

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTY-FOURTH DAY — FRIDAY, APRIL 22, 2005

The house met at 11:45 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 373).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Noriega, M.

### LEAVES OF ABSENCE GRANTED

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

### RULES SUSPENDED

Representative Reyna moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

### **MOTION FOR ONE RECORD VOTE**

On motion of Representative Reyna and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

(M. Noriega now present)

#### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 374): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

**HB 126**

**HB 495**

**HB 526**

**HB 546**

**HB 808**

**HB 881**

**HB 907**

**HB 956**

**HB 1018**

**HB 1534**

**HB 1630**

**HB 1937**

**HB 1981**

**HB 1996**

**HB 2195**

**HB 2196**

**HB 2267**

**HB 2298**

**HB 2430**

**HB 2584**

**HB 2587**

**HB 2626**

**HB 2961**

**HB 2962**

**HB 3353**

**SB 235**

**SB 348**

**SB 524**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

**HB 370**

**HB 468**

**HB 504**

**HB 632**

**HB 805**

**HB 1186**

**HB 1191**

**HB 1480**

**HB 1586**

**HB 1646**

**HB 1673**

**HB 1695**

**HB 1807**

**HB 1813**

**HB 1935**

**HB 1959**

**HB 2172**

**HB 2174**

**HB 2256**

**HB 2336**

**HB 2384**

**HB 2428**

**HB 2614**

**HB 2760**

**HB 3199**

**HB 3340**

**HB 3481**

**HB 3489**

**MOTION TO CONFORM CAPTIONS**

Representative Reyna moved to conform the captions of the senate bills taken up in lieu of the house bills to the house bills' caption.

The motion prevailed.

(Speaker in the chair)

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 148 ON THIRD READING  
(by Harper-Brown)**

**HB 148**, A bill to be entitled An Act relating to the probationary period of persons appointed to beginning positions in certain fire or police departments.

A record vote was requested.

**HB 148** was passed by (Record 375): 137 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Moreno, J.

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

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Allen, A.; Bonnen; Campbell; Castro; Moreno, P.

#### STATEMENTS OF VOTE

When Record No. 375 was taken, I was in the house but away from my desk. I would have voted yes.

Campbell

When Record No. 375 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

I was shown voting present, not voting on Record No. 375. I intended to vote no.

Herrero

#### HB 214 ON THIRD READING

(by Casteel)

**HB 214**, A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

A record vote was requested.

**HB 214** was passed by (Record 376): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Baxter; Escobar; Moreno, P.

**HB 252 ON THIRD READING**  
(by Goodman)

**HB 252**, A bill to be entitled An Act relating to the use of parenting plans and parenting coordinators in suits affecting the parent-child relationship.

**HB 252** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 410 ON THIRD READING**  
(by Goodman)

**HB 410**, A bill to be entitled An Act relating to the property interests of spouses in connection with certain separate and community property.

**HB 410** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 412 ON THIRD READING**  
(by Turner, et al.)

**HB 412**, A bill to be entitled An Act relating to the use of credit scoring and credit history by certain telecommunications and electric service providers.

**HB 412** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 614 ON THIRD READING**

(by Puente)

**HB 614**, A bill to be entitled An Act relating to foster care payments for certain children.

A record vote was requested.

**HB 614** was passed by (Record 377): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Burnam; King, T.; Moreno, P.; Naishtat.

### **STATEMENT OF VOTE**

When Record No. 377 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

### **HB 629 ON THIRD READING**

(by Solomons, et al.)

**HB 629**, A bill to be entitled An Act relating to notice required for a mechanic's, contractor's, or materialman's lien in certain circumstances.

**HB 629** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 720 ON THIRD READING**  
**(by Berman)**

**HB 720**, A bill to be entitled An Act relating to the members of a local workforce development board.

**HB 720** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 952 ON THIRD READING**  
**(by Delisi)**

**HB 952**, A bill to be entitled An Act relating to a pilot program to provide health services to state employees in state office complexes.

**HB 952** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1011 ON THIRD READING**  
**(by Hilderbran)**

**HB 1011**, A bill to be entitled An Act relating to the removal of the dedication for certain cemeteries.

**HB 1011** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1179 ON THIRD READING**  
**(by Dutton)**

**HB 1179**, A bill to be entitled An Act relating to the authority of an associate judge in certain family law cases.

**HB 1179** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1558 ON THIRD READING**  
**(by J. Davis)**

**HB 1558**, A bill to be entitled An Act relating to an alternative method of satisfying certain licensing and program participation requirements for assisted living facilities.



**HB 1558** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1188 ON THIRD READING**  
**(by Hartnett and Anchia)**

**HB 1188**, A bill to be entitled An Act relating to the criteria for designation of a reinvestment zone for purposes of tax increment financing and to the powers of a municipality that has created a reinvestment zone.

A record vote was requested.

**HB 1188** was passed by (Record 378): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Bonnen; Dutton; Edwards; Farrar; Geren; Goolsby; Kolkhorst; Moreno, P.; Solis; Uresti.

**STATEMENT OF VOTE**

When Record No. 378 was taken, my vote failed to register. I would have voted yes.

Bonnen

**HB 1745 ON THIRD READING**  
**(by Seaman)**

**HB 1745**, A bill to be entitled An Act relating to the disqualification of certain temporary employees for unemployment compensation benefits.

**HB 1745** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 1759 ON THIRD READING**

(by Keel)

**HB 1759**, A bill to be entitled An Act relating to the eligibility for jury-recommended community supervision and to the conditions of community supervision for certain defendants convicted of state jail felonies.

**HB 1759** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 1820 ON THIRD READING**

(by Otto)

**HB 1820**, A bill to be entitled An Act relating to the requirements for reporting certain information to the attorney general or the legislature.

A record vote was requested.

**HB 1820** was passed by (Record 379): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Puente; Quintanilla; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Escobar; Guillen; McClendon; Moreno, P.; Pickett; Raymond; West.

**STATEMENT OF VOTE**

When Record No. 379 was taken, my vote failed to register. I would have voted yes.

Guillen

**HB 1901 ON THIRD READING  
(by W. Smith)**

**HB 1901**, A bill to be entitled An Act relating to the maximum reservation for certain individual projects of a portion of the state ceiling for private activity bonds.

A record vote was requested.

**HB 1901** was passed by (Record 380): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Leibowitz; Moreno, P.

**STATEMENT OF VOTE**

When Record No. 380 was taken, my vote failed to register. I would have voted yes.

Leibowitz

**HB 1951 ON THIRD READING  
(by Dawson and Bonnen)**

**HB 1951**, A bill to be entitled An Act relating to the creation of a judicial district composed of Brazoria County.

**HB 1951** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1958 ON THIRD READING**  
**(by Haggerty)**

**HB 1958**, A bill to be entitled An Act relating to the authority of certain persons to bring suit to require an appraisal district or an appraisal review board to comply with the property tax laws.

**HB 1958** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1987 ON THIRD READING**  
**(by Bonnen)**

**HB 1987**, A bill to be entitled An Act relating to the regulation of underground and aboveground storage tanks.

**HB 1987** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Gonzales, Leibowitz, and Menendez recorded voting no.)

**HB 2024 ON THIRD READING**  
**(by Hilderbran and Guillen)**

**HB 2024**, A bill to be entitled An Act relating to hunter education.

**HB 2024** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2032 ON THIRD READING**  
**(by Hilderbran)**

**HB 2032**, A bill to be entitled An Act relating to the expansion of the operation game thief program to include certain other violations of law.

**HB 2032** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2046 ON THIRD READING**  
**(by Puente)**

**HB 2046**, A bill to be entitled An Act relating to the applicability of the open meetings law to actions taken by certain directors of a water district; providing a criminal penalty.

**HB 2046** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2096 ON THIRD READING**  
**(by Bonnen)**

**HB 2096**, A bill to be entitled An Act relating to the removal and disposal of certain vessels and structures in certain locations; providing penalties.

**HB 2096** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2331 ON THIRD READING**  
**(by Morrison)**

**HB 2331**, A bill to be entitled An Act relating to the emergency possession of certain abandoned children; providing a penalty.

A record vote was requested.

**HB 2331** was passed by (Record 381): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Coleman; Farabee; Flores; Martinez; McClendon.

### STATEMENT OF VOTE

When Record No. 381 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

### HB 2440 ON THIRD READING

(by West)

**HB 2440**, A bill to be entitled An Act relating to the regulation by the Railroad Commission of Texas of activities associated with multiple accumulations of hydrocarbons from which production by commingling of hydrocarbons is authorized.

A record vote was requested.

**HB 2440** was passed by (Record 382): 137 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Eiland; Hope.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Anchia; King, T.; McCall; Menendez; Strama.

### STATEMENT OF VOTE

When Record No. 382 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

**HB 2555 ON THIRD READING**  
**(by Kuempel)**

**HB 2555**, A bill to be entitled An Act relating to the humane dispatch of certain game animals and game birds.

A record vote was requested.

**HB 2555** was passed by (Record 383): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Anchia; Eiland; Flores; Kolkhorst; McReynolds; Strama.

**STATEMENT OF VOTE**

When Record No. 383 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

**HB 2926 ON THIRD READING**  
**(by Hamric)**

**HB 2926**, A bill to be entitled An Act relating to the procedure for listing property in the appraisal records following certain ad valorem tax sales.

A record vote was requested.

**HB 2926** was passed by (Record 384): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.;

Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Jackson; West.

### **HB 360 ON THIRD READING** (by Talton)

**HB 360**, A bill to be entitled An Act relating to the punishment for the offense of aggravated assault.

**HB 360** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 585 ON THIRD READING** (by Corte)

**HB 585**, A bill to be entitled An Act relating to the requirements for the incorporation of a municipality in the extraterritorial jurisdiction of certain existing municipalities.

A record vote was requested.

**HB 585** was passed by (Record 385): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero;



Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Eissler; Geren.

### STATEMENT OF VOTE

When Record No. 385 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

#### **SB 523 ON THIRD READING (McReynolds - House Sponsor)**

**SB 523**, A bill to be entitled An Act relating to the regional emergency medical dispatch resource center pilot program.

A record vote was requested.

**SB 523** was passed by (Record 386): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente;

Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Anchia; Laubenberg.

**SB 245 ON THIRD READING**  
**(Phillips - House Sponsor)**

**SB 245**, A bill to be entitled An Act relating to local government authorization of charitable solicitation by a pedestrian.

A record vote was requested.

**SB 245** was passed by (Record 387): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Taylor.

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

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Puente.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 387. I intended to vote yes.

Taylor

**SB 101 ON THIRD READING**  
**(McClendon - House Sponsor)**

**SB 101**, A bill to be entitled An Act relating to efficiently administering and electronically monitoring certain veterans' and dependents' tuition exemptions at institutions of higher education.

A record vote was requested.

**SB 101** was passed by (Record 388): 141 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Taylor.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Crownover; Truitt.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 388. I intended to vote yes.

Taylor

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

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

**CSHB 1690 ON SECOND READING**  
**(by Keel, Hill, Frost, Hodge, Nixon, et al.)**

**CSHB 1690**, A bill to be entitled An Act relating to common nuisance.

**Amendment No. 1**

Representative Keel offered the following amendment to **CSHB 1690**:

Amend **CSHB 1690** as follows:

(1) On page 3, strike lines 3 through 24, and substitute the following:

(b) A person maintains a common nuisance if the person:

(1) [~~knowingly~~] maintains a multiunit residential property to which persons habitually go to commit acts listed in Subsection (a) and knowingly tolerates the [following] acts f-

~~(A) aggravated assault as described by Section 22.02, Penal Code;~~

~~(B) sexual assault as described by Section 22.011, Penal Code;~~

~~(C) aggravated sexual assault as described by Section 22.021, Penal Code;~~

~~(D) robbery as described by Section 29.02, Penal Code;~~

~~(E) aggravated robbery as described by Section 29.03, Penal Code;~~

~~(F) unlawfully carrying a weapon as described by Section 46.02, Penal Code;~~

~~(G) murder as described by Section 19.02, Penal Code; or~~

~~(H) capital murder as described by Section 19.03, Penal Code; and~~

(2) has failed to make reasonable attempts to abate such acts.

(2) On page 5, line 5, strike the period and substitute the following:

but may be admitted for other purposes, such as showing that a crime listed in Section 125.0015 occurred. Evidence that the defendant refused to cooperate with law enforcement or emergency services with respect to the activity is admissible.

(3) On page 5, line 23, strike the period and substitute the following:

but may be admitted for other puposes, such as showing that a crime listed in Section 125.0015 occurred. Evidence that the defendant refused to cooperate with law enforcement or emergency services with respect to the activity is admissible.

Amendment No. 1 was adopted.

A record vote was requested.

**CSHB 1690**, as amended, was passed to engrossment by (Record 389): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna;

Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Hartnett.

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

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Guillen; Rodriguez; Uresti.

### STATEMENTS OF VOTE

When Record No. 389 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 389 was taken, my vote failed to register. I would have voted yes.

Rodriguez

### HB 1690 - STATEMENT OF LEGISLATIVE INTENT

With the best of intentions, the legislature has over the years enacted and modified statutory authority intended to facilitate appropriate legal action by municipalities against persons and property owners who tolerate ongoing criminal activity. The idea was to target places that served as staging areas for crime where owners permitted illegal goings-on to fester.

Whenever authority is created by the legislature and bestowed upon local governments, the legislature assumes that sound discretion will be applied by local governments in the exercise of power, and not abused as tools of oppression or misused as subterfuge for simply raising revenue.

The House Committee on Civil Practices heard lengthy sworn testimony over the course of several weeks from various and diverse citizens and business owners regarding the misuse of Section 125 of the Civil Practice and Remedies Code by the city of Dallas, Texas. The law was used as a club to wield against honest and law abiding citizens to such an extent that crimes may have been committed under color of law by the city itself in the inappropriate application of nuisance abatement authority.

The current inartfully worded statute had the unintended consequence of facilitating the city to say in the courtroom that anyone who "knowingly maintained property" was strictly liable for crime occurring thereon, even where the citizens were themselves law abiding and furthermore taking affirmative acts to protect themselves and their property from lawbreakers. The misuse of the statute was documented in sworn testimony before the house committee and included many specifics, including the following:

A select few businesses in high crime areas were targeted, while much more egregious crime occurred on surrounding properties and was ignored by the city.

Statistics and offenses, that had nothing to do with the business itself, such as traffic stops leading to arrests in the same block of the business, were used as evidence against the business.

Businesses were directed to hire certain security, with the obvious suggestion being that the hiring of certain personnel would mitigate nuisance abatement enforcement threats by the city.

In one instance, the city had 11 police cars, in a show of intimidation, park in a business parking lot, after the honest business owner simply had challenged the city's enforcement decisions against him. Obviously that tactic by the city discouraged customers from coming onto the business property and was furthermore intended to bully the business in a threatening manner. (The fact that this incident of intimidation occurred was confirmed by the new city police chief, who assured the house committee that his new tenure at the department would include internal investigations of the incident and other more serious civil rights violations the committee heard about.)

Code enforcements were illegitimately used as harassment of uncooperative businesses.

One business owner was strongly encouraged to make a financial donation to a particular local elected official's "birthday fund."

Businesses were in some cases ordered by the city legal department to strictly comply with calling authorities in every instance of possible illegal activity. Those calls for help were then counted against the business in the city's criteria for evidence of nuisance abatement violations. Some businesses, who complied with the city legal office's orders, were given hostile and conflicting orders from responding officers.

Businesses were in some cases ordered to engage in inappropriate acts that were themselves illegal. A nationally renowned hotel chain was ordered to run criminal history checks on guests—an action that is not only impossible for private citizens to accomplish—but would itself possibly constitute a violation of guests' civil rights, potentially subjecting the business to legal liability.

One carwash owner, who by all accounts was himself a law abiding individual, was sanctioned for an employee, who had been searched in an unrelated incident where marihuana was found by police to be in the employee's pants pocket. It was suggested by the city legal department that the owner needed to conduct random pat-down searches on a regular basis of his employees—an act that is forbidden by law even for law enforcement.

The city's method had a logic that made it impossible for businesses to comply: If you did not call the police for help, you were branded as a business that tolerated nuisances. If you did call the police, the calls for help were used as evidence against you that crime was occurring on your premises.

The city, in addition to imposing expensive litigation on businesses, and in many cases also imposing fines and costs on them, placed the burden on businesses to pay for police protection. Businesses were told that legal action against them would continue unless they hired off duty Dallas Police Officers and

furthermore reimbursed the city for the use of their equipment, such as patrol cars. The city very purposefully moved a basic service obligation—that being its duty to protect its citizens—from a city budget item to a user fee, making taxpaying citizens pay additional actual costs for the privilege of being protected from crime.

The changes to the statute in **HB 1690** are designed to reign in these types of abuses. The bill makes clear that the target of nuisance abatement should be persons or businesses that knowingly tolerate the actual nuisance crimes. Calls for assistance to police should no longer be misused by municipalities as evidence against law abiding citizens or businesses calling for help. The bill furthermore clarifies those businesses that do tolerate crime or do not cooperate with lawful police enforcement of real problems, will still be prosecuted.

The legislature should always carefully monitor the utilization by local governments of potentially oppressive enforcement schemes, such as the nuisance abatement enactments. Unfortunately, it cannot be simply assumed that local governments will not apply such laws in a bad faith manner nor misuse them as instruments of oppression. In the circumstances documented before the Committee on Civil Practices, the abuse by city government was particularly egregious.

Keel

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**HB 64 ON SECOND READING  
(by McClendon and Guillen)**

**HB 64**, A bill to be entitled An Act relating to the automatic admission to public institutions of higher education of certain undergraduate transfer students.

**Amendment No. 1**

Representative McClendon offered the following amendment to **HB 64**:

Amend **HB 64** on page 2, line 3, between "curriculum" and the semicolon, by inserting "as defined by Section 61.821".

Amendment No. 1 was adopted.

**HB 64**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Crabb, Eissler, Flynn, Hope, Hupp, Kuempel, Nixon, Solomons, and Truitt recorded voting no.)

**HB 183 ON SECOND READING  
(by F. Brown, Anchia, Callegari, McClendon, and Gonzalez Toureilles)**

**HB 183**, A bill to be entitled An Act relating to the prosecution of offenses involving the use of safety belts and child passenger safety seat systems.

**Amendment No. 1**

Representative Gonzales offered the following amendment to **HB 183**:

Amend **HB 183** on page 1 as follows:

(1) On line 10, strike "57" and substitute "51".

(2) On line 11, between "height" and the comma, insert "and less than 80 pounds".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Hegar offered the following amendment to **HB 183**:

Amend **HB 183** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4121 to read as follows:

Sec. 545.4121. DEFENSE; POSSESSION OF CHILD PASSENGER SAFETY SEAT SYSTEM. (a) This section applies to an offense committed under Section 545.412 before September 1, 2006, that would not have been an offense under that section as the section existed immediately before September 1, 2005.

(b) It is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that the defendant possesses an appropriate child passenger safety seat system for each child:

(1) who is regularly transported by the defendant in a passenger vehicle; and

(2) who is eight years of age or younger or who is less than 57 inches in height.

(c) This section expires September 1, 2007.

Amendment No. 2 was adopted.

**HB 183**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Anderson, Blake, Crabb, Elkins, Flynn, Frost, Goolsby, Harper-Brown, Hope, Hughes, Hupp, Keel, Kolkhorst, Kuempel, Swinford, Talton, Taylor, and Woolley recorded voting no.)

**CSHB 698 ON SECOND READING**

(by McCall)

**CSHB 698**, A bill to be entitled An Act relating to the disposal of certain business records that contain personal identifying information; providing a civil penalty.

**Amendment No. 1**

Representative McCall offered the following amendment to **CSHB 698**:



Amend **CSHB 698** on page 2, line 13, by striking "\$1,000" and substituting "\$500".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative McCall offered the following amendment to **CSHB 698**:

Amend **CSHB 698** as follows:

- (1) On page 1, line 22, after the semicolon, insert "or".
- (2) On page 1, line 24, strike "; or" and substitute ";".
- (3) On page 2, strike line 1.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative McCall offered the following amendment to **CSHB 698**:

Amend **CSHB 698** as follows:

- (1) On page 2, line 5, strike "(g)" and substitute "(h)".
- (2) On page 3, between lines 5 and 6, insert the following:

(h) Subsection (d) does not apply to:

(1) a financial institution as defined by 15 U.S.C. Section 6809; or

(2) a covered entity as defined by Section 601.001 or 602.001,

Insurance Code.

Amendment No. 3 was adopted.

**CSHB 698**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Truitt recorded voting no.)

### **HB 858 ON SECOND READING**

**(by Kolkhorst and R. Cook)**

**HB 858**, A bill to be entitled An Act relating to the issuance of a marriage license to applicants who are unable to personally appear before the county clerk.

**HB 858** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 943 ON SECOND READING**

**(by Geren)**

**HB 943**, A bill to be entitled An Act relating to evidence establishing ownership of a vessel for a certificate of title issued by the Parks and Wildlife Department.

**HB 943** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1531 ON SECOND READING**  
**(by Jackson, et al.)**

**CSHB 1531**, A bill to be entitled An Act relating to telematics services excepted from private security regulation.

**Amendment No. 1**

Representative Jackson offered the following amendment to **CSHB 1531**:

Amend **CSHB 1531** (House committee printing) on page 2, line 25, by striking "commission" and substituting "department".

Amendment No. 1 was adopted.

**CSHB 1531**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 2025 ON SECOND READING**  
**(by Hilderbran, Casteel, and Branch)**

**CSHB 2025**, A bill to be entitled An Act relating to the transfer of jurisdiction over the National Museum of the Pacific War and other historical sites from the Parks and Wildlife Department to the Texas Historical Commission.

**Amendment No. 1**

Representative Casteel offered the following amendment to **CSHB 2025**:

Amend **CSHB 2025** as follows:

(1) On page 3, strike lines 24-26 and substitute:

(d) Notwithstanding any other law, the commission [~~department~~] may contract with the Admiral Nimitz Foundation for the administration and operation of the museum, including any necessary renovation, improvement, or expansion of the museum.

(2) On page 3, line 27, strike "[~~(e)~~]" and substitute "(e)".

Amendment No. 1 was adopted.

**CSHB 2025**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2885 ON SECOND READING**  
**(by Giddings)**

**HB 2885**, A bill to be entitled An Act relating to an arrest warrant or complaint for the issuance of a bad check.

**HB 2885** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2892 ON SECOND READING**  
**(by Luna)**

**HB 2892**, A bill to be entitled An Act relating to conditions of employment for firefighters employed by certain municipalities.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Talton offered the following committee amendment to **HB 2892**:

Amend **HB 2892** as follows:

- (1) On page 1, line 14, strike "with" and substitute ":",
- (2) On page 1, line 15, strike "a population of 50,000 or more that employs firefighters." and substitute the following:
  - (1) with a population of 50,000 or more; or
  - (2) that has adopted Chapter 143.
- (3) On page 2, line 25, strike "find that" and substitute "determine by majority vote regarding whether"
- (4) On page 4, strike lines 18-22 and substitute the following:
  - (b) An election ordered under this section must be held as part of the next regularly scheduled general election for municipal officials that is held after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of the law.
- (5) On page 5, line 14, strike "first" and substitute "second".
- (6) On page 7, between lines 15 and 16, insert the following:
  - (e) While a meet and confer agreement under this subchapter between the public employer and the recognized firefighters association is in effect, the public employer may not accept a petition, with regard to the firefighters of the municipality requesting an election to adopt:
    - (1) municipal civil service under Chapter 143; or
    - (2) collective bargaining under Chapter 174.
- (7) On page 8, line 16, insert "ready to be" between "is" and "ratified".
- (8) On page 8, line 26, strike "by a member of a public employer" and substitute "by quorum of the sole and exclusive bargaining agent of the public employer".
- (9) On page 9, between lines 26 and 27, insert the following:

Sec. 142.115. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO OPERATE UNDER THIS SUBCHAPTER. (a) The governing body of a municipality that granted recognition of a firefighters association under Section 142.103 without conducting an election under Section 142.105 may withdraw recognition of the association by providing to the association not less than 90 days' written notice that:

(1) the governing body is withdrawing recognition of the association;  
and

(2) any agreement between the governing body and the association will not be renewed.

(b) The governing body of a municipality that granted recognition of a firefighters association after conducting an election under Section 142.105 may order an election to determine whether a public employer may continue to meet and confer under this subchapter. The governing body may not order an election under this subsection until the second anniversary of the date of the election under Section 142.105.

(c) An election ordered under Subsection (b) must be held as part of the next regularly scheduled general election for municipal officers that occurs after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of law.

(d) The ballot for an election ordered under Subsection (b) shall be printed to allow voting for or against the proposition: "Authorizing \_\_\_\_\_ (name of municipality) to continue to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing municipal firefighters as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages."

(e) An election ordered under Subsection (b) must be held and the returns prepared and canvassed in conformity with the Election Code.

(f) If an election ordered under Subsection (b) is held, the municipality may continue to operate under this subchapter only if a majority of the votes cast at the election favor the proposition.

(g) If an election ordered under Subsection (b) is held, an association may not submit a petition for recognition to the governing body of the municipality under Section 142.103 before the second anniversary of the date of the election.

(10) On page 9, line 27, strike "142.115" and substitute "142.116".

(11) On page 10, lines 16 and 17, strike "or at a special election called by the governing body of the municipality for that purpose".

(12) On page 10, line 26, strike "142.116" and substitute "142.117".

(13) On page 11, line 7, strike "142.117" and substitute "142.118".

(14) On page 11, line 12, strike "142.118" and substitute "142.119".

Amendment No. 1 was adopted.

**HB 2892**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Madden and Truitt recorded voting no.)

**HB 3265 ON SECOND READING**  
**(by Straus and Peña)**

**HB 3265**, A bill to be entitled An Act relating to the declaration of a mistrial in the punishment phase of a criminal proceeding.

**HB 3265** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, Leibowitz, and Thompson recorded voting no.)

**RULES SUSPENDED**

Representative Chisum moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on today's general state calendar.

The motion prevailed.

**MOTION FOR ONE RECORD VOTE**

On motion of Representative Chisum and by unanimous consent, the house agreed to use the first record vote taken for all those bills on today's general state calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

The following bills which were considered on second reading on today's general state calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 390): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller;

Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Howard; Olivo; Paxton; Pitts; Smithee.

Absent — Allen, A.; Castro; Chavez; Edwards; Hardcastle.

### STATEMENT OF VOTE

When Record No. 390 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

#### HB 943

#### HB 2025

The following bills which were considered on second reading on the today's general state calendar were laid before the house, read third time, and passed by a voice vote (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are shown following the bill number):

#### HB 1690

**HB 64** (Crabb, Eissler, and Solomons recorded voting no.)

**HB 183** (Anderson, Blake, Crabb, Edwards, Elkins, Frost, Giddings, Goolsby, Harper-Brown, Hodge, Hopson, Hughes, Hunter, Keel, T. King, Kolkhorst, Miller, Orr, Phillips, Puente, Straus, Talton, Taylor, Turner, Woolley, and Zedler recorded voting no.) (The vote was reconsidered on April 25, and **HB 183** was amended and was passed by Record No. 392.)

**HB 698** (Truitt recorded voting no.)

#### HB 858

#### HB 1531

#### HB 2885

**HB 2892** (McCall, Solomons, Truitt, and Zedler recorded voting no.)

**HB 3265** (Herrero, Hodge, and Leibowitz recorded voting no.)

### HB 1690 - STATEMENT OF LEGISLATIVE INTENT

With the best of intentions, the legislature has over the years enacted and modified statutory authority intended to facilitate appropriate legal action by municipalities against persons and property owners who tolerate ongoing criminal activity. The idea was to target places that served as staging areas for crime where owners permitted illegal goings-on to fester.

Whenever authority is created by the legislature and bestowed upon local governments, the legislature assumes that sound discretion will be applied by local governments in the exercise of power, and not abused as tools of oppression or misused as subterfuge for simply raising revenue.

The House Committee on Civil Practices heard lengthy sworn testimony over the course of several weeks from various and diverse citizens and business owners regarding the misuse of Section 125 of the Civil Practice and Remedies Code by the city of Dallas, Texas. The law was used as a club to wield against honest and law abiding citizens to such an extent that crimes may have been committed under color of law by the city itself in the inappropriate application of nuisance abatement authority.

The current inartfully worded statute had the unintended consequence of facilitating the city to say in the courtroom that anyone who "knowingly maintained property" was strictly liable for crime occurring thereon, even where the citizens were themselves law abiding and furthermore taking affirmative acts to protect themselves and their property from lawbreakers. The misuse of the statute was documented in sworn testimony before the house committee and included many specifics, including the following:

A select few businesses in high crime areas were targeted, while much more egregious crime occurred on surrounding properties and was ignored by the city.

Statistics and offenses, that had nothing to do with the business itself, such as traffic stops leading to arrests in the same block of the business, were used as evidence against the business.

Businesses were directed to hire certain security, with the obvious suggestion being that the hiring of certain personnel would mitigate nuisance abatement enforcement threats by the city.

In one instance, the city had 11 police cars, in a show of intimidation, park in a business parking lot, after the honest business owner simply had challenged the city's enforcement decisions against him. Obviously that tactic by the city discouraged customers from coming onto the business property and was furthermore intended to bully the business in a threatening manner. (The fact that this incident of intimidation occurred was confirmed by the new city police chief, who assured the house committee that his new tenure at the department would include internal investigations of the incident and other more serious civil rights violations the committee heard about.)

Code enforcements were illegitimately used as harassment of uncooperative businesses.

One business owner was strongly encouraged to make a financial donation to a particular local elected official's "birthday fund."

Businesses were in some cases ordered by the city legal department to strictly comply with calling authorities in every instance of possible illegal activity. Those calls for help were then counted against the business in the city's criteria for evidence of nuisance abatement violations. Some businesses, who complied with the city legal office's orders, were given hostile and conflicting orders from responding officers.

Businesses were in some cases ordered to engage in inappropriate acts that were themselves illegal. A nationally renowned hotel chain was ordered to run criminal history checks on guests—an action that is not only impossible for private citizens to accomplish—but would itself possibly constitute a violation of guests' civil rights, potentially subjecting the business to legal liability.

One carwash owner, who by all accounts was himself a law abiding individual, was sanctioned for an employee, who had been searched in an unrelated incident where marihuana was found by police to be in the employee's pants pocket. It was suggested by the city legal department that the owner needed to conduct random pat-down searches on a regular basis of his employees—an act that is forbidden by law even for law enforcement.

The city's method had a logic that made it impossible for businesses to comply: If you did not call the police for help, you were branded as a business that tolerated nuisances. If you did call the police, the calls for help were used as evidence against you that crime was occurring on your premises.

The city, in addition to imposing expensive litigation on businesses, and in many cases also imposing fines and costs on them, placed the burden on businesses to pay for police protection. Businesses were told that legal action against them would continue unless they hired off duty Dallas Police Officers and furthermore reimbursed the city for the use of their equipment, such as patrol cars. The city very purposefully moved a basic service obligation—that being its duty to protect its citizens—from a city budget item to a user fee, making taxpaying citizens pay additional actual costs for the privilege of being protected from crime.

The changes to the statute in **HB 1690** are designed to reign in these types of abuses. The bill makes clear that the target of nuisance abatement should be persons or businesses that knowingly tolerate the actual nuisance crimes. Calls for assistance to police should no longer be misused by municipalities as evidence against law abiding citizens or businesses calling for help. The bill furthermore clarifies those businesses that do tolerate crime or do not cooperate with lawful police enforcement of real problems, will still be prosecuted.

The legislature should always carefully monitor the utilization by local governments of potentially oppressive enforcement schemes, such as the nuisance abatement enactments. Unfortunately, it cannot be simply assumed that local governments will not apply such laws in a bad faith manner nor misuse them as instruments of oppression. In the circumstances documented before the Committee on Civil Practices, the abuse by city government was particularly egregious.

Keel

### **HB 3573 - PERMISSION TO INTRODUCE**

Representative West requested permission to introduce and have placed on first reading **HB 3573**.

Permission to introduce was granted.



**HB 3575 - PERMISSION TO INTRODUCE**

Representative Corte requested permission to introduce and have placed on first reading **HB 3575**.

Permission to introduce was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Elections, upon final adjournment today, Desk 58, for a formal meeting, to consider pending business.

Pensions and Investments, upon final adjournment today, Desk 41, for a formal meeting, to consider pending business.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 2445** and other previously posted bills at 2 p.m. or upon final adjournment, April 25, in E2.014.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Natural Resources, 2 p.m. or upon final adjournment April 25, E2.014, for a public hearing, to consider **HB 2445**.

**ADJOURNMENT**

Representative Y. Davis moved that the house adjourn until 10 a.m. Monday, April 25 in memory of Timothy Ray Haynes of Dallas.

The motion prevailed.

The house accordingly, at 1:09 p.m., adjourned until 10 a.m. Monday, April 25.

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 21**

Business and Industry - **HB 62, HB 611, HB 1716, HB 1919**

Civil Practices - **HB 107, HB 1577, HB 2868**

Corrections - **HB 1095, HB 1383, HB 1918**

Criminal Jurisprudence - **SB 60, SB 481**

Culture, Recreation, and Tourism - **HB 2135, HB 2902**

Financial Institutions - **HB 955**

Higher Education - **HB 2041**

Judiciary - **HB 2531, HB 2977, SB 552**

Licensing and Administrative Procedures - **HB 541, HB 659**

Natural Resources - **HB 1208, HB 1226, HB 1358, HB 2915**

State Affairs - **HB 1733, HB 2381, HB 3147**

Transportation - **HB 1985, HB 1986, HB 2966, SB 182, SB 945**

Urban Affairs - **HB 1830, HB 2173, HB 2507, HB 2712, SB 1014**

#### **ENGROSSED**

**April 21 - HB 4, HB 168, HB 197, HB 240, HB 308, HB 384, HB 492, HB 599, HB 600, HB 657, HB 695, HB 880, HB 883, HB 968, HB 1138, HB 1174, HB 1182, HB 1253, HB 1287, HB 1567, HB 1601, HB 1677, HB 1734, HB 1752, HB 1855, HB 1912, HB 1970, HB 2021, HB 2039, HB 2134, HB 2217, HB 2297, HB 2475, HB 2510, HB 2553, HB 2604, HB 2958, HB 3017**