chair; Aycock, Crownover, Hancock, and Huberty.

LEAVE OF ABSENCE GRANTED

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

Bohac on motion of Callegari.

RECESS

At 12:34 p.m., the speaker announced that the house would stand recessed until 1 p.m. today.

AFTERNOON SESSION

The house met at 1 p.m. and was called to order by the speaker.

UNFINISHED BUSINESS

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

HB 79 ON SECOND READING
(by Lewis and Jackson)

HB 79, A bill to be entitled An Act relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

HB 79 was read second time on June 20, and Amendment No. 4 was pending at the time of adjournment.

Amendment No. 5

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

Amend Amendment No. 4 by R. Anderson to **HB 79** by striking the text of the amendment and substituting the following:

Amend **HB 79** (house committee printing) on page 47, between lines 3 and 4, by inserting the following:

(d) The rules adopted by the supreme court may not:

(1) require that a party in a case be represented by an attorney;

(2) be so complex that a reasonable person without legal training would have difficulty understanding or applying the rules; or

(3) require that discovery rules adopted under the Texas Rules of Civil Procedure or the Texas Rules of Evidence be applied except to the extent the justice of the peace hearing the case determines that the rules must be followed to ensure that the proceeding is fair to all parties.

(e) A committee established by the supreme court to recommend rules to be adopted under this section must include justices of the peace.

HB 79 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: Just kind of help me think through this again—there's three courts, in a justice court, three dockets. There's the justice court, which operates under the Texas Rules of Civil Procedure, and then the other docket is the small claims docket, which really has no rules, or rules of evidence. It just operates under whatever the judge sees and what we kind of truly think of a small claims court—

REPRESENTATIVE LEWIS: Right.

P. KING: And then it has the magistrates court that does all of the administrative stuff and criminal stuff.

LEWIS: Yes, correct.

P. KING: And so, what your original amendment did was, if I'm correct, it abolished the justice court docket?

LEWIS: Not quite, well—

P. KING: And then ordered the supreme court to write rules for the small claims court docket?

LEWIS: Here's what it did, Phil, and of course, you know much more about this subject than I'll ever know. But here's what the bill does—where we have the justice court, that has all the rules of civil procedure, and then you've got a small claims court that is very informal, and all of it's with the same judge. One judge, two different dockets. What it did, it just really combined the two dockets so you've got one docket. You'll have—instead of using the name small claims court, you'll call it the justice court because you had to call it one or the other. You'll call it justice court—but the basic rules and procedures will be the small claims procedures. So that's what it does, it merges it. It calls it the justice court, but it uses the small claims court procedures, because you didn't want to just do away with the title justice court because then there'd be griping about that.

P. KING: In giving the supreme court the authority to write rules over the small claims court, or whatever we're going to call it, would it give the supreme court the authority to ever require that justices of the peace be attorneys, licensed attorneys?

LEWIS: No. The supreme court does not have that power—

P. KING: And they wouldn't after this bill, either?

LEWIS: Yes, they would not have—there's nothing in this bill that would do that. In fact, what this bill does, since it makes everything small claims, and makes everything accessible to a layman, and except for the three—they're already outside of small claims court types, collection cases—everything's going to be small claims. It makes it much more amenable to having a layman be justice of the peace. And many more cases, all the cases now will be small claims court. It'll be much more amenable to being able to work out those cases without lawyers.

(Burnam now present)

REMARKS ORDERED PRINTED

Representative P. King moved to print remarks between Representative Lewis and Representative P. King.

The motion prevailed.

Amendment No. 5 was adopted.

Amendment No. 4, as amended, was adopted. (Weber recorded voting no.)

Amendment No. 6

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) as follows:

(1) Strike page 17, line 7, through page 18, line 6.

(2) On page 45, between lines 9 and 10, insert the following appropriately numbered SECTION to the ARTICLE to read as follows:

SECTION 4. _____. (a) Subsection (t-1), Section 25.0022, Government Code, as added by **SB 1198**, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.

(b) This section 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, this section takes effect on the 91st day after the last day of the legislative session.

(3) Renumber subsequent SECTIONS of ARTICLE 4 accordingly.

Amendment No. 6 was adopted.

Amendment No. 7

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 58, line 22, through page 59, line 5 and substituting the following:

(b) Subject to Subsection (c), a judge of a court may not refer any civil case or portion of a civil case, including a trial on the merits, to an associate judge if a party files a written objection to the referral to the associate judge. For purposes of this subsection, a trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) A party must file an objection to the referral of a civil case or portion of a civil case to an associate judge not later than the 10th day after the date the party receives notice of the referral. If an objection is filed, the referring court shall hear the case or portion of the case.

Amendment No. 7 was adopted.

Amendment No. 8

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) as follows:

(1) Strike the recital to SECTION 3.02 of the bill and substitute the following:

SECTION 3.02. Section 24.007, Government Code, is amended to read as follows:

(2) Strike page 4 line 1, through page 5, line 23.

(3) Strike page 9 line 23, through page 11, line 24.

(4) On page 12, line 23, strike "and".

(5) On page 12, line 24 between "(c)" and the period insert the following:

; and

(18) Section 25.0362(g);

(19) Section 25.0732(w);

(20) Section 25.1672(c);

(21) Section 25.1862(v);

(22) Section 25.1932(k);

(23) Section 25.2512(k), as added by **HB 2330**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011; and

(24) Section 74.121(b)(2)

(6) Renumber SECTIONS of ARTICLE 3 as appropriate.

Amendment No. 8 failed of adoption by (Record 121): 30 Yeas, 103 Nays, 1 Present, not voting.

Yeas — Bonnen; Cain; Carter; Chisum; Creighton; Davis, S.; Elkins; Fletcher; Garza; Hardcastle; Hilderbran; Hughes; Isaac; Johnson; King, P.; King, T.; Legler; Lyne; Morrison; Murphy; Phillips; Reynolds; Riddle; Ritter; Sheets; Taylor, V.; Thompson; White; Workman; Zedler.

Nays — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Burnam; Button; Callegari; Christian; Coleman; Craddick; Darby; Davis, J.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Driver; Giddings; Harless; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Alonzo; Cook; Crownover; Davis, Y.; Gonzales, V.; King, S.; Villarreal.

STATEMENTS OF VOTE

When Record No. 121 was taken, my vote failed to register. I would have voted no.

Crownover

When Record No. 121 was taken, I was excused to attend a funeral. I would have voted yes.

Harless

I was shown voting yes on Record No. 121. I intended to vote no.

Lyne

Amendment No. 9

Representative S. Davis offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by striking page 56, line 10, through page 65, line 16.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Hilderbran offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. USE OF PROCEEDS OF SALE OF CERTAIN FORFEITED PROPERTY

SECTION _____.01. (a) If **SB 316**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 24.377, Government Code, as effective September 1, 2011, is amended by adding Subsection (d) to read as follows:

(d) Subsection (c) does not apply to the use of proceeds from the sale of forfeited property for the state fiscal year that begins September 1, 2011. This subsection expires September 1, 2013.

(b) If **SB 316**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, this article has no effect.

Amendment No. 10 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 10 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 10.

Amendment No. 11

Representative Laubenberg offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. COMPOSITION OF CERTAIN COUNTY JUVENILE BOARDS

SECTION _____.01. Section 152.2051(a), Human Resources Code, is amended to read as follows:

- (a) The Rockwall County Juvenile Board is composed of:
- (1) the judge of the County Court at Law of Rockwall County;
 - (2) the district judges [~~judge~~] in Rockwall County;
 - (3) one county commissioner appointed by the commissioners court;
 - (4) one member of the board of trustees of the Rockwall Independent School District selected by the board of trustees of the Rockwall Independent School District; and
 - (5) one member of the board of trustees of the Royse City Independent School District selected by the board of trustees of the Royse City Independent School District.

Amendment No. 11 was adopted.

Amendment No. 12

Representatives Berman and Hilderbran offered the following amendment to **HB 79**:

Amend **HB 79** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . APPLICATION OF FOREIGN LAWS

SECTION ____ .01. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 148 to read as follows:

CHAPTER 148. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN FORUM

Sec. 148.001. DEFINITION. In this chapter, "foreign law" means a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States.

Sec. 148.002. DECISION BASED ON FOREIGN LAW. A ruling or decision of a court, arbitrator, or administrative adjudicator on a matter arising under the Family Code may not be based on a foreign law if the application of that law would violate a civil right or a right guaranteed by the United States Constitution or the constitution or a statute of this state.

Sec. 148.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT. (a) A contract provision providing that a foreign law is to govern a dispute arising under the Family Code is void to the extent that the application of the foreign law to the dispute would violate a civil right or a right guaranteed by the United States Constitution or the constitution of this state.

(b) A contract provision providing that the forum to resolve a dispute arising under the Family Code is located outside the states and territories of the United States is void if the foreign law that would be applied to the dispute in that forum would, as applied, violate a civil right or a right guaranteed by the United States Constitution or the constitution of this state.

SECTION ____ .02. (a) Section 148.002, Civil Practice and Remedies Code, as added by this article, applies only to a ruling or decision that becomes final on or after the effective date of this Act. A ruling or decision that becomes final before the effective date of this Act and any appeal of that ruling or decision are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 148.003, Civil Practice and Remedies Code, as added by this article, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 12 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 12 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker overruled the point of order.

Amendment No. 12 was adopted by (Record 122): 105 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Thompson; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Marquez; Martinez; Martinez Fischer; Miles; Naishtat; Nash; Quintanilla; Strama; Turner; Veasey; Vo; Walle.

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

Absent, Excused — Bohac; Castro; Driver; Giddings; Harless; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Davis, Y.; Eiland; McClendon; Reynolds; Villarreal.

STATEMENTS OF VOTE

When Record No. 122 was taken, I was excused to attend a funeral. I would have voted yes.

Harless

I was shown voting no on Record No. 122. I intended to vote yes.

Nash

HB 79 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISAAC: Does this in any way open the door for a requirement to make JPs become attorneys?

REPRESENTATIVE LEWIS: No, the requirements for the justices of the peace are in the Election Code. There's no requirement that they be attorneys. This'll mean it'll be less necessary than ever because right now you have to know the Code of Civil Procedure. And for cases that are not filed in small claims court, after this, that won't be true. Everything that's filed in the justice court will be under small claims rules, so no requirement at all, and it won't tend to do that, either.

ISAAC: Does it in any way hinder access to courts for indigents?

LEWIS: No. It'll make it easier, and faster, and it'll just make it universal. What we've been doing in small claims will be the universal way to handle it. You won't have a divided docket in the justice court anymore. You'll just have the small claims way of doing things.

REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks between Representative Lewis and Representative Isaac.

The motion prevailed.

HB 79, as amended, was passed to engrossment by (Record 123): 105 Yeas, 28 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Burkett; Button; Cain; Callegari; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Gonzales, V.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Martinez; Martinez Fischer; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Veasey; Vo; Walle; White; Workman; Zedler; Zerwas.

Nays — Anchia; Bonnen; Brown; Burnam; Carter; Dukes; Flynn; Geren; Gonzales, L.; Gonzalez; Gutierrez; Hartnett; Hilderbran; Hopson; Johnson; Kolkhorst; Legler; Lozano; Marquez; McClendon; Menendez; Muñoz; Oliveira; Riddle; Ritter; Rodriguez; Schwertner; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Driver; Giddings; Harless; Keffer; Mallory Caraway; Taylor, L.; Woolley.

Absent — Davis, Y.; Lucio; Miles; Reynolds; Smithee; Turner; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 123. I intended to vote yes.

Carter

I was shown voting no on Record No. 123. I intended to vote yes.

Flynn

When Record No. 123 was taken, I was excused to attend a funeral. I would have voted no.

Harless

I was shown voting no on Record No. 123. I intended to vote yes.

Johnson

I was shown voting no on Record No. 123. I intended to vote yes.

Lozano

I was shown voting no on Record No. 123. I intended to vote yes.

Muñoz

I was shown voting yes on Record No. 123. I intended to vote no.

Quintanilla

When Record No. 123 was taken, my vote failed to register. I would have voted yes.

Smithee

HB 41 - RECOMMITTED

Representative Gallego moved to recommit **HB 41** to the Committee on Criminal Jurisprudence.

The motion prevailed.

POSTPONED BUSINESS

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

HB 19 ON SECOND READING (by Aycock)

HB 19, A bill to be entitled An Act relating to hearings on public school educator contracts.

HB 19 was read second time on June 16 and was postponed until 9 a.m. today.

Representative Aycock moved to postpone consideration of **HB 19** until 5:30 a.m. tomorrow.

The motion prevailed.

HB 17 ON SECOND READING (by Callegari)

HB 17, A bill to be entitled An Act relating to the minimum salary for and minimum service required of certain public school employees.

HB 17 was read second time on June 16 and was postponed until 9 a.m. today.

Representative Callegari moved to postpone consideration of **HB 17** until 9 a.m. tomorrow.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, upon adjournment today, Desk 92, for a formal meeting, to consider **HB 41**.

ADJOURNMENT

Representative Kolkhorst moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Richard Bruce Duncan of Huntsville.

The motion prevailed.

The house accordingly, at 3:16 p.m., adjourned until 10 a.m. tomorrow.