

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTY-FOURTH DAY — THURSDAY, APRIL 12, 2007

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

The roll of the house was called and a quorum was announced present (Record 391).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Absent, Excused — Moreno.

Absent — Thompson; Woolley.

The invocation was offered by Reverend William Tucker, pastor, Concordia Lutheran Church, San Antonio, as follows:

"O Lord, hear my prayer, listen to my cry for mercy; in your faithfulness and righteousness come to my relief. Do not bring your servant into judgment, for no one living is righteous before you. . . I remember the days of long ago; I meditate on all your works and consider what your hands have done. . . I spread out my hands to you; my soul thirsts for you like a parched land. . . Let the morning bring me word of your unfailing love, for I have put my trust in you. Show me the way I should go, for to you I lift up my soul. . . Teach me to do your will, for you are my God; may your good spirit lead me on level ground." (Psalm 143:1, 2, 5, 6, 8, 10 (NIV))

Gracious Heavenly Father, thank you for this day and all your mercies fresh and new to us this morning. Thank you for this great State of Texas and the wonderful people who live here. And thank you for the people assembled here this morning to serve you by serving the people they represent. Bless their motives and attitudes, their speaking and all communications, and their deliberations and voting.

Father of light, fill the minds of these representatives with your light and truth. Help them to bring justice and hope to our state through their faithful work. Allow their efforts to lift the eyes of all to see your goodness and faithfulness among men.

Loving Father, unite them in love for you and the people they serve. Allow their unity to be an example to our state. Help this body to model unity and the power that comes from people working together for the common good.

God of peace, grant to this esteemed gathering clarity to know the truth and pursue it, strength to carry the burdens of the people and love them, and clarity to see the evil in our world and, by your great power, defeat it. We pray in your holy name. Amen.

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

#### **LEAVE OF ABSENCE GRANTED**

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

Moreno on motion of D. Howard.

#### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Corte and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

#### **CAPITOL PHYSICIAN**

The chair recognized Representative Geren who presented Dr. Fred Merian of Wimberley as the "Doctor for the Day."

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

#### **LEAVE OF ABSENCE GRANTED**

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

Jones on motion of B. Cook.

(Woolley now present)

#### **HR 1393 - ADOPTED (by D. Howard and Strama)**

Representative D. Howard moved to suspend all necessary rules to take up and consider at this time **HR 1393**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1393**, In memory of the Honorable Walter Thomas Caven of Austin.

**HR 1393** was read and was unanimously adopted by a rising vote.

On motion of Representative Strama, the names of all the members of the house were added to **HR 1393** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative D. Howard who introduced family members of the Honorable Walter Thomas Caven.

(England in the chair)

#### **HR 1287 - ADOPTED (by Farabee)**

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1287**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1287**, Congratulating Delilah Washburn of Wichita County on her appointment as director of the Houston Regional Office of the Texas Veterans Commission.

**HR 1287** was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1287** as signers thereof.

#### **LEAVE OF ABSENCE GRANTED**

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

Bailey on motion of Gonzalez Toureilles.

#### **HR 17 - READ (by Callegari)**

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

**HR 17**, Congratulating Patsy and Malcolm Bailey of Houston on their receipt of the Samaritan for All Seasons award.

#### **HR 17 - MOTION TO ADD NAMES**

On motion of Representative C. Howard, the names of all the members of the house were added to **HR 17** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Callegari who introduced Malcolm and Patsy Bailey and their son, Doug.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 20).

**HR 1446 - ADOPTED**  
**(by Callegari, Zerwas, and Vo)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1446**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1446**, Recognizing April 12, 2007, as Katy Day at the State Capitol.

**HR 1446** was read and was adopted.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 1446** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Callegari who introduced a delegation from Katy.

**HR 1038 - ADOPTED**  
**(by Callegari, Zerwas, and Vo)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1038**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1038**, Honoring Katy ISD Superintendent Dr. Leonard Merrell on the occasion of his retirement.

**HR 1038** was read and was adopted.

On motion of Representative Vo, the names of all the members of the house were added to **HR 1038** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Callegari who introduced Dr. Leonard Merrell.

**LEAVE OF ABSENCE GRANTED**

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

Gattis on motion of Christian.

**HR 1452 - ADOPTED**  
**(by Farrar)**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 1452**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1452**, Recognizing the American Institute of Architects on the occasion of its 150th anniversary and its 2007 national convention.

**HR 1452** was read and was adopted.

On motion of Representative Noriega, the names of all the members of the house were added to **HR 1452** as signers thereof.

**ORDER OF BUSINESS SUSPENDED**

Representative Taylor moved to suspend all necessary rules to allow the house to take up and consider third reading and postponed bills before second reading bills on today's supplemental calendar.

The motion prevailed.

**GENERAL STATE CALENDAR**  
**SENATE BILLS**  
**THIRD READING**

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

**SB 462 ON THIRD READING**  
**(Harper-Brown - House Sponsor)**

**SB 462**, A bill to be entitled An Act relating to the allocation of revenue from the municipal hotel occupancy tax for the arts for certain municipalities.

A record vote was requested.

**SB 462** was passed by (Record 392): 130 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts;

Puente; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Truitt; Turner; Vaught; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Anderson; Crabb; Delisi; Deshotel; Hartnett; Martinez Fischer; McReynolds; Peña; Quintanilla; Riddle; Straus; Thompson; Van Arsdale; Veasey.

### STATEMENTS OF VOTE

When Record No. 392 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 392 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 392 was taken, I was in the house but away from my desk. I would have voted yes.

McReynolds

When Record No. 392 was taken, I was temporarily out of the house chamber. I would have voted yes.

Peña

When Record No. 392 was taken, I was in the house but away from my desk. I would have voted yes.

Quintanilla

When Record No. 392 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

When Record No. 392 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

### SB 112 ON THIRD READING

**(Corte, Macias, Herrero, B. Brown, Merritt, et al. - House Sponsors)**

**SB 112**, A bill to be entitled An Act relating to the confiscation of firearms and ammunition during a state of disaster.

A record vote was requested.

**SB 112** was passed by (Record 393): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Anchia; Hill; Thompson; Van Arsdale; Vaught.

#### STATEMENT OF VOTE

When Record No. 393 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

#### SB 426 ON THIRD READING (Hill - House Sponsor)

**SB 426**, A bill to be entitled An Act relating to qualification for an ad valorem tax exemption for property used to provide low-income or moderate-income housing in the event of a change in ownership of the property as a result of a foreclosure sale.

#### Amendment No. 1

Representative Swinford offered the following amendment to **SB 426**:

Amend **SB 426** (house committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 8), strike "Subsection (j)" and substitute "Subsections (e), (h), and (j)".

(2) In SECTION 1 of the bill, between the recital to the section and amended Section 11.182(j), Tax Code (page 1, between lines 8 and 9), insert the following:

(e) Notwithstanding [In addition to meeting the applicable requirements of] Subsections (b), [and] (c), and (j), an organization is entitled to [receive] an exemption under Subsection (b) for improved real property that the organization owns or controls and that is [includes a housing project constructed after

~~December 31, 2001, and~~ financed with qualified 501(c)(3) bonds issued under Section 145 of the Internal Revenue Code of 1986, tax-exempt private activity bonds subject to volume cap, or low-income housing tax credits if ~~[5]~~ the organization ~~[must]~~:

- (1) meets the requirements of Subsections (b)(1) and (2);
- (2) owns or controls ~~[control]~~ 100 percent of the interest in:
  - (A) the general partner of the ~~[if the project is owned by a]~~ limited partnership that owns the property, if applicable; or
  - (B) the entity that owns the property;
- (3) complies ~~[(2) comply]~~ with all rules of and laws administered by the Texas Department of Housing and Community Affairs applicable to community housing development organizations; ~~[and]~~
- (4) submits ~~[(3) submit]~~ annually to the Texas Department of Housing and Community Affairs and to the governing body of each taxing unit for which the project receives an exemption for the housing project evidence demonstrating that the organization spent an amount equal to at least 90 percent of the project's cash flow in the preceding fiscal year as determined by the audit required by Subsection (g), for eligible persons in the county in which the property is located, on social, educational, or economic development services, capital improvement projects, or rent reduction; and
- (5) applied for an exemption under this section for the property before January 1, 2004.

(h) Subsections (d) and (e)(4) ~~[(e)(3)]~~ do not apply to property owned by an organization if:

- (1) the entity that provided the financing for the acquisition or construction of the property:
  - (A) requires the organization to make payments in lieu of taxes to the school district in which the property is located; or
  - (B) restricts the amount of rent the organization may charge for dwelling units on the property; or
- (2) the organization has entered into an agreement with each taxing unit for which the property receives an exemption to spend in each tax year for the purposes provided by Subsection (d) or (e)(4) ~~[(e)(3)]~~ an amount equal to the total amount of taxes imposed on the property in the tax year preceding the year in which the organization acquired the property.

Amendment No. 1 was adopted.

A record vote was requested.

**SB 426**, as amended, was passed by (Record 394): 135 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen;

Haggerty; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Bohac; Bonnen; Crabb; Elkins; Harless; Harper-Brown; Riddle; Talton.

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

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Thompson.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 394. I intended to vote no.

Callegari

I was shown voting yes on Record No. 394. I intended to vote no.

Creighton

I was shown voting yes on Record No. 394. I intended to vote no.

Kolkhorst

When Record No. 394 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

I was shown voting yes on Record No. 394. I intended to vote no.

Van Arsdale

(Speaker in the chair)

#### POSTPONED BUSINESS

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

##### **CSHB 1772 ON SECOND READING**

**(by Villarreal and Leibowitz)**

**CSHB 1772**, A bill to be entitled An Act relating to a report to the legislature by the division of workers' compensation of the Texas Department of Insurance of certain information regarding employers not covered by workers' compensation insurance.

**CSHB 1772** was read second time on April 11 and was postponed until 10 a.m. today. Amendment No. 1 was pending at the time of postponement.

Representative Villarreal moved to postpone consideration of **CSHB 1772** until the end of today's third reading bills.

The motion prevailed.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 1392 ON THIRD READING  
(by Turner and Chavez)**

**HB 1392**, A bill to be entitled An Act relating to the right of an employee who is a parent of a child enrolled in a special education program to time off from work to meet with certain persons affecting the education of the child.

A record vote was requested.

**HB 1392** was passed by (Record 395): 128 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Berman; Bohac; Bolton; Branch; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jackson; Keffler; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock; Bonnen; Brown, B.; Hardcastle; Harless; Harper-Brown; Macias; Miller; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Geren; Hughes; Isett; King, P.; Laubenberg; Morrison; Taylor; Thompson.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 395. I intended to vote no.

Christian

I was shown voting yes on Record No. 395. I intended to vote no.

Flynn

I was shown voting yes on Record No. 395. I intended to vote no.

Phillips

When Record No. 395 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

I was shown voting yes on Record No. 395. I intended to vote no.

Zedler

**HB 2489 ON THIRD READING**  
**(by Berman and Bohac)**

**HB 2489**, A bill to be entitled An Act relating to categories for reporting compensation or reimbursement paid to registered lobbyists.

Representative Berman moved to postpone consideration of **HB 2489** until the end of today's third reading bills.

The motion prevailed.

**HB 387 ON THIRD READING**  
**(by Callegari and Flynn)**

**HB 387**, A bill to be entitled An Act relating to the repeal of the law relating to the Texas National Research Laboratory Commission.

A record vote was requested.

**HB 387** was passed by (Record 396): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter;

Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Coleman; Thompson.

### STATEMENT OF VOTE

When Record No. 396 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

### HB 973 ON THIRD READING

(by Eissler)

**HB 973**, A bill to be entitled An Act relating to the eligibility of certain educational employees to participate or be enrolled in certain group health benefit programs.

A record vote was requested.

**HB 973** was passed by (Record 397): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Cook, B.; Elkins; Flores; Hardcastle; Hughes; Riddle; Rodriguez; Thompson.

**STATEMENTS OF VOTE**

When Record No. 397 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 397 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**HB 518 ON THIRD READING  
(by Naishtat)**

**HB 518**, A bill to be entitled An Act relating to the detention and examination of certain persons for whom an application for emergency detention or a motion for an order of protective custody has been filed.

A record vote was requested.

**HB 518** was passed by (Record 398): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Callegari; Farabee; Pickett; Solomons; Thompson.

**STATEMENTS OF VOTE**

When Record No. 398 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

When Record No. 398 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**HB 1850 ON THIRD READING**  
(by Flores)

**HB 1850**, A bill to be entitled An Act relating to an inspection performed by a plumbing inspector for a political subdivision.

A record vote was requested.

**HB 1850** was passed by (Record 399): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Flores; Hughes; Murphy; O'Day; Thompson.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 399. I intended to vote no.

Flynn

When Record No. 399 was taken, I was in the house but away from my desk. I would have voted yes.

Murphy

When Record No. 399 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**HB 2819 ON THIRD READING****(by Ritter)**

**HB 2819**, A bill to be entitled An Act relating to the management of coastal public land.

A record vote was requested.

**HB 2819** was passed by (Record 400): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Phillips; Thompson.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 400. I intended to vote no.

Garcia

When Record No. 400 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**HB 1840 ON THIRD READING****(by Bonnen, et al.)**

**HB 1840**, A bill to be entitled An Act relating to the punishment for failing to stop following a motor vehicle accident.

A record vote was requested.

**HB 1840** was passed by (Record 401): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Aycock; Chavez; Latham; Noriega; Pierson; Thompson.

### STATEMENT OF VOTE

When Record No. 401 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

### HB 2130 ON THIRD READING

(by Noriega, Guillen, Leibowitz, Miller, et al.)

**HB 2130**, A bill to be entitled An Act relating to hunting and fishing license fee exemptions for certain members of the armed forces.

A record vote was requested.

**HB 2130** was passed by (Record 402): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson;

Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Alonzo; Aycock; Crabb; Thompson.

### STATEMENT OF VOTE

When Record No. 402 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

### HB 1416 ON THIRD READING

(by Corte, et al.)

**HB 1416**, A bill to be entitled An Act relating to the authority of the Veterans' Land Board to sell certain loans issued by the Veterans' Land Board.

A record vote was requested.

**HB 1416** was passed by (Record 403): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Hardcastle; Kuempel; Smith, T.; Thompson.

### STATEMENT OF VOTE

When Record No. 403 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

### HB 1129 ON THIRD READING

(by Macias)

**HB 1129**, A bill to be entitled An Act relating to the prosecution and punishment of the offense of criminal trespass.

A record vote was requested.

**HB 1129** was passed by (Record 404): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Flynn; Miles; Thompson.

### STATEMENT OF VOTE

When Record No. 404 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**HB 1251 ON THIRD READING**  
**(by Bonnen)**

**HB 1251**, A bill to be entitled An Act relating to a public agency's, county's, or municipality's authority to enforce a solid waste collection and transportation services franchise.

A record vote was requested.

**HB 1251** was passed by (Record 405): 130 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Bolton; Davis, Y.; Escobar; Gonzalez Toureilles; Herrero; Howard, D.; Leibowitz; Mallory Caraway; Miles; Vaught.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Allen; Burnam; Cook, B.; Kuempel; Thompson.

**STATEMENT OF VOTE**

When Record No. 405 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

**HB 1214 ON THIRD READING**  
**(by Christian, Leibowitz, McReynolds, et al.)**

**HB 1214**, A bill to be entitled An Act relating to the goal of installing additional capacity for generating renewable energy.

A record vote was requested.

**HB 1214** was passed by (Record 406): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Anderson; Callegari; Thompson; Vaught.

#### STATEMENTS OF VOTE

When Record No. 406 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 406 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 406 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

#### HB 2345 ON THIRD READING (by Anderson and Aycock)

**HB 2345**, A bill to be entitled An Act relating to the creation of the Texas Organic Agricultural Industry Advisory Board.

A record vote was requested.

**HB 2345** was passed by (Record 407): 137 Yeas, 2 Nays, 2 Present, not voting.

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

Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Nays — Garcia; Harper-Brown.

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

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Farrar; Hill; Noriega; Thompson; Woolley.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 407. I intended to vote yes.

Garcia

When Record No. 407 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

(Thompson now present)

#### HB 1669 ON THIRD READING (by R. Cook)

**HB 1669**, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.

#### Amendment No. 1

Representative Dunnam offered the following amendment to **HB 1669**:

Amend **HB 1669** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 352, Tax Code, is amended by adding Section 352.0022 to read as follows:

Sec. 352.0022. TAX AUTHORIZED; RATIFICATION ELECTION. (a) Subject to Subsection (e), the commissioners court of a county that has a population of more than 15,000 and less than 20,000 and is located on the Trinity and Navasota Rivers, by the adoption of an order or resolution, may impose a tax on a person who, under a lease, concession, permit, right of access, license,

contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping.

(b) The order or resolution imposing the tax must state the rate of the tax to be imposed. The tax rate may not exceed the rate authorized by Section 352.003(h).

(c) The price of a room in a hotel does not include the cost of food served by the hotel and the cost of personal services performed by the hotel for the person except for those services related to cleaning and readying the room for use or possession.

(d) The tax does not apply to a person who is a permanent resident under Section 156.101.

(e) If the commissioners court of a county authorized by Subsection (a) to impose the tax adopts an order or resolution imposing the tax and setting the tax rate, the registered voters of the county at an election held for that purpose must determine whether to approve the adopted tax rate.

(f) The commissioners court shall order that an election be held in the county on a date that is not less than 30 or more than 90 days after the date on which it adopted the tax rate. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the county hotel occupancy tax at a rate of \_\_\_ percent of the price paid for a room in a hotel."

(g) If a majority of the votes cast in the election favor the proposition, the tax is imposed at the rate that was adopted by the commissioners court. If the proposition is not approved, the tax is not effective.

(h) Section 41.001(a), Election Code, does not apply to an election under this section.

SECTION \_\_\_\_\_. Section 352.003, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) The tax rate in a county authorized to impose the tax under Section 352.0022 may not exceed two percent of the price paid for a room in a hotel.

SECTION \_\_\_\_\_. Subchapter A, Chapter 352, Tax Code, is amended by adding Section 352.0023 to read as follows:

Sec. 352.0023. TAX AUTHORIZED; RATIFICATION ELECTION. (a) Subject to Subsection (e), the commissioners court of a county that has a population of less than 15,000 and that is bordered by the Trinity and Navasota Rivers, by the adoption of an order or resolution, may impose a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping.

(b) The order or resolution imposing the tax must state the rate of the tax to be imposed. The tax rate may not exceed the rate authorized by Section 352.003(a).

(c) The price of a room in a hotel does not include the cost of food served by the hotel and the cost of personal services performed by the hotel for the person except for those services related to cleaning and readying the room for use or possession.

(d) The tax does not apply to a person who is a permanent resident under Section 156.101.

(e) If the commissioners court of a county authorized by Subsection (a) to impose the tax adopts an order or resolution imposing the tax and setting the tax rate, the registered voters of the county at an election held for that purpose must determine whether to approve the adopted tax rate.

(f) The commissioners court shall order that an election be held in the county on a date that is not less than 30 or more than 90 days after the date on which it adopted the tax rate. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the county hotel occupancy tax at a rate of \_\_\_ percent of the price paid for a room in a hotel."

(g) If a majority of the votes cast in the election favor the proposition, the tax is imposed at the rate that was adopted by the commissioners court. If the proposition is not approved, the tax is not effective.

(h) Section 41.001(a), Election Code, does not apply to an election under this section.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 1669**, as amended, was passed by (Record 408): 129 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Aycock; Callegari; Darby; Harless; Kolkhorst; Latham; Macias; Miller; Patrick; Paxton; Phillips; Talton; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Dutton; Truitt; Van Arsdale.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 408. I intended to vote no.

Crabb

I was shown voting yes on Record No. 408. I intended to vote no.

Flynn

I was shown voting no on Record No. 408. I intended to vote yes.

Kolkhorst

When Record No. 408 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

### HB 1972 ON THIRD READING (by Delisi, Aycock, and Naishtat)

**HB 1972**, A bill to be entitled An Act relating to requirements applicable to an attorney ad litem representing a child in a child abuse proceeding.

A record vote was requested.

**HB 1972** was passed by (Record 409): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Hill; King, S.; Van Arsdale.

**HB 356 ON THIRD READING****(by Otto, et al.)**

**HB 356**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of rent-to-own property not held by the lessee primarily to produce income and to the method to be used to depreciate taxable rent-to-own property for tax appraisal purposes.

A record vote was requested.

**HB 356** was passed by (Record 410): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Eiland; Giddings; Van Arsdale.

**STATEMENT OF VOTE**

When Record No. 410 was taken, my vote failed to register. I would have voted yes.

Giddings

**HB 1634 ON THIRD READING****(by Dukes, Strama, Giddings, Isett, Hilderbran, et al.)**

**HB 1634**, A bill to be entitled An Act relating to incentives for the film, television, and multimedia production industries.

A record vote was requested.

**HB 1634** was passed by (Record 411): 138 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Darby; Laubenberg; Oliveira; Phillips; Rose.

### STATEMENT OF VOTE

When Record No. 411 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

### HB 1000 ON THIRD READING (by Burnam, Peña, et al.)

**HB 1000**, A bill to be entitled An Act relating to exemptions from the sales tax for certain energy efficient products for a limited period.

A record vote was requested.

**HB 1000** was passed by (Record 412): 120 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds;

Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley.

Nays — Brown, B.; Brown, F.; Chisum; Corte; Crownover; Darby; Davis, J.; Flynn; Harless; Hilderbran; Isett; Kolkhorst; Macias; O'Day; Parker; Riddle; Taylor; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Deshotel; Eiland; King, T.; Madden; Peña; Van Arsdale.

### STATEMENTS OF VOTE

When Record No. 412 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting yes on Record No. 412. I intended to vote no.

Murphy

When Record No. 412 was taken, I was temporarily out of the house chamber. I would have voted yes.

Peña

When Record No. 412 was taken, I was in the house but away from my desk. I would have voted yes.

Van Arsdale

### HB 2105 ON THIRD READING

(by Chisum, Escobar, Vaught, Guillen, et al.)

**HB 2105**, A bill to be entitled An Act relating to the issuance of disabled parking placards to certain veterans with disabilities.

A record vote was requested.

**HB 2105** was passed by (Record 413): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel;

Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — King, T.; Paxton; Phillips; Thompson.

### STATEMENT OF VOTE

When Record No. 413 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

### HB 855 ON THIRD READING (by Delisi, Rose, Gattis, et al.)

**HB 855**, A bill to be entitled An Act relating to the prosecution of the offense of failure to identify.

(Smithee in the chair)

Representative Thompson moved to extend speaking time on **HB 855**.

(Speaker in the chair)

A record vote was requested.

The motion to extend time prevailed by (Record 414): 105 Yeas, 10 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycoc; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Cohen; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pierson; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler.

Nays — Berman; Cook, B.; Davis, J.; Hardcastle; Jackson; Latham; Macias; Murphy; Riddle; Ritter.

Present, not voting — Mr. Speaker(C); England; Mallory Caraway; Truitt.

Absent, Excused — Bailey; Gattis; Jones; Moreno.

Absent — Anderson; Callegari; Chisum; Christian; Coleman; Creighton; Delisi; Driver; Flynn; Haggerty; Howard, C.; Isett; Keffer; King, P.; Kolkhorst; Krusee; Laubenberg; Miller; Morrison; Paxton; Phillips; Pickett; Talton; Taylor; Van Arsdale; West; Zerwas.

### STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 414. I intended to vote yes.

England

(Bailey now present)

A record vote was requested.

**HB 855** failed to pass by (Record 415): 23 Yeas, 116 Nays, 1 Present, not voting.

Yeas — Aycock; Berman; Bonnen; Brown, B.; Chisum; Christian; Crabb; Crownover; Delisi; Driver; Frost; Herrero; Jackson; Kolkhorst; Menendez; Otto; Phillips; Riddle; Talton; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bohac; Bolton; Brown, F.; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Keffer; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Morrison; Mowery; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Anderson; Branch; Hartnett; King, P.; Miller; Murphy; Van Arsdale.

### STATEMENTS OF VOTE

When Record No. 415 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

I was shown voting yes on Record No. 415. I intended to vote no.

Aycock

When Record No. 415 was taken, I was temporarily out of the house chamber. I would have voted no.

Branch

I was shown voting yes on Record No. 415. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 415. I intended to vote no.

Menendez

When Record No. 415 was taken, my vote failed to register. I would have voted yes.

Murphy

### MESSAGE FROM THE SENATE

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

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 20).

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Defense Affairs and State-Federal Relations, during lunch recess today, Desk 76, for a formal meeting, to consider pending business.

Elections, during lunch recess today, Desk 21, for a formal meeting, to consider **HB 1031** and **HB 3143**.

County Affairs, during lunch recess today, Desk 105, for a formal meeting, to consider pending business.

Economic Development, during lunch recess today, Desk 47, for a formal meeting, to consider pending business.

Law Enforcement, during lunch recess today, Desk 56, for a formal meeting, to consider pending business.

Local Government Ways and Means, during lunch recess today, Desk 73, for a formal meeting, to consider pending business.

Insurance, during lunch recess today, Desk 24, for a formal meeting, to consider pending business.

Natural Resources, during lunch recess today, Desk 113, for a formal meeting, to consider pending business.

**RECESS**

At 12:09 p.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

**AFTERNOON SESSION**

The house met at 1:15 p.m. and was called to order by Representative Bonnen.

**HB 862 ON THIRD READING**

**(by Aycock and Heflin)**

**HB 862**, A bill to be entitled An Act relating to the appointment of a temporary county chair.

A record vote was requested.

**HB 862** was passed by (Record 416): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Dunnam; Olivo; Puente; Van Arsdale.

**STATEMENT OF VOTE**

When Record No. 416 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

**HB 1071 ON THIRD READING**  
**(by Aycock and Farias)**

**HB 1071**, A bill to be entitled An Act relating to the duties of a county chair on a change of leadership.

A record vote was requested.

**HB 1071** was passed by (Record 417): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — McReynolds; Van Arsdale.

**STATEMENT OF VOTE**

When Record No. 417 was taken, I was in the house but away from my desk. I would have voted yes.

McReynolds

**HB 1628 ON THIRD READING**  
**(by Chavez)**

**HB 1628**, A bill to be entitled An Act relating to the creation of the El Paso County Criminal Judicial District No. 1.

A record vote was requested.

**HB 1628** was passed by (Record 418): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Van Arsdale.

### **HB 2075 ON THIRD READING (by Krusee)**

**HB 2075**, A bill to be entitled An Act relating to payments to contractors in connection with highway projects of the Texas Department of Transportation.

A record vote was requested.

**HB 2075** was passed by (Record 419): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts;

Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Hill; Mallory Caraway; Riddle; Van Arsdale.

**HB 1952 ON THIRD READING**  
(by Anderson)

**HB 1952**, A bill to be entitled An Act relating to the eligibility of new electric generating facilities and new industrial facilities that use gasification technology for economic benefits authorized by the Texas Economic Development Act.

A record vote was requested.

**HB 1952** was passed by (Record 420): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Van Arsdale.

**HB 495 ON THIRD READING**  
(by Bonnen)

**HB 495**, A bill to be entitled An Act relating to the punishment for assault of emergency services personnel; imposing a criminal penalty.

A record vote was requested.

**HB 495** was passed by (Record 421): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen(C); Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Gattis; Jones; Moreno.

Absent — Van Arsdale.

**HB 550 ON THIRD READING**  
**(by Dukes, Bohac, Miles, Guillen, et al.)**

**HB 550**, A bill to be entitled An Act relating to the eligibility of certain victims of family violence for unemployment compensation.

A record vote was requested.

**HB 550** was passed by (Record 422): 121 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Leibowitz; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Peña; Phillips; Pickett; Pierson; Pitts; Puente;

Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Aycock; Berman; Bohac; Callegari; Crabb; Creighton; Darby; Eissler; Farrar; Flynn; Hancock; Harless; Hernandez; Jackson; Laubenberg; Lucio; Macias; Miller; Patrick; Paxton; Riddle; Smithee; Zedler.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Van Arsdale.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 422. I intended to vote no.

Anderson

I was shown voting no on Record No. 422. I intended to vote yes.

Bohac

I was shown voting no on Record No. 422. I intended to vote yes.

Farrar

I was shown voting yes on Record No. 422. I intended to vote no.

Harper-Brown

I was shown voting no on Record No. 422. I intended to vote yes.

Hernandez

I was shown voting no on Record No. 422. I intended to vote yes.

Lucio

I was shown voting no on Record No. 422. I intended to vote yes.

Zedler

### HB 576 ON THIRD READING

(by W. Smith)

**HB 576**, A bill to be entitled An Act relating to the bid bond form of bid deposit for certain special district construction projects.

A record vote was requested.

**HB 576** was passed by (Record 423): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock;

Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Van Arsdale.

### **HB 27 ON THIRD READING (by Berman)**

**HB 27**, A bill to be entitled An Act relating to the filing of campaign finance reports with the Texas Ethics Commission.

A record vote was requested.

**HB 27** was passed by (Record 424): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bonnen(C); Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Gattis; Jones; Moreno.

Absent — Aycock; Bolton; Farrar; Van Arsdale.

**HB 1043 ON THIRD READING**  
**(by Dutton)**

**HB 1043**, A bill to be entitled An Act relating to the provision of courses in behavioral modification by disciplinary alternative education programs and juvenile justice alternative education programs.

A record vote was requested.

**HB 1043** was passed by (Record 425): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock; Harper-Brown.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Farrar; Hernandez; Van Arsdale.

**HB 1200 ON THIRD READING**  
**(by Menendez, et al.)**

**HB 1200**, A bill to be entitled An Act relating to grants of appropriated money to certain peace officer organizations.

A record vote was requested.

**HB 1200** was passed by (Record 426): 88 Yeas, 45 Nays, 8 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Berman; Bohac; Bolton; Bonnen(C); Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Crownover; Darby; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hardcastle; Hernandez; Herrero; Hill; Hochberg; Hodge; Hopson; Howard, D.; Hughes;

Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Straus; Swinford; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler.

Nays — Anderson; Aycock; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Corte; Crabb; Creighton; Davis, J.; Driver; Elkins; England; Flynn; Haggerty; Harper-Brown; Hartnett; Hilderbran; Homer; Howard, C.; Isett; Jackson; Keffer; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; O'Day; Orr; Parker; Paxton; Phillips; Riddle; Smithee; Solomons; Taylor; Truitt; West; Zerwas.

Present, not voting — Mr. Speaker; Branch; Hancock; Harless; Heflin; King, T.; Patrick; Smith, W.

Absent, Excused — Gattis; Jones; Moreno.

Absent — Gonzales; King, P.; King, S.; Otto; Strama; Van Arsdale.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 426. I intended to vote no.

Eissler

When Record No. 426 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting no on Record No. 426. I intended to vote present, not voting.

Latham

I was shown voting yes on Record No. 426. I intended to vote no.

Peña

I was shown voting no on Record No. 426. I intended to vote yes.

Truitt

#### HR 1439 - ADOPTED (by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1439**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1439**, Welcoming Leadership Abilene to the State Capitol.

**HR 1439** was read and was adopted.

**HB 1720 ON THIRD READING**  
**(by McReynolds)**

**HB 1720**, A bill to be entitled An Act relating to the counties eligible to create a county assistance district that may impose a sales and use tax.

A record vote was requested.

**HB 1720** was passed by (Record 427): 135 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Aycock; Crabb; Flynn; Phillips; Riddle; Zedler.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Callegari; Darby; Isett; Miller.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 427. I intended to vote no.

O'Day

I was shown voting yes on Record No. 427. I intended to vote no.

Talton

**HB 2219 ON THIRD READING**  
**(by Solomons)**

**HB 2219**, A bill to be entitled An Act relating to service of process on financial institutions.

A record vote was requested.

**HB 2219** was passed by (Record 428): 138 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Bolton; Herrero; Leibowitz.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Creighton; Isett; O'Day.

### **HB 762 ON THIRD READING** **(by Dutton)**

**HB 762**, A bill to be entitled An Act relating to the recusal of certain persons from a grievance proceeding conducted by a panel of a district grievance committee of the State Bar of Texas.

A record vote was requested.

**HB 762** was passed by (Record 429): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña;

Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Isett.

**HB 770 ON THIRD READING**  
**(by Dutton and Guillen)**

**HB 770**, A bill to be entitled An Act relating to requiring the Texas Department of Criminal Justice to provide notice to certain persons of the right to vote.

A record vote was requested.

**HB 770** was passed by (Record 430): 120 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Berman; Bohac; Bolton; Branch; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Aycock; Brown, B.; Crabb; Elkins; Flynn; Hancock; Harless; Harper-Brown; Hartnett; Jackson; Latham; Laubenberg; Macias; Merritt; O'Day; Paxton; Phillips; Riddle; Talton; Taylor; Zedler.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Bailey; Madden; Parker; Peña.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 430. I intended to vote no.

Anderson

I was shown voting yes on Record No. 430. I intended to vote no.

Christian

I was shown voting yes on Record No. 430. I intended to vote no.

Crownover

I was shown voting yes on Record No. 430. I intended to vote no.

Kuempel

When Record No. 430 was taken, my vote failed to register. I would have voted no.

Parker

### **HB 1784 ON THIRD READING**

**(by Haggerty)**

**HB 1784**, A bill to be entitled An Act relating to notice of certain information concerning a governmental body's alarm system response policy.

A record vote was requested.

**HB 1784** was passed by (Record 431): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Bolton; Chavez; Talton.

**HB 1798 ON THIRD READING**  
(by Martínez Fischer)

**HB 1798**, A bill to be entitled An Act relating to the criminal consequences of driving a motor vehicle on certain designated right-of-way of a metropolitan rapid transit authority.

A record vote was requested.

**HB 1798** was passed by (Record 432): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Talton.

**HB 1059 ON THIRD READING**  
(by Parker, Truitt, Zedler, Veasey, Laubenberg, et al.)

**HB 1059**, A bill to be entitled An Act relating to an immunization awareness program in certain school districts.

A record vote was requested.

**HB 1059** was passed by (Record 433): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales;

Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Nays — Phillips.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Villarreal.

### **HB 2492 ON THIRD READING (by Berman and Bohac)**

**HB 2492**, A bill to be entitled An Act relating to the applicability of restrictions on corporate political contributions and expenditures to corporations organized under provisions of the Business Organizations Code.

A record vote was requested.

**HB 2492** was passed by (Record 434): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycocock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Anchia; Jackson; Madden.

**HB 2231 ON THIRD READING**  
(by Corte)

**HB 2231**, A bill to be entitled An Act relating to the authority of the Railroad Commission of Texas to file a lien on certain land adversely affected by past mining practices and reclaimed by the commission.

A record vote was requested.

**HB 2231** was passed by (Record 435): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Riddle; Zedler.

**HB 44 ON THIRD READING**  
(by Hodge, Miles, et al.)

**HB 44**, A bill to be entitled An Act relating to the restoration of good conduct time forfeited during a term of imprisonment.

A record vote was requested.

**HB 44** was passed by (Record 436): 132 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby;

Davis, J.; Davis, Y.; Delisi; Deshotel; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock; Bohac; Callegari; Harper-Brown; Hartnett; Miller; O'Day; Parker; Patrick.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Driver; Dukes; Miles; Villarreal.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 436. I intended to vote yes.

Callegari

When Record No. 436 was taken, my vote failed to register. I would have voted yes.

Dukes

I was shown voting no on Record No. 436. I intended to vote yes.

Parker

#### HB 2685 ON THIRD READING

(by Chisum, Flynn, Zedler, J. Davis, B. Brown, et al.)

**HB 2685**, A bill to be entitled An Act relating to certain requirements for issuance of a marriage license, including an optional premarital education course.

#### Amendment No. 1

Representative Giddings offered the following amendment to **HB 2685**:

Amend **HB 2685** as follows on third reading:

(1) In SECTION 4 of the bill, in amended Section 118.011(a)(7), Local Government Code (page 5, line 27), strike "\$100.00" and substitute "\$60.00".

(2) In SECTION 5 of the bill, in amended Section 118.018(c), Local Government Code (page 6, line 23), strike "\$10" and substitute "\$6".

(3) In SECTION 6 of the bill, in amended Section 118.022(a)(1), Local Government Code (page 7, line 6), strike "\$20" and substitute "\$12".

(4) In SECTION 6 of the bill, in amended Section 118.022(a)(2), Local Government Code (page 7, line 10), strike "\$20" and substitute "\$12".

(5) In SECTION 6 of the bill, in amended Section 118.022(a)(3), Local Government Code (page 7, line 13), strike "\$10" and substitute "\$6".

### **Amendment No. 2**

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

Amend the Giddings Floor amendment by striking "\$60.00" and substituting "\$30.00".

Representative Chisum moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 437): 61 Yeas, 76 Nays, 2 Present, not voting.

Yeas — Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Flynn; Giddings; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hilderbran; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Swinford; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; King, T.; Kuempel; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Straus; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Creighton; Farabee; Harless; Hill; Homer; Mowery; Peña; Pierson.

### **STATEMENTS OF VOTE**

When Record No. 437 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 437 was taken, I was temporarily out of the house chamber. I would have voted no.

Farabee

I was shown voting yes on Record No. 437. I intended to vote no.

Heflin

I was shown voting yes on Record No. 437. I intended to vote no.

Truitt

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

A record vote was requested.

**HB 2685**, as amended, was passed by (Record 438): 93 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; England; Farabee; Flynn; Frost; Geren; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McReynolds; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Quintanilla; Raymond; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vaught; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Castro; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Elkins; Escobar; Farias; Farrar; Flores; Gallego; Garcia; Giddings; Gonzales; Haggerty; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miles; Naishtat; Olivo; Ortiz; Pickett; Puente; Ritter; Rodriguez; Rose; Strama; Thompson; Veasey; Vo.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Christian; Creighton; King, S.; Turner.

#### STATEMENTS OF VOTE

When Record No. 438 was taken, my vote failed to register. I would have voted yes.

Christian

I was shown voting yes on Record No. 438. I intended to vote no.

R. Cook

When Record No. 438 was taken, my vote failed to register. I would have voted yes.

S. King

(Callegari in the chair)

**HB 2087 ON THIRD READING**  
(by Hill)

**HB 2087**, A bill to be entitled An Act relating to the holding by a county, municipality, or junior college district of a petition-initiated election on whether to establish a limitation on increases in the amount of ad valorem taxes imposed by the county, municipality, or junior college district on residence homesteads of the elderly or disabled.

A record vote was requested.

**HB 2087** was passed by (Record 439): 89 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Bolton; Branch; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Darby; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Hamilton; Hardcastle; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Jackson; Keffer; King, S.; Krusee; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Mowery; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Pickett; Pierson; Pitts; Puente; Quintanilla; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley.

Nays — Anchia; Anderson; Aycoc; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Christian; Crabb; Creighton; Crownover; Davis, J.; Eissler; Elkins; Farias; Flynn; Frost; Garcia; Guillen; Haggerty; Hancock; Harless; Harper-Brown; Hartnett; Hopson; Hughes; Isett; King, P.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Miller; Morrison; Murphy; O'Day; Otto; Parker; Patrick; Paxton; Peña; Phillips; Raymond; Riddle; Solomons; Talton; Taylor; Truitt; Van Arsdale; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — McClendon; Straus.

**HB 309 ON THIRD READING**  
(by Truitt and Peña)

**HB 309**, A bill to be entitled An Act relating to certain notifications made by the Texas Department of Criminal Justice to close relatives of deceased victims.

A record vote was requested.

**HB 309** was passed by (Record 440): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

### **HB 71 ON THIRD READING** **(by Leibowitz and Allen)**

**HB 71**, A bill to be entitled An Act relating to counterfeit motor vehicle airbags; providing a penalty.

A record vote was requested.

**HB 71** was passed by (Record 441): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett;

Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Eissler.

### STATEMENT OF VOTE

When Record No. 441 was taken, my vote failed to register. I would have voted yes.

Eissler

(Speaker pro tempore in the chair)

### HB 2468 ON THIRD READING (by Solomons)

**HB 2468**, A bill to be entitled An Act relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties.

A record vote was requested.

**HB 2468** was passed by (Record 442): 138 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Puente; Quintanilla; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Guillen; Lucio; Peña; Raymond.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — King, T.; O'Day; Pickett.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 442. I intended to vote no.

Escobar

I was shown voting yes on Record No. 442. I intended to vote no.

Phillips

**HB 158 ON THIRD READING**

**(by Naishtat, Hill, Leibowitz, T. Smith, and Creighton)**

**HB 158**, A bill to be entitled An Act relating to reporting of the fair market value of certain gifts made to public officials.

A record vote was requested.

**HB 158** was passed by (Record 443): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Callegari; Miller.

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

Absent, Excused — Gattis; Jones; Moreno.

**HB 1049 ON THIRD READING**

**(by Phillips)**

**HB 1049**, A bill to be entitled An Act relating to the automatic suspension of the driver's license of certain persons convicted of the offense of manslaughter.

A record vote was requested.

**HB 1049** was passed by (Record 444): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycocock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Flynn; Vaught.

### **HB 713 ON THIRD READING** (by Callegari)

**HB 713**, A bill to be entitled An Act relating to the authority of a fresh water supply district to issue bonds or to enter into a contract to convey property to another water district or water supply corporation.

A record vote was requested.

**HB 713** was passed by (Record 445): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez;

Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Aycock; Burnam; Macias; Ritter; Smith, W.; West.

### **HB 1956 ON THIRD READING**

**(by Hancock)**

**HB 1956**, A bill to be entitled An Act relating to the financial responsibility requirements applicable to owners or operators of underground storage tanks.

(Speaker in the chair)

A record vote was requested.

**HB 1956** was passed by (Record 446): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Kuempel; Miles; Talton.

### **HB 282 ON THIRD READING**

**(by Madden)**

**HB 282**, A bill to be entitled An Act relating to the applicability of certain certification requirements to the superintendent of the Windham School District.

A record vote was requested.

**HB 282** was passed by (Record 447): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Keffer.

### **HB 2611 ON THIRD READING** (by Madden)

**HB 2611**, A bill to be entitled An Act relating to the eligibility of certain inmates of the Texas Department of Criminal Justice for medically recommended intensive supervision.

A record vote was requested.

**HB 2611** was passed by (Record 448): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory

Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — O'Day.

**HB 2451 ON THIRD READING**  
**(by Burnam, et al.)**

**HB 2451**, A bill to be entitled An Act relating to the rulemaking authority of the Texas Ethics Commission.

A record vote was requested.

**HB 2451** was passed by (Record 449): 129 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock; Callegari; Chisum; Christian; Elkins; Harless; Howard, C.; Keffer; Macias; Miller; O'Day; Phillips.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Anderson; McClendon; Riddle; Thompson.

### STATEMENTS OF VOTE

When Record No. 449 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

I was shown voting yes on Record No. 449. I intended to vote no.

Harper-Brown

I was shown voting no on Record No. 449. I intended to vote yes.

Keffer

### HB 184 ON THIRD READING

(by Hochberg)

**HB 184**, A bill to be entitled An Act relating to an exception to consent as a defense to assaultive conduct.

A record vote was requested.

**HB 184** was passed by (Record 450): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Cook, B.; Crownover; Giddings; Hughes; King, S.; Madden; Olivo; Riddle; Talton; Van Arsdale.

**HB 320 ON THIRD READING****(by West)**

**HB 320**, A bill to be entitled An Act relating to use of electronically readable information from a driver's license or personal identification certificate by a commercial business.

A record vote was requested.

**HB 320** was passed by (Record 451): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Coleman; Davis, Y.; England; Farabee; Menendez; Thompson; Van Arsdale.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 451. I intended to vote no.

Herrero

I was shown voting yes on Record No. 451. I intended to vote no.

Leibowitz

**HB 2438 ON THIRD READING****(by Truitt)**

**HB 2438**, A bill to be entitled An Act relating to the allocation of revenue from the municipal hotel occupancy tax for certain transportation systems.

A record vote was requested.

**HB 2438** was passed by (Record 452): 140 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock; Miller.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Cohen; Driver; Hopson; Veasey.

### STATEMENT OF VOTE

When Record No. 452 was taken, my vote failed to register. I would have voted yes.

Hopson

### HB 1070 ON THIRD READING (by Laubenberg)

**HB 1070**, A bill to be entitled An Act relating to the liability insurance requirements for certain amusement rides that operate in a manner similar to a train.

A record vote was requested.

**HB 1070** was passed by (Record 453): 130 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farias; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett;

Heflin; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Aycock; Bolton; Farrar; Hernandez; Herrero; Leibowitz; Miles; Miller.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Driver; Farabee; Kuempel; Solomons; Veasey; Villarreal.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 453. I intended to vote yes.

Aycock

When Record No. 453 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

#### HB 1344 ON THIRD READING (by Villarreal)

**HB 1344**, A bill to be entitled An Act relating to the regulation of refund anticipation loans; providing an administrative penalty.

##### Amendment No. 1

Representative Martinez Fischer offered the following amendment to **HB 1344**:

Amend **HB 1344** on third reading as follows:

(1) In SECTION 1 of the bill, in proposed Section 351.004(a)(2), Finance Code, strike "statement written in 14-point bold type and in English and Spanish," and substitute "written statement".

(2) In SECTION 1 of the bill, add the following subsection to the end of proposed Section 351.004, Finance Code:

(c) A facilitator who advertises or markets refund anticipation loans in Spanish shall offer any borrower the option of receiving a Spanish-language written disclosure and loan contract. A facilitator who negotiates a loan with a borrower in Spanish shall offer that borrower the option of receiving a Spanish-language written disclosure and loan contract.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 1344**, as amended, was passed by (Record 454): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Miller.

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

Absent, Excused — Gattis; Jones; Moreno.

Absent — Castro; Isett; Martinez Fischer; Veasey.

#### STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 454. I intended to vote yes.

Chavez

When Record No. 454 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

When Record No. 454 was taken, my vote failed to register. I would have voted yes.

Martinez Fischer

#### **HB 1716 ON THIRD READING** (by Solomons)

**HB 1716**, A bill to be entitled An Act relating to the registration of a registered financial services company and the authority of its exclusive agents to act as mortgage brokers.

A record vote was requested.

**HB 1716** was passed by (Record 455): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; McCall; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Vaught.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Castro; Driver; Hodge; Mallory Caraway; Martinez Fischer; McClendon; Pickett.

### STATEMENT OF VOTE

I was shown voting no on Record No. 455. I intended to vote yes.

Vaught

### HB 1741 ON THIRD READING (by Flynn)

**HB 1741**, A bill to be entitled An Act relating to certain investments by insurance companies and related organizations.

A record vote was requested.

**HB 1741** was passed by (Record 456): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales;

Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Haggerty; Hodge; King, P.; Miles; Vaught.

**HB 2007 ON THIRD READING**  
(by Solomons)

**HB 2007**, A bill to be entitled An Act relating to modernization of the regulation of banking in this state.

A record vote was requested.

**HB 2007** was passed by (Record 457): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Coleman.

**HB 66 ON THIRD READING**  
**(by Leibowitz, et al.)**

**HB 66**, A bill to be entitled An Act relating to power management software for state agencies.

**HB 66 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ZEDLER: Mr. Leibowitz, let me ask you something. How many vendors have this particular software available?

REPRESENTATIVE LEIBOWITZ: I'm not sure, quite honestly.

ZEDLER: You're not sure.

LEIBOWITZ: No. I'm quite confident that there's more than one.

ZEDLER: Okay, let me ask you this. If this is going to be such a good deal, is there any reason why we shouldn't have this permissive to allow the agencies to do this as opposed to requiring them to do it?

LEIBOWITZ: Actually sir, if you read the bill, that's what the bill reflects.

ZEDLER: I did read the bill and it looks like it says "shall."

LEIBOWITZ: No, it allows them to, it only requires them to do it if it saves them money.

ZEDLER: Okay, so they can look at it and save money.

LEIBOWITZ: If it doesn't save them money, they don't have to do it.

**REMARKS ORDERED PRINTED**

Representative Zedler moved to print remarks between Representative Leibowitz and Representative Zedler.

The motion prevailed.

A record vote was requested.

**HB 66** was passed by (Record 458): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla;

Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Coleman; Gonzalez Toureilles; Hartnett; Madden; Oliveira; Veasey; Zedler.

### STATEMENTS OF VOTE

When Record No. 458 was taken, I was in the house but away from my desk. I would have voted no.

Hartnett

When Record No. 458 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

When Record No. 458 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

### HB 1279 ON THIRD READING (by Deshotel)

**HB 1279**, A bill to be entitled An Act relating to the requirement that a detector for certain traffic-actuated electric traffic-control devices register the presence of a motorcycle.

A record vote was requested.

**HB 1279** was passed by (Record 459): 140 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla;

Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Burnam; Coleman; Goolsby; Heflin; Veasey.

**HB 3005 ON THIRD READING**  
**(by Christian)**

**HB 3005**, A bill to be entitled An Act relating to electric service reliability measures.

A record vote was requested.

**HB 3005** was passed by (Record 460): 135 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Bolton; Escobar; Gonzalez Toureilles; Herrero; Leibowitz; Vaught.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Cohen; Goolsby; Hartnett; Oliveira.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 460. I intended to vote no.

Castro

**HB 3166 ON THIRD READING**  
**(by Swinford)**

**HB 3166**, A bill to be entitled An Act relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

A record vote was requested.

**HB 3166** was passed by (Record 461): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Merritt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Aycock; Castro; McCall.

**STATEMENT OF VOTE**

When Record No. 461 was taken, my vote failed to register. I would have voted yes.

Aycock

**REASON FOR VOTE**

I voted no because the Legislative Council director is not an attorney. Therefore, I am not assured the law is true and accurate.

Merritt

**HB 3167 ON THIRD READING**  
**(by Swinford)**

**HB 3167**, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 79th Legislature to other Acts of that legislature.

**Amendment No. 1**

Representative Phillips offered the following amendment to **HB 3167**:

Amend **HB 3167** on third reading by adding the following appropriately numbered ARTICLE to the bill to read as follows:

ARTICLE \_\_\_\_\_. CHANGES RELATING TO PENAL CODE

SECTION \_\_\_\_\_.001. Section 46.01(6), Penal Code, is amended to read as follows:

- (6) "Illegal knife" means a:
- (A) knife with a blade over five and one-half inches;
  - (B) hand instrument designed to cut or stab another by being thrown;
  - (C) dagger, including but not limited to a dirk, stiletto [~~stiletto~~], and poniard;
  - (D) bowie knife;
  - (E) sword; or
  - (F) spear.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 3167**, as amended, was passed by (Record 462): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose;

Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Merritt; Oliveira; Van Arsdale.

### STATEMENT OF VOTE

When Record No. 462 was taken, I was in the house but away from my desk. I would have voted no.

Merritt

### REASON FOR VOTE

I would have voted no because the Legislative Council director is not an attorney. Therefore, I am not assured the law is true and accurate.

Merritt

### HB 2683 ON THIRD READING

(by Chisum, Flynn, Zedler, J. Davis, B. Brown, et al.)

**HB 2683**, A bill to be entitled An Act relating to funding for programs that support the development of healthy marriages or the strengthening of families.

A record vote was requested.

**HB 2683** was passed by (Record 463): 103 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dunnam; Elkins; England; Farabee; Farias; Garcia; Geren; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hochberg; Homer; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Macias; Madden; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Olivo; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Cook, R.; Davis, Y.; Dukes; Dutton; Escobar; Farrar; Flores; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hernandez; Herrero; Hodge; Hopson; Howard, D.; Leibowitz; Lucio; Mallory Caraway; McClendon; Miles; Naishtat; Oliveira; Ortiz; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Vaught.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Eiland; Eissler; Flynn; Frost; Giddings; Latham; Turner.

### STATEMENTS OF VOTE

When Record No. 463 was taken, my vote failed to register. I would have voted yes.

Eissler

When Record No. 463 was taken, I was in the house but away from my desk. I would have voted no.

Frost

I was shown voting yes on Record No. 463. I intended to vote no.

Olivo

I was shown voting no on Record No. 463. I intended to vote yes.

Raymond

I was shown voting yes on Record No. 463. I intended to vote no.

Straus

### POSTPONED BUSINESS

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

#### **HB 2489 ON THIRD READING** **(by Berman and Bohac)**

**HB 2489**, A bill to be entitled An Act relating to categories for reporting compensation or reimbursement paid to registered lobbyists.

**HB 2489** was read third time earlier today and was postponed until this time.

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

Representative Puente offered the following amendment to **HB 2489**:

Amend **HB 2489** on third reading by inserting the following new SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 305.003(a), Government Code, is amended to read as follows:

(a) A person must register with the commission under this chapter if the person:

(1) makes a total expenditure of an amount determined by commission rule but not less than \$200 in a calendar quarter, not including the person's own travel, food, or lodging expenses or the person's own membership dues, on activities described in Section 305.006(b) to communicate directly with one or more members of the legislative or executive branch to influence legislation or administrative action; or

(2) receives, or is entitled to receive under an agreement under which the person is retained or employed, compensation or reimbursement, not including reimbursement for the person's own travel, food, or lodging expenses or the person's own membership dues, of more than an amount determined by commission rule but not less than \$200 in a calendar quarter from another person to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 2489**, as amended, was passed by (Record 464): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Jones; Moreno.

Absent — Straus; Vaught.

**CSHB 1772 ON SECOND READING**  
**(by Villarreal and Leibowitz)**

**CSHB 1772**, A bill to be entitled An Act relating to a report to the legislature by the division of workers' compensation of the Texas Department of Insurance of certain information regarding employers not covered by workers' compensation insurance.

**CSHB 1772** was read second time on April 11, postponed until 10 a.m. today, and was again postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Villarreal offered the following amendment to **CSHB 1772**:

Amend **CSHB 1772** as follows:

(1) On page 1, line 10, strike "The division shall report annually" and substitute "Not later than December 31 of each even-numbered year, the division shall report".

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

SECTION \_\_\_\_\_. The division of workers' compensation shall submit the initial report required by Section 402.0666, Labor Code, as added by this Act, not later than December 31, 2008.

(3) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Corte offered the following amendment to **CSHB 1772**:

Amend **CSHB 1772** as follows:

(1) On page 1, line 10, between "EMPLOYERS" and the period, insert "AND INSURANCE COMPANIES".

(2) On page 1, line 12, strike "who do not obtain or otherwise provide workers' compensation insurance coverage".

(3) On page 1, line 19, strike "who do not obtain or otherwise provide workers' compensation insurance coverage".

(4) On page 1, line 21, strike "and".

(5) On page 1, line 24, between "requirements" and the period, insert the following:

;

(5) the compliance of insurance companies from which employers have obtained workers' compensation insurance coverage with the notice requirement imposed by Section 406.006; and

(6) any administrative penalties assessed under Section 406.006 against insurance companies from which employers have obtained workers' compensation insurance coverage for failure to comply with the reporting requirement

(6) On page 2, between lines 3 and 4, insert the following:

(c) The information required to be included in the report under Subsection (a) regarding employers must be disaggregated by those employers who obtain or otherwise provide workers' compensation insurance and those employers who do not obtain or otherwise provide workers' compensation insurance.

(d) To ensure the objectivity of the information contained in the report required by this section, the information must be presented in an accurate, clear, and complete manner considering both the presentation and substance of the information taking into account any variable that may affect whether an employer elects to obtain or otherwise provide workers' compensation insurance.

Amendment No. 3 was adopted.

**CSHB 1772**, 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: Aycock and Hughes recorded voting no.)

**MAJOR STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**CSSB 482 ON SECOND READING  
(P. King - House Sponsor)**

**CSSB 482**, A bill to be entitled An Act relating to competition and customer choice in the retail electric power market; providing an administrative penalty.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the Joint Select Committee on the Operation and Management of the Texas Youth Commission:

Phillips on motion of Taylor.

**CSSB 482 - (consideration continued)**

**Amendment No. 1**

Representative P. King offered the following amendment to **CSSB 482**:

Amend **CSSB 482** (house committee printing) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 5 through page 2, line 12) and SECTION 7 of the bill (page 9, lines 19-22).

(2) Strike SECTION 2 of the bill (page 2, line 13, through page 3, line 20) and substitute the following:

SECTION 2. Section 39.051, Utilities Code, is amended by adding Subsection (h) to read as follows:

(h) On or before January 1, 2008, a transmission and distribution utility that is an affiliate of a power generation company or a retail electric provider under Section 11.003(2) or 11.006 shall:

(1) have a name and logo that is distinct from the name and logo of its affiliated power generation company or retail electric provider;

(2) have its board of directors composed exclusively of individuals who are not members of the board of directors of its affiliated power generation company or retail electric provider;

(3) have a chief operating officer who is not the chief operating officer of its affiliated power generation company or retail electric provider;

(4) have its headquarters located in a building separate and apart from the building or buildings in which the headquarters of its affiliated power generation company or retail electric provider is located;

(5) maintain an arm's-length relationship with its affiliated power generation company or retail electric provider;

(6) enter into transactions with its affiliated power generation company or retail electric provider only on a commercially reasonable basis and only as approved by a majority of the directors of its governing board of directors;

(7) prepare its separate annual financial statement in accordance with generally accepted accounting principles showing its assets and liabilities as separate and distinct from the assets of its affiliated power generation company or retail electric provider; and

(8) ensure that the commission has complete access to all of the transmission and distribution utility's books and records pertaining to transactions between the utility and its affiliated power generation company or retail electric provider.

(3) In the recitation to SECTION 3 of the bill (page 3, line 22), strike "adding Subsection (i)" and substitute "amending Subsection (h) and adding Subsection (i)".

(4) In Section 39.101, Utilities Code, as amended by SECTION 3 of the bill (page 3, between lines 22 and 23), insert the following:

(h) A retail electric provider, power generation company, aggregator, or other entity that provides retail electric service may not disconnect service to a residential customer during an extreme weather emergency in a county or on a weekend day. The entity providing service shall defer collection of the full payment of bills that are due during an extreme weather emergency in a county until after the emergency is over and shall offer ~~work with~~ customers a deferred payment plan providing for a period of not less than five months for a customer to pay deferred amounts ~~[to establish a pay schedule for deferred bills]~~. For purposes of this subsection, "extreme weather emergency" means ~~[a period when]~~:

(1) a day for which the previous day's highest temperature did not exceed 32 degrees Fahrenheit anywhere in the county, and the temperature is predicted to remain at or below that level for the next 24 hours anywhere in the county, according to the nearest National Weather Service reports; ~~[or]~~

(2) a day for which the National Weather Service issues a heat advisory for the ~~[any]~~ county or when that advisory has been issued on any one of the preceding two calendar days in the county; or

(3) a day for which the heat index in the county reaches 105 degrees Fahrenheit, if the National Weather Service does not issue heat advisories for that county, or when the heat index in that county reaches 105 degrees Fahrenheit ~~[in the relevant service territory, or when such an advisory has been issued]~~ on any one of the preceding ~~[previous]~~ two calendar days.

(5) Add to the bill the following SECTION, numbered appropriately:

SECTION \_\_\_\_\_. (a) Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.1015 to read as follows:

Sec. 39.1015. SUSPENSION OF DISCONNECTION FOR CERTAIN CUSTOMERS. (a) In this section:

(1) "Critical care residential customer" means a residential electric customer for whom an interruption or suspension of electric service will create a dangerous or life-threatening condition.

(2) "Elderly low-income customer" means a low-income customer who is 65 years old or older.

(3) "Low-income customer" means an electric customer:

(A) whose household income is not more than 125 percent of the federal poverty guidelines;

(B) who receives food stamps from the Health and Human Services Commission; or

(C) who receives medical assistance from a state agency that administers a part of the medical assistance program.

(4) "Service provider" means a retail electric provider, power generation company, aggregator, or other entity that provides retail electric service.

(b) During the period beginning July 1 and ending September 30 of each year a service provider:

(1) may not disconnect service or authorize the disconnection of service to a critical care residential customer or elderly low-income customer who contacts the service provider regarding bill payment or in response to a disconnection notice;

(2) may not disconnect service or authorize the disconnection of service to a low-income customer other than an elderly low-income customer if the customer:

(A) contacts the service provider regarding bill payment or in response to a disconnection notice; and

(B) enters into a deferred payment plan with the service provider for the current month's electric charges and meets the terms of any then current deferred payment plan;

(3) shall request reconnection of service or reconnect service to a critical care residential customer or an elderly low-income customer whose service is disconnected before or during the period if:

(A) the customer contacts the service provider regarding bill payment or in response to a disconnection notice; or

(B) the service provider has previously been notified that the customer is a critical care residential customer;

(4) shall request reconnection of service or reconnect service to a low-income customer whose service is disconnected before or during the period if the customer enters into a deferred payment plan with the service provider; and

(5) shall rescind a request for disconnection of service to a critical care residential customer, elderly low-income customer, or low-income customer made before the period begins if the service provider is prohibited under this subsection from disconnecting or authorizing the disconnection of the customer's service during the period.

(c) A service provider may not disconnect service or authorize the disconnection of a critical care residential customer's service during the period provided by Subsection (b) regardless of whether the customer contacts the service provider as provided by Subsection (b) if the service provider has previously been notified that the customer is a critical care residential customer.

(d) A service provider shall allow a critical care residential customer, elderly low-income customer, or low-income customer to establish with the provider a deferred payment plan in person or by telephone. The service provider shall confirm the payment plan with the customer in writing. The deferred payment plan may not include a penalty for late payments accrued during the period provided by Subsection (b). The service provider shall allow a critical care residential customer, elderly low-income customer, or low-income customer to renegotiate the terms of the deferred payment plan at least one time, regardless of whether the customer's economic or financial circumstances have changed. For a low-income customer other than an elderly low-income customer, during the period provided by Subsection (b), the payment plan may require the payment of not more than 25 percent of the then current month's charges plus any due installments of a previous deferred payment plan. For a low-income customer other than an elderly low-income customer, the service provider is not required to extend a deferred payment plan entered into under this subsection beyond the March billing cycle following the period provided by Subsection (b).

(e) A deferred payment plan established under Subsection (d) for one or more electric bills that come due during the period provided by Subsection (b) must provide:

(1) for a critical care residential customer or elderly low-income customer, that the customer is not required to pay more than 25 percent of the deferred electric bills as part of the first electric bill issued after the end of the period and that the remaining balance is to be paid in equal installments over the next five billing cycles, unless the customer requests a lesser number of installments; and

(2) for a low-income customer other than an elderly low-income customer, that the customer is required to pay not more than 25 percent of the deferred bills to initiate the agreement and that the remaining balance is to be paid in equal installments over the next five billing cycles, unless the customer requests a lesser number of installments.

(f) A service provider may pursue disconnection of electrical service for a critical care residential customer or an elderly low-income customer only after the period provided by Subsection (b) and only if the customer does not meet the terms of the deferred payment plan, unless the disconnection is otherwise prohibited. A service provider may pursue disconnection of service for a low-income customer other than an elderly low-income customer if the customer does not meet the terms of the deferred payment plan, unless the disconnection is otherwise prohibited. The service provider shall give the customer appropriate notice that the customer has not met the terms of the plan before the service provider disconnects or authorizes the disconnection of service.

(g) A service provider may encourage a critical care residential customer or elderly low-income customer to make partial payment of a deferred electric bill during the period provided by Subsection (b), but the service provider shall clearly inform the customer that the customer may not be disconnected for nonpayment before October 1 following the period provided by Subsection (b).

(h) The commission by rule shall prohibit a customer who receives a deferred payment plan under Subsection (d) and who owes a past due deferred balance from switching to a different retail electric provider.

(6) Add to the bill the following SECTION, numbered appropriately:

SECTION \_\_\_\_\_. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.1016 to read as follows:

Sec. 39.1016. CANCELLATION FEE. A retail electric provider may not charge a residential customer who requests cancellation of retail electric service provided on a month-to-month basis a fee relating to cancellation.

(7) Strike the first sentence of Section 39.110(c), Utilities Code, as added by SECTION 4 of the bill (page 4, lines 18-21) and substitute the following:

This section applies only to a retail electric provider that, on December 31, 2006, had more than 250,000 residential customers in this state and was required to offer service to residential customers at the price to beat in accordance with Section 39.202.

(8) Add to the bill the following SECTION, numbered appropriately:

SECTION \_\_\_\_\_. (a) The legislature finds that:

(1) the "filed rate" doctrine is at odds with the intent of the state legislature to restructure the electric industry in this state;

(2) the "filed rate" doctrine in a private right of action for a violation of Section 39.157, Utilities Code, or of Sections 15.01 through 15.26, Business & Commerce Code, is abolished; and

(3) the deregulated wholesale and retail markets in ERCOT are the relevant markets for the purposes of determining standing to sue and the existence of market power abuses under Section 39.157, Utilities Code.

(b) Section 39.157, Utilities Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) To prevent market power abuses or other violations of this section, the [The] commission shall monitor market power associated with the generation, transmission, distribution, and sale of electricity in this state. On a finding that market power abuses or other violations of this section are occurring, the commission shall require reasonable mitigation of the market power by ordering the construction of additional transmission or distribution facilities, by seeking an injunction or civil penalties as necessary to eliminate or to remedy the market power abuse or violation as authorized by Chapter 15, by imposing an administrative penalty as authorized by Chapter 15, or by suspending, revoking, or amending a certificate or registration as authorized by Section 39.356. Section 15.024(c) does not apply to an administrative penalty imposed under this section. For purposes of this subchapter, market power abuses are practices by persons possessing market power that are unreasonably discriminatory or tend to unreasonably restrict, impair, or reduce the level of competition, including

practices that tie unregulated products or services to regulated products or services or unreasonably discriminate in the provision of regulated services. For purposes of this section, "market power abuses" include predatory pricing, withholding of production, precluding entry, and collusion. A violation of the code of conduct provided by Subsection (d) that materially impairs the ability of a person to compete in a competitive market shall be deemed to be an abuse of market power. The possession of a high market share in a market open to competition may not, of itself, be deemed to be an abuse of market power; however, this sentence shall not affect the application of state and federal antitrust laws.

(a-1) Notwithstanding any other law, a qualifying person may pursue a private right of action under Section 39.158(b) or under Sections 15.01 through 15.26, Business & Commerce Code, based on a violation of this section, for damages or for injunctive relief, against a power generation company, a power marketer, a retail electric provider, or any other supplier of wholesale or retail electricity, other than a transmission and distribution utility, operating in ERCOT. A qualifying person is not required to bring an administrative action before pursuing a private right of action. In this subsection, "qualifying person" means a retail electric provider that meets the requirements for standing to sue for market power abuses under Sections 15.01 through 15.26, Business & Commerce Code.

(9) Add to the bill the following SECTION, numbered appropriately:

SECTION \_\_\_\_\_. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. CONSIDERATION AND APPROVAL OF CERTAIN TRANSACTIONS. (a) To protect retail customers in this state, notwithstanding any other provision of this title, an electric utility or transmission and distribution utility must report to the commission not less than 120 days before the closing of any transaction in which:

(1) the electric utility or transmission and distribution utility will be merged or consolidated with another electric utility or transmission and distribution utility; or

(2) at least 50 percent of the stock of the electric utility or transmission and distribution utility will be sold.

(b) The parties to a transaction described by Subsection (a) may not be required to obtain commission approval or to complete the commission review process before the closing of the transaction.

(c) The commission shall review a transaction described by Subsection (a) to determine whether the transaction is consistent with the public interest under the standards provided by Section 14.101.

(d) If an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility files with the commission a stipulation, representation, or commitment in advance of or as part of a filing described by this section or by Section 14.101, the commission may enforce the stipulation, representation, or commitment to the extent that the stipulation, representation, or commitment is consistent with the standards provided by this section and Section 14.101.

(10) In Section 39.2021(d), Utilities Code, as added by SECTION 5 of the bill (page 8, line 1), strike "service plan offered to residential customers" and substitute "service plan offered by the provider to residential customers".

(11) Add to the bill the following SECTION, numbered appropriately:

SECTION \_\_\_\_\_. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.911 to read as follows:

Sec. 39.911. BILL FOR UTILITY SERVICES. A retail electric provider with more than 250,000 residential customers in this state that, on December 31, 2006, was required to offer service to residential customers at the price to beat under Section 39.202, shall include on the first page of a bill for services sent to a customer the following language printed in at least 12-point type: "To see competitor pricing and service plans, please visit the Public Utility Commission website: [www.powertochoose.com](http://www.powertochoose.com)."

(12) Renumber SECTIONS accordingly.

(Kolkhorst in the chair)

### **Amendment No. 2**

Representative P. King offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by P. King to **CSSB 482** by adding the following appropriately numbered items and renumbering subsequent items accordingly:

( ) In Section 39.2021(c), Utilities Code, as added by SECTION 5 of the bill (page 7, line 12), strike "March 1, 2008" and substitute "September 1, 2007".

( ) In Section 39.2021(d), Utilities Code, as added by SECTION 5 of the bill (page 7, line 17), strike "March 1, 2008, a retail electric provider may" and substitute "September 1, 2007, a retail electric provider shall".

( ) In Section 39.2021(d), Utilities Code, as added by SECTION 5 of the bill (page 7, line 26), between "least 45" and "days' notice", insert ", but not more than 90,".

( ) In Section 39.2021(d), Utilities Code, as added by SECTION 5 of the bill (page 8, line 2), strike "may be included" and substitute "shall be included".

( ) In Section 39.2021(e), Utilities Code, as added by SECTION 5 of the bill (page 8, lines 4-5), strike "a retail electric provider did not provide ballots to its residential customers under Subsection (d) or if".

(Speaker in the chair)

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative P. King offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 to **CSSB 482** by P. King on page 10, line 4, by striking "transaction." and substituting:

transaction except as provided by this subsection. The purchase of an electric utility or transmission and distribution utility in this state by an electric utility or other person that, at the time the commission receives the report under this

section, has less than five years' experience in the electric industry may not be concluded until the commission determines, as provided by Section 14.101, that the purchase is consistent with the public interest.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Joint Select Committee on the Operation and Management of the Texas Youth Commission:

Madden on motion of Hopson.

Riddle on motion of Hopson.

### CSSB 482 - (consideration continued)

A record vote was requested.

The vote of the house was taken on the adoption of Amendment No. 3 and the vote was announced yeas 70, nays 69.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 465): 63 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Berman; Bohac; Branch; Brown, B.; Chisum; Christian; Coleman; Corte; Crabb; Creighton; Davis, J.; Delisi; Driver; Dunnam; Eissler; Elkins; Flynn; Gallego; Garcia; Gonzales; Goolsby; Guillen; Haggerty; Hancock; Hartnett; Hernandez; Hilderbran; Hochberg; Howard, C.; Hughes; Isett; King, P.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Martinez; Menendez; Merritt; Miller; Morrison; Murphy; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Paxton; Pickett; Quintanilla; Raymond; Smithee; Swinford; West; Zedler; Zerwas.

Nays — Allen; Aycok; Bailey; Bolton; Bonnen; Brown, F.; Burnam; Callegari; Castro; Chavez; Cohen; Cook, B.; Cook, R.; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Geren; Giddings; Gonzalez Toureilles; Hamilton; Hardcastle; Harless; Harper-Brown; Heflin; Herrero; Hill; Hodge; Hopson; Howard, D.; Jackson; Keffer; Kolkhorst; Leibowitz; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Miles; Naishtat; Olivo; Patrick; Pierson; Pitts; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley.

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

Absent, Excused — Gattis; Jones; Madden; Moreno; Phillips; Riddle.

Absent — Flores; Homer; King, S.; Mowery; Peña; Puente.

The speaker stated that Amendment No. 3 failed of adoption by the above vote.

**STATEMENT OF VOTE**

When Record No. 465 was taken, my vote failed to register. I would have voted no.

S. King

(Riddle now present)

**MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

**LEAVES OF ABSENCE GRANTED**

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

Flores on motion of McClendon.

Homer on motion of Farabee.

Puente on motion of Geren.

The following members were granted leaves of absence temporarily for today to attend a meeting of the Joint Select Committee on the Operation and Management of the Texas Youth Commission:

Peña on motion of Guillen.

Van Arsdale on motion of Creighton.

**CSSB 482 - (consideration continued)****Amendment No. 4**

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

Amend Floor Amendment No. 1 by P. King to **CSSB 482** as follows:

(1) In existing Section 39.101, Utilities Code, Page 2, lines 24-25 strike the following:

"providing for a period not less than five months for a customer to pay deferred amount".

(2) In new Section 39.1015, Utilities Code, Page 3, line 24 between "customer" and ":" add the following:

"who is on the list maintained by the Low-Income Discount Administrator established under 39.903, or if there is no current list, an electric customer".

(3) In new Section 39.1015, Utilities Code, Page 5, line 24, strike "25" and replace with "33".

(4) In new Section 39.1015, Utilities Code, Page 6, line 12, strike "25" and replace with "33".

(5) In new Section 39.1015, Utilities Code, Page 6, line 14, strike "five" and replace with "three".

Amendment No. 4 was adopted.

**Amendment No. 5**

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

Amend Amendment No. 1 by P. King to **CSSB 482** as follows:

- (1) On page 2, line 20, strike "in a county".
- (2) On page 2, lines 22-23, strike "in a county".
- (3) Strike page 2, line 28 through page 3, line 11, and substitute the following:
  - (1) a day for which the National Weather Service forecasts that the ~~[previous day's highest]~~ temperature will reach or fall below ~~[did not exceed]~~ 32 degrees Fahrenheit in any part of a county in the relevant service territory ~~[and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports]; [or]~~
  - (2) a day for which the National Weather Service forecasts that the heat index will reach or exceed 100 degrees Fahrenheit in any part of a county in the relevant service territory; or
  - (3) a period when, ~~[issues a heat advisory for any county in the relevant service territory, or when such an advisory has been issued]~~ on any one of the previous two calendar days, the National Weather Service observes a heat index of 100 degrees Fahrenheit or more in any part of a county in the relevant service territory.

Amendment No. 5 was adopted.

**Amendment No. 6**

Representatives Oliveira, P. King, Coleman, Smithee, Dunnam, Gonzales, Woolley, Crabb, and Christian offered the following amendment to Amendment No. 1:

Amend the P. King amendment to **CSSB 482** by adding the following:

- (1) On page 8, after line 26, insert the following and renumber subsequent sections.

SECTION 6. Subchapter E, Chapter 39, Utilities Code, is amended by adding Section 39.2025 to read as follows:

Sec. 39.2025. MARKET REVIEW BASED ON PRICE OF ELECTRICITY.

(a) The commission shall review, as described in Subsection (b), the price of the electric service plan under which residential customers who took service under a price to beat tariff on December 31, 2006, who have not subsequently chosen an alternate retail electric service plan if the price charged by a retail electric provider to such residential customers averages more than one and one-half cents per kilowatt hour higher for more than a six month period than the average of the prices actually charged on customers' bills by other retailers for comparable electric service plans in the relevant transmission and distribution utility service territory.

(b) If the commission determines that the retail electric provider's price charged to such customers is not reasonable based on its review, the commission shall reduce the retail electric provider's residential price charged to such

customers, but not to less than one cent per kilowatt hour higher than the six month average of the prices charged by other retailers for comparable electric service plans in the relevant transmission and distribution utility service territory.

(d) The commission shall adopt rules to implement this Section and to ensure that the intent of this Section is carried out.

(e) This section shall not apply in the event of a natural disaster or other event of force majeure which causes interruption of the normal course of supply of fuel used in the generation of electricity within the state.

(f) This section expires on January 1, 2009.

#### **Amendment No. 7**

Representative Turner offered the following substitute amendment for Amendment No. 6:

Amend Amendment No. 6 by Oliveira to **CSSB 482** (house committee printing) by striking the text of the amendment and substituting the following:

Amend **CSSB 482** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 39, Utilities Code, is amended by adding Section 39.2025 to read as follows:

Sec. 39.2025. MARKET REVIEW BASED ON PRICE OF ELECTRICITY. (a) In this section, "month to month electric service plan" does not include an electric service plan that is represented to be based on renewable power.

(b) The commission shall review the price of the month to month electric service plans under which residential customers who have not affirmatively chosen alternative month to month electric service plans receive service if, for more than six consecutive months, including the six months before the date this section took effect, the price charged to those residential customers is more than one cent per kilowatt hour higher, inclusive of required charges, than the simple average of the prices charged for other month to month electric service plans in the relevant transmission and distribution service territory.

(c) If, based on the review, the commission determines that the price that has been charged to those customers is not reasonable, the commission shall reduce the retail electric provider's price charged to those customers for the month to month electric service plan and order bill credits as appropriate. The commission may not require price reductions that will result in a reduced price that is less than the simple average of the prices charged for other month to month electric service plans in the relevant transmission and distribution service territory at the time the reduction is applied.

(d) The commission shall enter appropriate orders to expedite the implementation of the requirements of this section.

(e) This section expires September 1, 2009.

Representative Oliveira moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 466): 76 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Driver; Dunnam; Eissler; Elkins; Escobar; Flynn; Gallego; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hilderbran; Hill; Hochberg; Hopson; Howard, C.; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kuempel; Latham; Laubenberg; Macias; McCall; Merritt; Miller; Morrison; Murphy; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Pickett; Pitts; Quintanilla; Raymond; Riddle; Smith, W.; Smithee; Straus; Talton; Taylor; Truitt; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Bohac; Bolton; Bonnen; Burnam; Chavez; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; England; Farabee; Farias; Farrar; Frost; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hernandez; Herrero; Hodge; Howard, D.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; O'Day; Olivo; Ortiz; Pierson; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Swinford; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Gattis; Homer; Jones; Madden; Moreno; Peña; Phillips; Puente; Van Arsdale.

Absent — Garcia; Haggerty; Harper-Brown; Hughes; Kolkhorst; Mowery; Noriega.

### STATEMENTS OF VOTE

When Record No. 466 was taken, I was in the house but away from my desk. I would have voted no.

Garcia

I was shown voting no on Record No. 466. I intended to vote yes.

Gonzales

### LEAVE OF ABSENCE GRANTED

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

Kolkhorst on motion of Crownover.

### CSSB 482 - (consideration continued)

#### Amendment No. 8

Representative Eiland offered the following substitute amendment for Amendment No. 6:

Amend Floor Amendment No. 6 to **CSSB 482** by Oliveira by striking the text of the amendment and substituting:

Amend **CSSB 482** (house committee printing) in Section 5 of the bill as follows:

(1) In the heading to added Section 39.2021, Utilities Code (page 6, line 22), strike "CHOICE." and substitute "CHOICE; RATE REDUCTION."

(2) At the end of added Section 39.2021, Utilities Code (page 8, between lines 26 and 27), insert a new Subsection (h) of that section to read:

(h) On or before January 1, 2008, a retail electric provider shall give to a residential customer under a price to beat tariff on December 31, 2006, a rate reduction of 15 percent for a term of at least 12 months. The rate reduction given under this subsection may not be considered as a residential customer's affirmative choice of an electric service plan for purposes of this section.

Representative Oliveira moved to table Amendment No. 8.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 8 and the vote was announced yeas 66, nays 65.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 467): 66 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Davis, J.; Delisi; Driver; Dunnam; Elkins; Escobar; Flynn; Gonzales; Goolsby; Hamilton; Hardcastle; Harless; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Macias; McCall; McClendon; Merritt; Miller; Morrison; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Pitts; Quintanilla; Riddle; Smith, W.; Straus; Swinford; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cook, R.; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; England; Farabee; Farias; Farrar; Frost; Garcia; Geren; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Hancock; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McReynolds; Menendez; Miles; Naishtat; Olivo; Ortiz; Pickett; Pierson; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Gattis; Homer; Jones; Kolkhorst; Madden; Moreno; Peña; Phillips; Puente; Van Arsdale.

Absent — Cohen; Coleman; Gallego; Martinez; Mowery; Noriega.

The speaker stated that the motion to table Amendment No. 8 was lost by the above vote.

### STATEMENTS OF VOTE

When Record No. 467 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gallego

I was shown voting yes on Record No. 467. I intended to vote no.

Keffer

I was shown voting yes on Record No. 467. I intended to vote no.

T. King

I was shown voting yes on Record No. 467. I intended to vote no.

Orr

### LEAVES OF ABSENCE GRANTED

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

Cohen on motion of Bolton.

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

Martinez on motion of Heflin.

### CSSB 482 - (consideration continued)

A record vote was requested.

Amendment No. 8 was adopted by (Record 468): 73 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Bolton; Burnam; Castro; Chavez; Cook, R.; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; England; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hancock; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Jackson; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Murphy; Naishtat; Olivo; Ortiz; Patrick; Pickett; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Talton; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo.

Nays — Anderson; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Davis, J.; Delisi; Driver; Dunnam; Eissler; Elkins; Escobar; Goolsby; Hamilton; Hardcastle; Hilderbran; Hill; Howard, C.; Hughes; Isett; Keffer; King, P.; King, S.; Krusee; Kuempel; Latham; Laubenberg; Macias; McCall; Merritt; Miller; Morrison; O'Day; Oliveira; Orr; Otto; Parker; Paxton; Pitts; Riddle; Smith, W.; Smithee; Straus; Swinford; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Madden; Martinez; Moreno; Peña; Phillips; Puente; Van Arsdale.

Absent — Coleman; Flynn; Harless; Mowery; Noriega; Taylor.

### STATEMENTS OF VOTE

When Record No. 468 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

I was shown voting no on Record No. 468. I intended to vote yes.

Keffer

I was shown voting no on Record No. 468. I intended to vote yes.

S. King

I was shown voting no on Record No. 468. I intended to vote yes.

Orr

When Record No. 468 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

### Amendment No. 9

Representatives Eiland, Dunnam, and Coleman offered the following substitute amendment for Amendment No. 6:

Substitute the following for the Oliveira Amendment to the P. King Amendment to **CSSB 482**:

Amend Amendment No. 1 by P. King to **CSSB 482** by adding the following appropriately numbered item to read as follows and renumbering subsequent items as necessary as follows:

( ) Add the following appropriately numbered SECTION to read as follows and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 39, Utilities Code, is amended by adding Section 39.2025 to read as follows:

Sec. 39.2025. ELECTRICITY RATE REDUCTION. (a) In this section, "residential customers under a price to beat tariff on December 31, 2006" means residential customers who both:

(1) were served at the price to beat on December 31, 2006; and

(2) have not affirmatively chosen an electric service plan after December 31, 2006.

(b) Notwithstanding any other provision of this code, on the effective date of this section, a retail electric provider shall reduce the price charged to residential customers under a price to beat tariff on December 31, 2006, by 15 percent from the price charged on December 31, 2006.

(c) Every six months, the retail electric provider shall increase or decrease the price charged to residential customers under a price to beat tariff on December 31, 2006, by a percentage equal to the percentage by which alternative electric service plans increased or decreased during that period.

(d) Notwithstanding Subsections (b) and (c), the commission shall authorize a retail electric provider to adjust the price charged to residential customers under a price to beat tariff on December 31, 2006, to reflect increases in fuel costs resulting from natural disasters, other acts of God, or acts of war.

(e) This section expires September 1, 2009.

A record vote was requested.

Amendment No. 9 was adopted by (Record 469): 124 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Giddings; Gonzales; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Madden; Martinez; Moreno; Peña; Phillips; Puente; Van Arsdale.

Absent — Chisum; Christian; Coleman; Geren; Gonzalez Toureilles; Haggerty; Keffer; Mowery; Noriega; Solomons; Truitt; Villarreal.

#### STATEMENTS OF VOTE

When Record No. 469 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

When Record No. 469 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

When Record No. 469 was taken, I was in the house but away from my desk. I would have voted yes.

Solomons

When Record No. 469 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

Amendment No. 6, as substituted, was adopted.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

### CSSB 482 - (consideration continued)

#### Amendment No. 10

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

Amend proposed Floor Amendment No. 1 by P. King to **CSSB 482** (house committee printing) as follows:

(1) On page 9, beginning on line 25, strike "the commission not less than 120 days before the closing of any transaction in which" and substitute "and obtain approval from the commission prior to closing any transaction in which".

(2) On page 10, line 1, strike "." and substitute "; or".

(3) On page 10, line 2, insert the following:

"(3) a controlling interest or operational control of the electric utility or transmission and distribution utility will be transferred."

(4) On page 10, line 2 strike Subsection (b) and substitute the following:

"(b) The commission shall approve a transaction under Subsection (a) if it finds that the transaction is in the public interest. In making its determination, the commission shall consider whether the transaction will adversely affect the reliability of service, availability of service, or cost of service of the electric utility or transmission and distribution utility."

(5) On page 10, line 5, strike Subsection (c) and substitute the following:

"(c) The commission shall conclude its review under subsections (a) and (b) within 180 days of filing, without extension."

(6) On page 10, line 18, insert new Subsection (e) to read as follows:

"(e) For a transaction described in Subsection (a) for which a definitive agreement was executed prior to April 1, 2007, the electric utility or transmission and distribution utility shall not be subject to Subsections (a) and (b); provided, however, that the electric utility, transmission and distribution utility, or a person seeking to acquire or merge with an electric utility or transmission and distribution utility, made a filing for review of the transaction, supported by sworn testimony pursuant to Section 14.101 of this title prior May 1, 2007, and the resulting proceeding was not withdrawn."

#### AMENDMENT NO. 10 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TURNER: Thank you. Thank you, Representative Miller. On page one of the amendment, in Subsection (b), where it says the commission shall approve a transaction. Now, with respect to future transactions, let's say down the road, two years, five years from now, will the, when you say the

commission will approve, what does that mean? Does it mean they will have the authority to give thumbs-up to a transaction that's in the best public interest, or go thumbs-down?

REPRESENTATIVE MILLER: Actually, that will give them the authority to have a thumbs-up or a thumbs-down on the transaction.

TURNER: Okay. And then with respect to the transaction that's before us right now, the PUC will have the authority to review? I guess that's on the second page. The PUC will have the authority to review the representations or the stipulations that have been made by the parties in relation to TXU, and then to review and enforce. Is that what the amendment does?

MILLER: That is correct.

TURNER: Okay, but it doesn't give them the authority to go up or down, on the present sale?

MILLER: Not on the present sale, no.

TURNER: Okay.

MILLER: If you'll notice there, anything prior, any agreements made prior to April first of this year, Subsections (a) and (b) do not apply to those sales. So that's out option for any previous sales, and thus making this amendment not retroactive.

TURNER: Okay, but it gives them the right to enforce the representations that the parties are making?

MILLER: Absolutely.

TURNER: Okay.

MILLER: Absolutely. It doesn't change the contract—

TURNER: Right.

MILLER: But it does give them a stick to wave over the agreement.

TURNER: Right, and so that I—

MILLER: And make sure they uphold, maintain the lines in the grid, and they can provide reliable service.

TURNER: Okay, and then for all future transactions, same or similar transactions in the future, the PUC has authority not only to review, but to approve or disapprove.

MILLER: That is correct.

TURNER: Okay.

MILLER: You've got it right, exactly right.

TURNER: Okay, and then is it my understanding that as relation to this amendment, this amendment does not touch munies or co-ops, correct?

MILLER: I think Representative Geren has an amendment to my amendment that specifically spells that out. I believe it does as written, but we're going to make double sure and offer an amendment to carve out municipalities and co-ops. This only deals with regulated industries, which are the transmission lines. It does not touch co-ops, does not touch municipalities, does not touch generation, does not touch retail.

TURNER: Okay, and it does not impact competitive companies in any way, does it?

MILLER: No, sir.

TURNER: If you're making electricity your business, it does not impact competitive companies?

MILLER: Only regulated, not—it only touches the regulated part.

TURNER: Okay, and so is it fair to assume that this is a fair and balanced approach to solve a very complex problem going forward, without hindering what has been currently proposed?

MILLER: I believe that's correct, I believe it gives an assurance that our grid will stay online, that it will be properly maintained, that it will have the proper oversight, since it is regulated, and it gives the PUC authority to maintain that and do just that.

### REMARKS ORDERED PRINTED

Representative Turner moved to print remarks between Representative Miller and Representative Turner.

The motion prevailed.

#### Amendment No. 11

Representatives P. King, Geren, Branch, and Anchia offered the following substitute amendment for Amendment No. 10:

Substitute the following for the Miller Amendment to the P. King Amendment to **CSSB 482**:

Amend Amendment No. 1 by P. King to **CSSB 482** (house committee printing) as follows:

(1) On page 9, beginning on line 25, strike "the commission not less than 120 days before the closing of any transaction in which" and substitute "and obtain approval from the commission before closing any transaction in which".

(2) On page 10, line 1, strike the underlined period and substitute:

; or

(3) a controlling interest or operational control of the electric utility or transmission and distribution utility will be transferred.

(3) On page 10, strike lines 2-4 and substitute the following:

(b) The commission shall approve a transaction under Subsection (a) if it finds that the transaction is in the public interest. In making its determination, the commission shall consider whether the transaction will adversely affect the reliability of service, availability of service, or cost of service of the electric

utility or transmission and distribution utility. The commission shall make the determination not later than the 180th day after the date the commission receives the relevant report. If the commission has not made a determination before the 181st day after that date, the transaction is considered approved.

(4) On page 10, between lines 17 and 18, insert a new Subsection (e) to read as follows:

(e) Subsections (a) and (b) do not apply to a transaction described by Subsection (a) for which a definitive agreement was executed before April 1, 2007, if an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility made a filing for review of the transaction supported by sworn testimony under Section 14.101 before May 1, 2007, and the resulting proceeding was not withdrawn.

Amendment No. 11 was adopted.

(Keffer in the chair)

#### **Amendment No. 11 - Vote Reconsidered**

Representative Geren moved to reconsider the vote by which Amendment No. 11 was adopted.

The motion to reconsider prevailed.

Amendment No. 11 was withdrawn.

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

Representatives Geren and Miller offered the following substitute amendment for Amendment No. 10:

Substitute the following for the Amendment to Amendment No. 10 by Miller to **CSSB 482**:

Amend Floor Amendment No. 1 by P. King to **CSSB 482** as follows:

(1) Strike item (9) of the amendment (page 9, line 18 through page 10, line 17) and substitute:

(9) Add the following appropriately numbered SECTION to read as follows:

SECTION \_\_\_\_\_. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. CONSIDERATION AND APPROVAL OF CERTAIN TRANSACTIONS. (a) To protect retail customers in this state, notwithstanding any other provision of this title, an electric utility or transmission and distribution utility must report to and obtain approval of the commission before closing any transaction in which:

(1) the electric utility or transmission and distribution utility will be merged or consolidated with another electric utility or transmission and distribution utility;

(2) at least 50 percent of the stock of the electric utility or transmission and distribution utility will be transferred or sold; or

(3) a controlling interest or operational control of the electric utility or transmission and distribution utility will be transferred.

(b) The commission shall approve a transaction under Subsection (a) if the commission finds that the transaction is in the public interest. In making its determination, the commission shall consider whether the transaction will adversely affect the reliability of service, availability of service, or cost of service of the electric utility or transmission and distribution utility. The commission shall make the determination concerning a transaction under this subsection not later than the 180th day after the date the commission receives the relevant report. If the commission has not made a determination before the 181st day after that date, the transaction is considered approved.

(c) Subsections (a) and (b) do not apply to a transaction described by Subsection (a) for which a definitive agreement was executed before April 1, 2007, if an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility made a filing for review of the transaction supported by sworn testimony under Section 14.101 before May 1, 2007, and the resulting proceeding was not withdrawn.

(d) If an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility files with the commission a stipulation, representation, or commitment in advance of or as part of a filing under this section or under Section 14.101, the commission may enforce the stipulation, representation, or commitment to the extent that the stipulation, representation, or commitment is consistent with the standards provided by this section and Section 14.101. The commission may reasonably interpret and enforce conditions adopted pursuant to this subsection.

(2) Renumber subsequent SECTIONS accordingly.

#### **AMENDMENT NO. 12 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ANCHIA: Thank you, Representative Geren. I just want to have an exchange with you as to your intention behind the amendment. It is my understanding that there will be a six-month review period by the PUC. Is that not correct?

REPRESENTATIVE GEREN: One hundred and eighty days is correct, Mr. Anchia.

ANCHIA: And at the conclusion, there will be, if the PUC has not acted at that time, the transaction will be deemed approved, correct?

GEREN: That is correct, and if for some reason the PUC drags their feet, then it happens on the 181st day. If the PUC, if the people in the hearing for some reason drag their feet in getting information to the PUC, the PUC's option then would be to rule against it, but there will be no extensions. One hundred and eighty days drop dead.

ANCHIA: So just to be perfectly clear for intent, there will be no extensions if on the last day the PUC says to the participants, "we need an extension or we will disapprove your deal", it is your intent that that will not be the case because no extensions will be provided.

GEREN: It would be my intent that the deal would go through at that time, sir.

### REMARKS ORDERED PRINTED

Representative Anchia moved to print remarks between Representative Geren and Representative Anchia.

The motion prevailed.

Amendment No. 12 was adopted.

Amendment No. 10, as substituted, was adopted.

(Madden now present)

### Amendment No. 13

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

Amend Amendment No. 1 by P. King to **CSSB 482** on page 10, line 17, by adding after the underlined period "The commission may reasonably interpret and enforce conditions adopted under this section.".

Amendment No. 13 was adopted.

A record vote was requested.

Amendment No. 1, as amended, was adopted by (Record 470): 132 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Merritt.

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

Absent, Excused — Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Peña; Phillips; Puente; Van Arsdale.

Absent — Coleman; Mowery; Noriega.

(Speaker in the chair)

#### **Amendment No. 14**

Representative Miles offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.1017 to read as follows:

Sec. 39.1017. PROHIBITION REQUIRING DEPOSITS FROM ELDERLY LOW-INCOME CUSTOMERS. (a) In this section, "elderly low-income customer" means an electric customer who is 65 years or older and:

(A) whose household income is not more than 125 percent of the federal poverty guidelines;

(B) receives food stamps from the Health and Human Services Commission; or

(C) receives medical assistance from a state agency that administers a part of the medical assistance program.

(b) Notwithstanding Section 17.008, a retail electric provider may not require an elderly low-income customer applying for residential electric service to provide a security deposit or advance payment as a condition of service.

(Van Arsdale now present)

Amendment No. 14 was withdrawn.

#### **Amendment No. 15**

Representative Turner offered the following amendment to **CSSB 482**:

Amend **CSSB 482** as follows:

(1) Add the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. Section 39.903, Utilities Code, is amended by amending Subsections (a), (e), (h), (j), and (l) and adding Subsection (e-1) to read as follows:

(a) The system benefit fund is an account in the general revenue fund. Money in the account may be appropriated only for the purposes provided by this section ~~[or other law]~~. Interest earned on the system benefit fund shall be credited to the fund. Section 403.095, Government Code, does not apply to the system benefit fund.

(e) Money in the system benefit fund may be appropriated only to provide funding ~~[solely]~~ for the following ~~[regulatory]~~ purposes, in the following order of priority:

(1) programs to:

(A) assist low-income electric customers by providing the 10-20 ~~[40]~~ percent reduced rate prescribed by Subsection (h); and

(B) provide one-time bill payment assistance to electric customers who are or who have in their households one or more seriously ill or disabled low-income persons and who have been threatened with disconnection for nonpayment;

(2) customer education programs;

(3) [5] administrative expenses incurred by the commission in implementing and administering this chapter, and expenses incurred by the office under this chapter;

(4) [~~3~~] programs to assist low-income electric customers by providing the targeted energy efficiency programs described by Subsection (f)(2); and

(5) the rate reductions for nursing homes under Subsection (e-1);

~~(4) programs to assist low income electric customers by providing the 20 percent reduced rate prescribed by Subsection (h); and~~

~~(5) reimbursement to the commission and the Health and Human Services Commission for expenses incurred in the implementation and administration of an integrated eligibility process created under Section 17.007 for customer service discounts relating to retail electric service, including outreach expenses the commission determines are reasonable and necessary].~~

(e-1) The commission by rule shall develop and implement a program through which a retail electric provider shall provide a rate reduction for an eligible nursing home customer. The commission shall accept applications from nursing homes for a rate reduction under this subsection and shall determine the rate reduction for each retail electric provider that supplies electricity to each approved nursing home so that each nursing home receives an equal percentage reduction from the rate the nursing home otherwise would be charged. The percentage reduction must be the maximum percentage reduction, not to exceed 20 percent, that the commission may finance from appropriated money available for that purpose. The commission may not apply to that purpose more than an amount equal to five percent of the annual income of the system benefit fund, including the costs of administering this subsection. A nursing home is eligible for a rate reduction under this subsection only if the nursing home is a nonprofit entity and at least half of the entity's nursing residents are Medicaid eligible.

(h) The commission shall adopt rules for a retail electric provider to determine a reduced rate for eligible customers to be discounted off the standard retail service package as approved by the commission under Section 39.106, or the price to beat established by Section 39.202, whichever is lower. Municipally owned utilities and electric cooperatives shall establish a reduced rate for eligible customers to be discounted off the standard retail service package established under Section 40.053 or 41.053, as appropriate. The reduced rate for a retail electric provider shall result in a total charge that is at least 10 percent and, if sufficient money in the system benefit fund is available, up to 20 percent, lower than the amount the customer would otherwise be charged. ~~[To the extent the system benefit fund is insufficient to fund the initial 10 percent rate reduction, the commission may increase the fee to an amount not more than 65 cents per megawatt hour, as provided by Subsection (b). If the fee is set at 65 cents per megawatt hour or if the commission determines that appropriations are~~

~~insufficient to fund the 10 percent rate reduction, the commission may reduce the rate reduction to less than 10 percent.~~] For a municipally owned utility or electric cooperative, the reduced rate shall be equal to an amount that can be fully funded by that portion of the nonbypassable fee proceeds paid by the municipally owned utility or electric cooperative that is allocated to the utility or cooperative by the commission under Subsection (e) for programs for low-income customers of the utility or cooperative. The reduced rate for municipally owned utilities and electric cooperatives under this section is in addition to any rate reduction that may result from local programs for low-income customers of the municipally owned utilities or electric cooperatives.

(j) The commission shall adopt rules providing for methods of enrolling customers eligible to receive reduced rates under Subsection (h). The rules must provide for automatic enrollment as one enrollment option. On [The Texas Department of Human Services, on] request of the commission, each appropriate governmental entity shall assist in the adoption and implementation of these rules. Each assisting governmental entity [The commission and the Texas Department of Human Services] shall enter into a memorandum of understanding with the commission establishing the respective duties of the commission and the entity [department] in relation to the automatic enrollment. Each assisting governmental entity shall supply to the commission any information necessary for the commission to implement automatic enrollment for reduced rates under Subsection (h). The commission shall prepare a report each calendar quarter with information concerning the enrollment of customers eligible for the reduced rates. The commission shall compile the information into an annual report to be published for periodic distribution not later than January 1 of each odd-numbered year. The commission shall send a copy of each annual and quarterly report to each member of the legislature and the electric utility restructuring legislative oversight committee.

(1) For the purposes of this section, a "low-income electric customer" is an electric customer:

(1) whose household income is not more than 125 percent of the federal poverty guidelines; or

(2) in whose household resides a person who:

(A) receives food stamps from the Health and Human Services Commission [Texas Department of Human Services] or medical assistance from a state agency administering a part of the medical assistance program;

(B) receives federal housing assistance;

(C) has a child enrolled in the national school lunch program for free or reduced-price lunches; or

(D) receives lifeline telephone service.

SECTION \_\_\_\_\_. The Public Utility Commission of Texas shall adopt rules required by Section 39.903, Utilities Code, as amended by this Act, not later than January 1, 2008.

(2) Renumber subsequent SECTIONS of the bill accordingly.

**Amendment No. 16**

Representative Turner offered the following amendment to Amendment No. 15:

Amend Floor Amendment No. 15 to **CSSB 482** by Turner on page 3 of the amendment by striking lines 10-17 and substituting:  
charged. To the extent the system benefit fund is insufficient to fund the initial 10 percent rate reduction, the commission may increase the fee to an amount not more than 65 cents per megawatt hour, as provided by Subsection (b). If the fee is set at 65 cents per megawatt hour or if the commission determines that appropriations are insufficient to fund the 10 percent rate reduction, the commission may reduce the rate reduction to less than 10 percent. For a municipally owned utility or electric

Amendment No. 16 was adopted.

**Amendment No. 17**

Representative Dukes offered the following amendment to Amendment No. 15:

Amend the Turner amendment to **CSSB 482** by adding:

(e)(3) reimbursement to the Department of Family and Protective Services, up to \$1.2 million for fiscal year 2008, and up to \$1.2 million for fiscal year 2009, for expenses incurred in providing full and/or partial payments of electric utility bills for individuals determined to be eligible for those payments through the adult protective services program of the department.

Amendment No. 17 was adopted.

Amendment No. 15, as amended, was adopted.

**Amendment No. 18**

Representative Giddings offered the following amendment to **CSSB 482**:

Amend **CSSB 482** (house committee printing) by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 17.008, Utilities Code, is amended to read as follows:

Sec. 17.008. PROTECTION OF RESIDENTIAL ELECTRIC SERVICE APPLICANTS AND CUSTOMERS. (a) In this section and in Section 17.009:

(1) "Credit history":

(A) means information regarding an individual's past history of:

- (i) financial responsibility;
- (ii) payment habits; or
- (iii) creditworthiness; and

(B) does not include an individual's outstanding balance for retail electric or telecommunications service.

(2) "Credit score" means a score, grade, or value that is derived by a consumer reporting agency, as defined under Section 603(f) of the Fair Credit Reporting Act (15 U.S.C. Section 1681a(f)), using data from a credit history in any type of model, method, or program for the purpose of grading or ranking credit report data, whether derived electronically, from an algorithm, through a computer software application model or program, or through any other analogous process.

(3) "Utility payment data" means a measure that is derived by a consumer reporting agency, as defined under Section 603(f) of the Fair Credit Reporting Act (15 U.S.C. Section 1681a(f)), from a model specifically designed to correlate to utility payment histories.

(b) A retail electric provider may not deny an applicant's request to become a residential electric service customer on the basis of the applicant's credit history or credit score ~~[, but may use the applicant's utility payment data until the later of January 1, 2007, or the date on which the price to beat is no longer in effect in the geographic area in which the customer is located].~~

~~(c) [Notwithstanding Subsection (b), while a retail electric provider is required to provide service to a geographic area as the affiliated retail electric provider, the provider may not deny an applicant's request to become a residential electric service customer within that geographic area on the basis of the applicant's credit history, credit score, or utility payment data.~~

~~[(d) After the date described in Subsection (b), a retail electric provider, including an affiliated retail electric provider, may not deny an applicant's request to become a residential electric service customer on the basis of the applicant's credit history, credit score, or utility payment data but may use the applicant's electric bill payment history.~~

~~(e)~~ A retail electric provider may not use a credit score, a credit history, or utility payment data as the basis for determining the price for month-to-month electric service or electric service that includes a fixed price commitment of 12 months or less:

(1) for an existing residential customer; or

(2) in response to an applicant's request to become a residential electric service customer.

~~(d)~~ On ~~[(f) After the date described in Subsection (b), on]~~ request by a customer or former customer in this state, a retail electric provider or electric utility shall timely provide to the customer or former customer bill payment history information with the retail electric provider or electric utility during the preceding 12-month period. Bill payment history information may be obtained by the customer or former customer once during each 12-month period without charge. If additional copies of bill payment history information are requested during a 12-month period, the electric service provider may charge the customer or former customer a reasonable fee for each copy.

~~(e)~~ (e) ~~[(g)]~~ On request by a retail electric provider, another retail electric provider or electric utility shall timely verify information that purports to show a customer's service and bill payment history with the retail electric provider or electric utility.

(f) A retail electric provider may not require a person applying for residential electric service to provide a security deposit or advance payment as a condition of service if:

(1) it can be shown that the person was a customer of one or more retail electric providers or electric utilities in this state during the entire 12-month period preceding the request for electric service; and

(2) during the preceding 12-month period, the person was not late in paying an electric service bill.

(g) If a person applying for residential electric service does not provide the documentation described in Subsection (f), nothing in this section limits ~~(h) This section does not limit~~ a retail electric provider's authority to require a deposit or advance payment as a condition of service.

(h) ~~(i)~~ Notwithstanding Subsection (c) ~~(e)~~, a retail electric provider may provide rewards, benefits, or credits to residential electric service customers on the basis of the customer's payment history for retail electric service to that provider.

Amendment No. 18 was adopted.

#### **Amendment No. 19**

Representative Solomons offered the following amendment to **CSSB 482**:

Amend **CSSB 482** (house committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 5 and 6), strike "Sections 17.157(a) and (b), Utilities Code, are amended" and substitute "Section 17.157, Utilities Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (d)".

(2) Strike Section 17.157(a), Utilities Code, as amended by SECTION 1 of the bill (page 1, lines 7-10) and substitute the following:

(a) In this section, "small commercial retail customer" means a non-residential customer that has a peak demand of less than 50 kilowatts during any 12-month period, unless the customer's load is part of an aggregation program whose peak demand is in excess of 50 kilowatts during the same 12-month period.

(a-1) The commission may investigate or resolve disputes between either a residential or small commercial retail customer and a billing utility, service provider, telecommunications utility, retail electric provider, or electric utility.

(3) In Section 17.157(b), Utilities Code, as amended by SECTION 1 of the bill (page 1, line 11), strike "Subsection (a)" and substitute "Subsection (a-1) ~~(e)~~".

(4) In Section 17.157(b)(2), Utilities Code, as amended by SECTION 1 of the bill (page 1, line 19), strike "residential" and substitute "residential and small commercial retail".

(5) In Section 17.157(b)(3), Utilities Code, as amended by SECTION 1 of the bill (page 2, line 2), strike "residential" and substitute "residential or small commercial retail".

(6) In Section 17.157(b)(4), Utilities Code, as amended by SECTION 1 of the bill (page 2, line 4), strike "residential" and substitute "residential or small commercial retail".

(7) In Section 17.157(b)(5), Utilities Code, as amended by SECTION 1 of the bill (page 2, line 9), strike "~~or small commercial~~" and substitute "or small commercial retail".

Amendment No. 19 was withdrawn.

### **Amendment No. 20**

Representative Hughes offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Chapter 39, Utilities Code, is amended by adding Subchapter K to read as follows:

#### SUBCHAPTER K. STATUS OF COMPETITION IN CERTAIN NON-ERCOT AREAS

Sec. 39.501. APPLICABILITY. (a) This subchapter applies to an investor-owned electric utility:

(1) that is operating solely outside of ERCOT in areas of this state that were included in the Southwest Power Pool on January 1, 2004;

(2) that was not affiliated with the Southeastern Electric Reliability Council on January 1, 2004; and

(3) to which Subchapter I does not apply.

(b) The legislature finds that circumstances exist that require that areas served by an electric utility described by Subsection (a) not be transitioned to full retail customer choice at this time.

Sec. 39.502. REGULATION OF UTILITY AND TRANSITION TO COMPETITION. (a) Until the later of January 1, 2015, or the date on which an electric utility subject to this subchapter is authorized by the commission to implement customer choice, the rates of the electric utility shall be regulated under traditional cost of service regulation and the electric utility is subject to all applicable regulatory authority prescribed by this subtitle and Subtitle A, including Chapters 14, 32, 33, 36, and 37. Until the date on which an electric utility subject to this subchapter implements customer choice, the provisions of this chapter do not apply to that electric utility, other than this subchapter, Sections 39.904 and 39.905, and the provisions relating to the duty to obtain a permit from the Texas Commission on Environmental Quality for an electric generating facility and to reduce emissions from an electric generating facility.

(b) On or after January 1, 2015, the commission may require an electric utility subject to this subchapter to file a transition to competition plan with the commission. The transition to competition plan must identify how electric utilities subject to this subchapter intend to achieve full customer choice, including an evaluation of the transmission facilities, an explanation of how certification of the power region under Section 39.152 will be achieved, auctioning rights to generation capacity, or any other measure that is consistent

with the public interest. The utility must also include in the transition to competition plan a provision to establish a price to beat for residential customers and commercial customers having a peak load of 1,000 kilowatts or less. The commission may prescribe additional information or provisions that must be included in the plan. The commission shall approve, modify, or reject a plan within 180 days after the date of a filing under this section unless a hearing is requested by any party to the proceeding. If a hearing is requested, the 180-day deadline will be extended one day for each day of the hearing. The transition to competition plan may be updated or amended, subject to commission approval, until the applicable power region is certified as a qualifying power region under Section 39.152 and the plan is approved.

(c) On implementation of customer choice, an electric utility subject to this subchapter is subject to the provisions of this subtitle and Subtitle A to the same extent as other electric utilities, including the provisions of Chapter 37 concerning certificates of convenience and necessity.

Sec. 39.503. CUSTOMER CHOICE AND RELEVANT MARKET AND RELATED MATTERS. The commission may not authorize customer choice until the later of January 1, 2015, or the date the applicable power region has been certified as a qualifying power region under Section 39.152.

Sec. 39.504. EXISTING RIGHTS AND OBLIGATIONS. This subchapter may not be construed to:

(1) interfere with or abrogate the rights or obligations of any party, including a retail or wholesale customer, to a contract with an investor-owned electric utility, federal power marketer, federal power marketing agency, river authority, municipally owned utility, or electric cooperative;

(2) interfere with or abrogate the rights or obligations of a party under a contract or agreement concerning certificated utility service areas; or

(3) result in a change in wholesale power costs to wholesale customers in this state purchasing electricity under wholesale power contracts the pricing provisions of which are based on formulary rates, fuel adjustments, or average system costs.

Amendment No. 20 was adopted.

### **Amendment No. 21**

Representative Bohac offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding an appropriately numbered SECTION to read as follows and by renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.911 to read as follows:

Sec. 39.911. BILL FOR UTILITY SERVICES. A retail electric provider with more than 250,000 residential customers in this state that, on December 31, 2006, was required to offer service to residential customers at the price to beat under Section 39.202, shall include on the first page of a bill for services sent to a customer the following language printed in at least 12-point type: "To see competitor pricing and service plans, please visit the Public Utility Commission website: [www.powertochoose.com](http://www.powertochoose.com)."

**Amendment No. 22**

Representative Bohac offered the following amendment to Amendment No. 21:

Amend Floor Amendment No. 21 to **CSSB 482** by Bohac at the end of page 1, line 13, by striking lines 11-13 and substituting:  
customer the following statements printed in at least 12-point type:

(1) "To see competitor pricing and service plans, please visit the Public Utility Commission of Texas website: [www.powertochoose.com](http://www.powertochoose.com)."; and

(2) a statement that a customer may obtain the same information by calling a specified toll-free telephone number.

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

**Amendment No. 23**

Representative Miles offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.1017 to read as follows:

Sec. 39.1017. COMMISSION RULES REGARDING DEPOSITS. (a) In this section, "elderly low-income customer" means an electric customer who is 65 years or older and:

(A) whose household income is not more than 125 percent of the federal poverty guidelines;

(B) receives food stamps from the Health and Human Services Commission; or

(C) receives medical assistance from a state agency that administers a part of the medical assistance program.

(b) Notwithstanding Section 17.008, the commission by rule shall require a retail electric provider to waive the requirement that an elderly low-income customer applying for residential electric service provide a security deposit or advance payment as a condition of service.

Amendment No. 23 was adopted.

**Amendment No. 24**

Representative Vo offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter A, Chapter 17, Utilities Code, is amended by adding Section 17.010 to read as follows:

Sec. 17.010. PAYMENT FOR SERVICES. (a) In this section, "retail provider" means a public or private provider of retail electric services. The term includes:

- (1) a public utility;
- (2) a cooperative corporation;
- (3) a municipally owned utility; and
- (4) a retail electric provider.

(b) A payment for retail electric services that is mailed to the retail provider using the United States Postal Service is considered made on the date the envelope or cover is postmarked by the postal service only if:

- (1) the payment is not required by law or contract to be delivered by a method other than by mail;
- (2) the payment has been deposited in the United States mail, with sufficient postage prepaid; and
- (3) the envelope or cover has been properly addressed to the retail provider.

(c) A payment that does not conform to Subsection (b) is considered made on the date the payment is delivered to the retail provider.

(b) The change in law made by this section applies only to a payment due on or after the effective date of this Act. A payment due before the effective date of this Act is governed by the law in effect on the date the payment is due, and the former law is continued in effect for that purpose.

(c) Section 17.010, Utilities Code, as added by this section, does not apply to the date a payment for retail electric services is considered made to the extent its application may impair a contract entered into before the effective date of this Act that specifies the date a payment for retail electric services is considered made, and the law at the time the contract was entered into is continued in effect for that purpose.

### **Amendment No. 25**

Representative Chisum offered the following amendment to Amendment No. 24:

Amend Floor Amendment No. 24 by Vo to **CSSB 482** on page 1, line 20, by striking "prepaid;" and substituting "prepaid, with a mark from a post office located in this state;".

Amendment No. 25 was adopted.

### **Amendment No. 26**

Representative Isett offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Vo to **CSSB 482**, on page 1, by striking lines 13-25, and substituting the following:

(b) A retail electric provider may not impose a late fee for payment for retail electric service that is mailed to the retail provider using the United States Postal Service if the payment is received not later than the third day after the date the payment is due.

(Peña and Phillips now present)

Representative Vo moved to table Amendment No. 26.

A record vote was requested.

The motion to table prevailed by (Record 471): 76 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Bohac; Bolton; Bonnen; Branch; Burnam; Castro; Coleman; Corte; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farias; Farrar; Frost; Gallego; Geren; Gonzales; Gonzalez Toureilles; Guillen; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, C.; Howard, D.; Kuempel; Latham; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Naishtat; Oliveira; Olivo; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Strama; Talton; Thompson; Turner; Vaught; Veasey; Vo; West.

Nays — Aycock; Berman; Brown, B.; Brown, F.; Chavez; Chisum; Christian; Cook, B.; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Flynn; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hill; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Laubenberg; Macias; Madden; Morrison; Murphy; O'Day; Orr; Parker; Phillips; Smith, T.; Straus; Swinford; Taylor; Truitt; Woolley; Zedler; Zerwas.

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

Absent, Excused — Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente.

Absent — Callegari; Farabee; Garcia; Giddings; Hamilton; Hopson; Mowery; Noriega; Paxton; Ritter; Smithee; Solomons; Van Arsdale; Villarreal.

### STATEMENTS OF VOTE

When Record No. 471 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

When Record No. 471 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

### Amendment No. 27

Representative McCall offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Vo to **CSSB 482**, by adding a new Subsection (d):

(d) A payment for retail electric services that is submitted electronically to the retail provider is considered made on the date reflected by the time-stamp.

Amendment No. 27 was adopted.

A record vote was requested.

Amendment No. 24, as amended, was adopted by (Record 472): 86 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Bohac; Bolton; Bonnen; Branch; Burnam; Castro; Chavez; Coleman; Crabb; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Hopson; Howard, D.; King, T.; Kuempel; Latham; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Murphy; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Strama; Straus; Talton; Thompson; Truitt; Turner; Vaught; Veasey; Vo; Zerwas.

Nays — Berman; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Creighton; Crownover; Eissler; Flynn; Haggerty; Hancock; Hardcastle; Harper-Brown; Hilderbran; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Krusee; Laubenberg; Macias; Madden; Miller; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Smith, W.; Solomons; Swinford; Taylor; West; Woolley; Zedler.

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

Absent, Excused — Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente.

Absent — Aycock; Darby; Driver; Harless; Mowery; Noriega; O'Day; Smithee; Van Arsdale; Villarreal.

### **Amendment No. 28**

Representative Burnam offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) The Public Utility Commission of Texas shall develop a plan to reregulate the production and sale of electricity if, on July 1, 2007, the average price for average residential use of electricity in ERCOT is greater than the average price for average residential use of electricity in the United States.

(b) The plan required by Subsection (a) of this section must include:

(1) possible methods to reverse the restructuring of the electric utility industry made by Chapter 405, Acts of the 76th Legislature, Regular Session, 1999;

(2) an evaluation of the effect on residential electricity prices of each method; and

(3) necessary legislative changes to implement each method.

(c) Not later than January 5, 2009, the Public Utility Commission of Texas shall deliver the plan to the governor, the lieutenant governor, and the electric utility restructuring legislative oversight committee.

#### **Amendment No. 29**

Representative Burnam offered the following amendment to Amendment No. 28:

Amend Floor Amendment No. 28 by Burnam to **CSSB 482** as follows:

(1) On line 6, strike "July 1, 2007" and substitute "October 1, 2008".

Amendment No. 29 was adopted.

Amendment No. 28, as amended, was adopted.

#### **Amendment No. 30**

Representative Veasey offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.1016 to read as follows:

Sec. 39.1016. SWITCHOVER FEE PROHIBITED. A retail electric provider, power generation company, aggregator, or other entity that provides retail electric service may not charge a residential customer a switchover fee.

Amendment No. 30 was withdrawn.

#### **Amendment No. 31**

Representative Dunnam offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.009 to read as follows:

Sec. 35.009. BILLING DEMAND FOR CERTAIN UTILITY CUSTOMERS. (a) Notwithstanding any other provision of this code, a transmission and distribution utility shall exclude public and private schools and nonprofit athletic and sports associations from the application of any ratchet provision contained in a tariff relating to distribution service.

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

Representative P. King moved to table Amendment No. 31.

A record vote was requested.

The motion to table prevailed by (Record 473): 71 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Aycocock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Geren; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Truitt; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson; Bolton; Burnam; Castro; Chavez; Coleman; Cook, R.; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Naishtat; Olivo; Ortiz; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rodriguez; Rose; Solomons; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente.

Absent — Frost; Mowery; Noriega; Oliveira; Turner; Van Arsdale.

### **Amendment No. 32**

Representative Hopson offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following language:

Sec. 39.105. LIMITATION ON SALE OF ELECTRICITY. (a) After January 1, 2002, a transmission and distribution utility may not sell electricity or otherwise participate in the market for electricity except for the purpose of buying electricity to serve its own needs.

(b) A person or retail electric utility may not provide, furnish, or make available electric service at retail within the certificated service area of an electric cooperative that has not adopted customer choice or a municipally owned utility that has not adopted customer choice. However, this subsection does not prohibit the provision of electric service in multiply certificated service areas to customers of any other retail electric utility.

(c) An affiliated power generation company may not provide, furnish or make available electric service to a consuming facility located in an area in which retail electric service is being lawfully furnished by an electric cooperative.

Amendment No. 32 was adopted.

**Amendment No. 33**

Representatives McReynolds, Smithee, and Ritter offered the following amendment to **CSSB 482**:

Amend **CSSB 482** (House Committee Printing) by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Subchapter A, Chapter 39, Utilities Code, is amended by adding Section 39.0015 to read as follows:

Sec. 39.0015. DELAY OF RETAIL COMPETITION. (a) Notwithstanding any other provision of this chapter, the commission may not implement or consider the implementation of retail electric competition in an area in this state that is not currently engaged in retail electric competition unless a law enacted after the effective date of this section requires that action.

(b) Not later than the 180th day after the effective date of this Act, an electric utility operating in this state that is subject to traditional cost of service rate regulation and that on the effective date of this Act has a transition to competition plan on file with the Public Utility Commission of Texas shall:

- (1) withdraw the plan from the commission;
- (2) cease all activities related to the plan; and
- (3) file with the commission an application for recovery of any costs incurred as a result of the preparation, filing, and implementation of the plan.

(c) An electric utility described by Section 39.0015, Utilities Code, as added by this section, is entitled to recover the costs described by Subsection (b)(3) of this section.

Amendment No. 33 was adopted.

A record vote was requested.

**CSSB 482**, as amended, was passed to third reading by (Record 474): 132 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Merritt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente.

Absent — Burnam; Coleman; Hill; Mowery; Noriega; Pierson; Thompson.

### STATEMENT OF VOTE

When Record No. 474 was taken, I was in the house but away from my desk. I would have voted yes.

Hill

### CSSB 483 ON SECOND READING (P. King - House Sponsor)

**CSSB 483**, A bill to be entitled An Act relating to regulation of electric generation capacity ownership in the electric power market.

Representative P. King moved to recommit **CSSB 483** to the Committee on Regulated Industries.

The motion prevailed.

### MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

### CSHB 2017 ON SECOND READING (by Giddings, Berman, Crabb, Turner, Martinez Fischer, et al.)

**CSHB 2017**, A bill to be entitled An Act relating to the date of the primary election and related procedures.

#### Amendment No. 1

Representative Burnam offered the following amendment to **CSHB 2017**:

Amend **CSHB 2017** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 174.063(a), Election Code, is amended to read as follows:

(a) The county and senatorial district conventions shall be held on the fourth [~~third~~] Saturday in March after general primary election day. However, if that date occurs during Passover or on the day following Good Friday, the conventions shall be held on the next Saturday that does not occur during Passover or on the day following Good Friday.

Amendment No. 1 was adopted.

A record vote was requested.

**CSHB 2017**, as amended, was passed to engrossment by (Record 475): 105 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hancock; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West; Zerwas.

Nays — Anchia; Bonnen; Branch; Brown, B.; Brown, F.; Creighton; Delisi; Elkins; Gallego; Geren; Goolsby; Haggerty; Hamilton; Harper-Brown; Hartnett; Hochberg; Isett; Macias; Merritt; O'Day; Orr; Patrick; Straus; Swinford; Truitt; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente.

Absent — King, S.; Mallory Caraway; Mowery; Murphy; Quintanilla; Talton; Taylor; Van Arsdale.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 475. I intended to vote no.

Crownover

When Record No. 475 was taken, my vote failed to register. I would have voted yes.

Mallory Caraway

When Record No. 475 was taken, I was temporarily out of the house chamber. I would have voted yes.

Quintanilla

When Record No. 475 was taken, I was in the house but away from my desk. I would have voted no.

Taylor

When Record No. 475 was taken, I was in the house but away from my desk. I would have voted yes.

Van Arsdale

**LEAVE OF ABSENCE GRANTED**

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

Bailey on motion of Gonzalez Toureilles.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**HB 1683 ON SECOND READING  
(by Hopson, Keffer, and Geren)**

**HB 1683**, A bill to be entitled An Act relating to the repeal of the requirement of a ratio of pharmacists to pharmacy technicians in a Class A pharmacy.

**HB 1683 - POINT OF ORDER**

Representative Riddle raised a point of order against further consideration of **HB 1683** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Hopson moved to postpone consideration of **HB 1683** until the end of today's calendar.

The motion prevailed.

**HB 1837 ON SECOND READING  
(by Taylor, Bonnen, Flynn, Gattis, England, et al.)**

**HB 1837**, A bill to be entitled An Act relating to exempting from ad valorem taxation property used by certain nonprofit community business organizations to provide services to aid in the economic development of local communities.

**HB 1837 - POINT OF ORDER**

Representative Dunnam raised a point of order against further consideration of **HB 1837** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Taylor moved to postpone consideration of **HB 1837** until the end of today's calendar.

The motion prevailed.

**HB 2232 ON SECOND READING****(by Corte)**

**HB 2232**, A bill to be entitled An Act relating to the amount of an administrative penalty assessed by the Railroad Commission of Texas for a violation of the Texas Surface Coal Mining and Reclamation Act or a permit issued under that act.

**HB 2232** 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 3084 ON SECOND READING****(by Phillips)**

**HB 3084**, A bill to be entitled An Act relating to the municipal street maintenance sales tax.

**HB 3084** 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 197 ON SECOND READING****(by Gonzalez Toureilles, Driver, Turner, Chavez, et al.)**

**CSHB 197**, A bill to be entitled An Act relating to the provision of intervention or counseling services to certain persons who have committed family violence and to a process for accrediting those services.

Representative Gonzalez Toureilles moved to postpone consideration of **CSHB 197** until 10 a.m. Thursday, April 19.

The motion prevailed.

**HB 2799 ON SECOND READING****(by McClendon)**

**HB 2799**, A bill to be entitled An Act relating to the applicability of the Texas Local Fire Fighters Retirement Act.

**HB 2799** 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 280 ON SECOND READING****(by Madden, Peña, and Guillen)**

**HB 280**, A bill to be entitled An Act relating to the eligibility of juvenile correctional officers for the fire fighter and law enforcement or security officer home loan program.

**HB 280** 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 1551 ON SECOND READING**  
**(by Hochberg and Woolley)**

**CSHB 1551**, A bill to be entitled An Act relating to remedies for common nuisances.

**CSHB 1551** 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 2272 ON SECOND READING**  
**(by McClendon)**

**CSHB 2272**, A bill to be entitled An Act relating to an additional filing fee for civil cases filed in Bexar County.

**CSHB 2272 - POINT OF ORDER**

Representative Talton raised a point of order against further consideration of **CSHB 2272** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative McClendon moved to postpone consideration of **CSHB 2272** until the end of today's calendar.

The motion prevailed.

**CSHB 2359 ON SECOND READING**  
**(by Hartnett)**

**CSHB 2359**, A bill to be entitled An Act relating to the collection of certain filing fees by statutory probate courts for deposit in the judicial fund, the use of those deposits, and the remittance of the excess of those deposits.

**CSHB 2359** 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 2018 ON SECOND READING**  
**(by B. Brown)**

**HB 2018**, A bill to be entitled An Act relating to eligibility for a municipal setting designation related to potential impacts to groundwater quality of solid waste activities.

**HB 2018** 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 and Leibowitz recorded voting no.)

**HB 2068 ON SECOND READING**  
**(by Hartnett)**

**HB 2068**, A bill to be entitled An Act relating to trial by special judge in civil and family law cases.

**Amendment No. 1**

Representative Martinez Fischer offered the following amendment to **HB 2068**:

Amend **HB 2068** (House Committee Report), on page 1, line 13, between "referred" and "as agreed", by inserting "to any elected judge".

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Hartnett offered the following amendment to **HB 2068**:

Amend **HB 2068** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 151.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 151.001. REFERRAL BY AGREEMENT. (a) On agreement of the parties, in civil or family law matters pending in a district court, statutory probate court, or statutory county court, the judge in whose court the case is pending may order referral of the case as provided by this chapter and shall stay proceedings in the judge's court pending the outcome of the trial. Any or all of the issues in the cases, whether an issue of fact or law, may be referred.

(b) A judge shall order referral of the case under Subsection (a) if the motion for referral states that there is no dispute among the parties as to any issue of fact or law in the case.

SECTION 2. Section 151.001, Civil Practice and Remedies Code, as amended by this Act, applies only to a motion for referral of a case to a special judge that is made on or after the effective date of this Act. A motion for referral made before the effective date of this Act is governed by the law in effect at the time the referral was made, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2007.

**AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE LEIBOWITZ: Mr. Hartnett, do I correctly understand you that your amendment just addresses uncontested issues?

REPRESENTATIVE HARTNETT: Absolutely.

LEIBOWITZ: For example, an uncontested divorce?

HARTNETT: Correct.

LEIBOWITZ: A friendly suit in a personal injury case?

HARTNETT: Correct.

LEIBOWITZ: Nothing. Your amendment does not address any contested issues of fact or of law?

HARTNETT: Correct.

LEIBOWITZ: You're talking about just getting thirty uncontested divorces to someone to clean up the docket and where the judge is overloaded that day and everybody has to wait around for four or five hours.

HARTNETT: Correct. It's great for everybody.

LEIBOWITZ: And that's the full extent of the purpose of your bill?

HARTNETT: That's the full extent.

### REMARKS ORDERED PRINTED

Representative Leibowitz moved to print remarks between Representative Hartnett and Representative Leibowitz.

The motion prevailed.

### HB 2068 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **HB 2068** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Hartnett moved to postpone consideration of **HB 2068** until the end of today's calendar.

The motion prevailed.

### HB 1839 ON SECOND READING

(by **Bonnen**)

**HB 1839**, A bill to be entitled An Act relating to the requirements for renewal of a license to carry a concealed handgun.

**HB 1839** 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.)

### POSTPONED BUSINESS

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

### HB 1683 ON SECOND READING

(by **Hopson, Keffer, Geren, and Gonzalez Tourelles**)

**HB 1683**, A bill to be entitled An Act relating to the repeal of the requirement of a ratio of pharmacists to pharmacy technicians in a Class A pharmacy.

**HB 1683** was read second time earlier today and was postponed until this time.

A record vote was requested.

**HB 1683** was passed to engrossment by (Record 476): 128 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Crabb; Harless; Patrick; Riddle; Talton.

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

Absent, Excused — Bailey; Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente.

Absent — Anchia; Isett; Mowery; Noriega; Strama.

#### STATEMENTS OF VOTE

When Record No. 476 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

I was shown voting yes on Record No. 476. I intended to vote no.

Elkins

I was shown voting yes on Record No. 476. I intended to vote no.

Kuempel

I was shown voting no on Record No. 476. I intended to vote yes.

Patrick

When Record No. 476 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

**HB 1837 ON SECOND READING**  
**(by Taylor, Bonnen, Flynn, Gattis, England, et al.)**

**HB 1837**, A bill to be entitled An Act relating to exempting from ad valorem taxation property used by certain nonprofit community business organizations to provide services to aid in the economic development of local communities.

**HB 1837** was read second time earlier today and was postponed until this time.

Representative Taylor moved to postpone consideration of **HB 1837** until 8 a.m. Tuesday, April 17.

The motion prevailed.

**CSHB 2272 ON SECOND READING**  
**(by McClendon)**

**CSHB 2272**, A bill to be entitled An Act relating to an additional filing fee for civil cases filed in Bexar County.

**CSHB 2272** was read second time earlier today and was postponed until this time.

A record vote was requested.

**CSHB 2272** was passed to engrossment by (Record 477): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente.

Absent — Anchia; Hughes; Mowery.

### STATEMENT OF VOTE

When Record No. 477 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

### HB 2068 ON SECOND READING (by Hartnett)

**HB 2068**, A bill to be entitled An Act relating to trial by special judge in civil and family law cases.

**HB 2068** was read second time earlier today and was postponed until this time. Amendment No. 2 was pending at the time of postponement.

Amendment No. 2 was adopted.

### HB 2068 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **HB 2068** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

### LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Paxton.

### HB 2068 - (consideration continued)

#### Amendment No. 3

Representative Leibowitz offered the following amendment to **HB 2068**:

Amend the \_\_\_\_\_ amendment to **HB 2068** on page 1, between lines 15 and 16, by inserting the following:

"(c) A judge may not order referral of a case under Subsection (b) to a special judge who ran for a judicial office and was not elected to that judicial office."

Representative Hartnett moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 478): 80 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Anderson; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; Elkins; England; Flynn; Frost; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McReynolds; Menendez; Merritt; Morrison; Murphy;

Noriega; O'Day; Oliveira; Orr; Otto; Parker; Paxton; Pickett; Pitts; Quintanilla; Riddle; Ritter; Smith, T.; Smith, W.; Solomons; Strama; Straus; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Aycock; Bolton; Burnam; Callegari; Castro; Chavez; Coleman; Darby; Davis, Y.; Dukes; Dunnam; Dutton; Escobar; Farabee; Farias; Farrar; Garcia; Geren; Gonzales; Gonzalez Toureilles; Guillen; Harless; Heflin; Hernandez; Herrero; Hodge; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Miles; Naishtat; Olivo; Ortiz; Patrick; Pierson; Raymond; Rodriguez; Rose; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente; Smithee.

Absent — Alonzo; Anchia; Branch; Gallego; Giddings; Hochberg; Miller; Mowery; Peña; Phillips; Swinford; Turner.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 478. I intended to vote no.

Strama

A record vote was requested.

**HB 2068**, as amended, was passed to engrossment by (Record 479): 109 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Flynn; Frost; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Hilderbran; Hill; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bolton; Burnam; Coleman; Davis, Y.; Dukes; Dunnam; Farias; Farrar; Garcia; Hodge; Mallory Caraway; Martinez Fischer; Miles; Olivo; Rodriguez; Rose; Veasey.

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

Absent, Excused — Bailey; Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente; Smithee.

Absent — Castro; Gallego; Heflin; Herrero; Hochberg; Leibowitz; Lucio; Mowery; Ortiz.

### STATEMENTS OF VOTE

When Record No. 479 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

When Record No. 479 was taken, I was in the house but away from my desk. I would have voted no.

Leibowitz

I was shown voting yes on Record No. 479. I intended to vote no.

Strama

### HB 4105 - PERMISSION TO INTRODUCE

Representative Thompson requested permission to introduce and have placed on first reading **HB 4105**.

A record vote was requested.

Permission to introduce was granted by (Record 480): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente; Smithee.

Absent — Deshotel; Isett; McReynolds; Miller; Mowery.

**RESOLUTIONS ADOPTED**

Representative Swinford moved to suspend all necessary rules in order to take up and consider at this time **HR 905**, **HR 1337**, and **HR 1414**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 905** (by Bolton), Congratulating Dawn Clopton on becoming the first female division chief with the Austin Fire Department.

**HR 1337** (by Bolton), Honoring Mark Misage of Westlake High School in Austin for winning a 2007 Siemens Award for Advanced Placement.

**HR 1414** (by Dutton), Honoring Donita Richell Conner Bessard of Houston on the occasion of her baby shower.

The resolutions were adopted.

**HCR 26 - ADOPTED**

**(by Gallego, Puente, Martinez Fischer, Menendez, Castro, et al.)**

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HCR 26**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 26**, In memory of the Honorable Frank Madla of San Antonio.

**HCR 26** was unanimously adopted by a rising vote.

**HR 1464 - ADOPTED**

**(by Raymond)**

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 1464**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1464**, In memory of Reynaldo Sobrevilla of Cotulla.

**HR 1464** was unanimously adopted by a rising vote.

**COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to House Rule 4, Section 9, Representative Swinford requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings, and that for purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment today be considered to be scheduled to meet upon final recess today.

Permission to meet was granted.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 1038** and **HB 3249** upon final recess today in E2.010.

The motion prevailed.

**RULES SUSPENDED**

Representative Swinford moved to suspend all necessary rules to allow the Committee on Regulated Industries to consider **HB 2937** during bill referral today in 1W.14.

The motion prevailed.

**HB 1038 - RECOMMITTED**

Representative Swinford moved to recommit **HB 1038** to the Committee on State Affairs.

The motion prevailed.

**HB 2978 - RECOMMITTED**

Representative Morrison moved to recommit **HB 2978** to the Committee on Higher Education.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Energy Resources, upon final recess today.

**HB 551 - RECOMMITTED**

Representative Christian moved to recommit **HB 551** to the Committee on Regulated Industries.

The motion prevailed.

**HB 4106 - PERMISSION TO INTRODUCE**

Representative C. Howard requested permission to introduce and have placed on first reading **HB 4106**.

A record vote was requested.

Permission to introduce was granted by (Record 481): 126 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Garcia; Giddings; Gonzales; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge;

Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Cohen; Flores; Gattis; Homer; Jones; Kolkhorst; Martinez; Moreno; Puente; Smithee.

Absent — Cook, B.; Deshotel; Eissler; Gallego; Geren; Gonzalez Toureilles; Goolsby; Hilderbran; Mowery; Paxton; Peña; Pitts.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services is rescheduled to meet at 10 a.m. Monday, April 16.

### FIVE DAY POSTING RULE SUSPENDED

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry, to consider **HB 3035** and **HB 3785** at 2 p.m. or upon adjournment Tuesday, April 17 in E2.026.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Civil Practices, upon final recess today, Desk 26, for a formal meeting, to consider **HB 1602**, **HB 1927**, and pending business.

Environmental Regulation, upon final recess today, Desk 1, for a formal meeting, to consider pending business.

Regulated Industries, during bill referral today, 1W.14, for a formal meeting, to consider **HB 2937**.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

Pensions and Investments, will reconvene during bill referral today, E2.030, for a public hearing, to consider posted bills and pending business.

Criminal Jurisprudence, upon final recess today, Desk 37, for a formal meeting, to consider pending business.

**PROVIDING FOR RECESS**

Representative Raymond moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of Reynaldo Sobrevilla of Cotulla.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES  
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Vaught in the chair)

**RECESS**

In accordance with a previous motion, the house, at 10:33 p.m., recessed until 9 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 4092** (By Miles), Relating to the creation of the Harris County Improvement District No. 8; providing authority to impose a tax and issue bonds.  
To Urban Affairs.

**HB 4093** (By Otto), Relating to the creation of the Chambers-Liberty Counties Improvement District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To County Affairs.

**HB 4094** (By Swinford), Relating to the fees assessed in certain cases filed in the Midland County courts at law.  
To Judiciary.

**HB 4095** (By B. Brown), Relating to the creation, administration, powers, duties, functions, operations, and financing of the Gastonia-Scurry Special Utility District.

To Natural Resources.

**HCR 177** (By Deshotel), Granting Michael "Ricky" Spencer and Mary Walker permission to sue the State of Texas and the Texas Department of Criminal Justice.

To Civil Practices.

**SB 8** to Public Education.

**SB 273** to Higher Education.

**SB 285** to Higher Education.

**SB 523** to Higher Education.

**SB 529** to Environmental Regulation.

**SB 530** to Public Education.

**SB 652** to Public Education.

**SB 663** to Ways and Means.

**SB 668** to Transportation.

**SB 742** to Energy Resources.

**SB 757** to Government Reform.

**SB 844** to Judiciary.

**SB 1067** to Public Education.

**SB 1153** to Insurance.

**SB 1457** to Human Services.

**SJR 3** to Land and Resource Management.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 3262** (By Chavez), Relating to an allotment under the foundation school program for certain students who transfer midyear or who are military dependents.

To Defense Affairs and State-Federal Relations.

**HB 3264** (By Chavez), Relating to an allotment under the foundation school program for certain students who are military dependents.

To Defense Affairs and State-Federal Relations.

**HB 4085** (By Laubenberg), Relating to the creation, administration, powers, duties, operation, and financing of Triple Creek Municipal Management District within the City of McLendon-Chisholm, Texas, and in Rockwall and Kaufman Counties, to the services by the district, and to the development of the district's territory, neighboring areas within and outside the city's corporate limits, and providing the authority to issue bonds, to levy and collect taxes, to levy assessments, to collect other revenues, and to provide beneficial services to the residents of the district and to the city.

To Natural Resources.

### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **House List No. 20**

**HCR 57, HCR 59, HCR 60, HCR 74, HCR 83, HCR 98, HCR 101, HCR 110, HCR 118, HCR 122, HCR 127, HCR 129, HCR 130, HCR 145, HCR 146, HCR 184**

#### **Senate List No. 20**

**SB 135, SB 330, SB 332, SCR 36**

### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

#### **Message No. 1**

#### **MESSAGE FROM THE SENATE**

**SENATE CHAMBER**

Austin, Texas

Thursday, April 12, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

#### **LOCAL AND UNCONTESTED CALENDAR**

**HB 674** Swinford SPONSOR: Seliger  
Relating to the authority of the Department of Information Resources to accept gifts and grants.

**HB 675** Swinford SPONSOR: Seliger  
Relating to the membership of the governing board of the Department of Information Resources.

**SB 141** Nelson

Relating to a feasibility study regarding joint health science courses at a public or private institution of higher education.

**SB 166** West, Royce

Relating to a prison diversion progressive sanctions program.

**SB 167** Ellis

Relating to the administrative procedure for compensation for wrongful imprisonment.

**SB 182** Wentworth

Relating to the prosecution of the offense of criminal trespass.

**SB 191** Brimer

Relating to the demolition of certain sports and community venues.

**SB 214** Fraser

Relating to authorizing the transfer for consideration of certain fractional mineral interests held by the state to certain landowners.

**SB 233** Harris

Relating to the authority of certain law enforcement agencies to establish a checkpoint to determine whether persons are boating while intoxicated.

**SB 274** Estes

Relating to the issuance of Silver Star Medal license plates.

**SB 276** Wentworth

Relating to student members of the board of regents of a state university or state university system.

**SB 302** Harris

Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

**SB 307** Harris

Relating to use of electronically readable information on a driver's license or personal identification certificate in connection with the over-the-counter sale of ephedrine, pseudoephedrine, or norpseudoephedrine; providing a criminal penalty.

**SB 371** Williams

Relating to an exemption for certain disabled veterans from the fees required for the issuance of a personal identification certificate.

**SB 382** Carona

Relating to certain refund requirements regarding credit insurance.

**SB 384** Zaffirini

Relating to erecting an off-premise sign adjacent to and visible from certain roads.

**SB 399** Harris

Relating to postponement of jury service in certain counties.

**SB 410** Harris

Relating to the authority of certain municipal peace officers on a lake located partly in the municipality.

- SB 469** Brimer  
Relating to the creation by the Texas Higher Education Coordinating Board of a certificate of recognition for persons who contribute certain gifts or donations to public institutions of higher education.
- SB 480** Janek  
Relating to the definition of private or independent institution of higher education applicable to certain statutes.
- SB 493** Duncan  
Relating to the creation of a joint elections administrator; providing penalties.
- SB 499** Duncan  
Relating to postconviction DNA testing.
- SB 502** Averitt  
Relating to minimum insurance coverage amounts to establish evidence of financial responsibility under the Texas Motor Vehicle Safety Responsibility Act.
- SB 512** Harris  
Relating to the attachment of a judgment lien to homestead property.
- SB 515** Janek  
Relating to the powers of certain cooperative associations to provide central heating and cooling services.
- SB 528** Seliger  
Relating to the standards for attorneys representing indigent defendants in capital cases.
- SB 584** Carona  
Relating to the issuance or violation of an order for emergency protection on the basis of the offense of sexual assault or aggravated sexual assault.
- SB 588** Nelson  
Relating to the authority of the comptroller of public accounts to perform administrative, economic, fiscal, or policy research or analysis regarding certain issues and to assist political subdivisions with related research or analysis.
- SB 592** Wentworth  
Relating to special notice to the news media of the meeting of a governmental body in certain situations under the open meetings law.
- SB 594** Wentworth  
Relating to a public agency's, county's, or municipality's authority to enforce a solid waste collection and transportation services franchise.
- SB 616** Duncan  
Relating to the protection and use of intellectual property by the executive administrator of the Texas Water Development Board.
- SB 620** Jackson, Mike  
Relating to the marking of oyster beds.
- SB 625** Janek  
Relating to restrictions on the interchange of transplant immunosuppressant drugs.
- SB 657** Seliger

Relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts and to the ability of such districts to enter those contracts.

**SB 669** Watson

Relating to erecting an off-premise sign adjacent to and visible from certain roads.

**SB 679** Williams

Relating to the use of certain surplus revenue in the unemployment compensation fund.

**SB 686** Van de Putte

Relating to the authority of the Veterans' Land Board to sell certain loans issued by the Veterans' Land Board.

**SB 687** Shapleigh

Relating to the use of TexasOnline by state agencies and local governments.

**SB 723** Lucio

Relating to requiring that the Department of Family and Protective Services maintain and report certain information in connection with the placement of children.

**SB 735** Hegar

Relating to the conversion of a two-way frontage road to a one-way frontage road by the Texas Department of Transportation.

**SB 740** Whitmire

Relating to personnel records of commissioned officers of the Department of Public Safety of the State of Texas.

**SB 765** Eltife

Relating to the use of municipal hotel occupancy taxes for the enhancement and upgrading of sports facilities and fields by certain municipalities.

**SB 766** Ogden

Relating to the transfer of powers and duties for accident reports from the Department of Public Safety of the State of Texas to the Texas Department of Transportation.

**SB 778** Harris

Relating to the use of an electronic communication method to conduct certain hearings regarding court-ordered mental health services.

**SB 804** Uresti

Relating to standing for certain persons to file a suit for the adoption of a child.

**SB 810** Janek

Relating to control measures and court orders for management of persons with communicable diseases.

**SB 812** Janek

Relating to the exemption from ad valorem taxation of property owned by certain nonprofit corporations that provide chilled water and steam to certain health-related institutions of this state.

**SB 813** Janek

Relating to child protective services.

**SB 814** Janek  
Relating to environmental lead investigations by the Department of State Health Services.

**SB 819** Wentworth  
Relating to the fees charged for filing an inventory and appraisal in probate actions.

**SB 821** Wentworth  
Relating to the use of certain excess contributions to the judicial fund that are remitted to certain counties.

**SB 823** Whitmire  
Relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.

**SB 835** Whitmire  
Relating to exempting certain federal judges from certain procedural requirements for obtaining or renewing a concealed handgun license.

**SB 867** Duncan  
Relating to procedures regarding criminal defendants who are or may be persons with mental illness or mental retardation.

**SB 870** Uresti  
Relating to the definition of "institution" in the law regulating convalescent and nursing homes.

**SB 871** Uresti  
Relating to the enforcement of civil penalties against certain assisted living facilities.

**SB 881** Shapiro  
Relating to the limitation on the issuance of tax-supported bonds by a school district.

**SB 884** Eltife  
Relating to the regulation of consumer debt management services.

**SB 893** Zaffirini  
Relating to international toll bridges in certain counties.

**SB 913** Brimer  
Relating to the continuation and functions of the Texas State Library and Archives Commission.

**SB 914** Shapleigh  
Relating to the continuation and functions of the Texas Real Estate Commission and the regulation of real estate brokers, salespersons, inspectors, appraisers, residential service companies, and timeshares; providing administrative penalties.

**SB 924** Brimer  
Relating to rules and policies adopted by state agencies regarding engineering or architectural errors or omissions.

**SB 949** Hegar

Relating to the regulation of a private business providing security services by a political subdivision of this state.

**SB 955** Whitmire

Relating to use of electronically readable information on a driver's license or personal identification certificate by certain organizations that sponsor youth programs.

**SB 964** Shapiro

Relating to the board of directors of a regional tollway authority.

**SB 969** Estes

Relating to exemptions from certain fees for government vessels and outboard motors.

**SB 983** West, Royce

Relating to the screening of newborns for sickle cell trait by the Department of State Health Services.

**SB 993** Nelson

Relating to nursing peer review and the regulation of the practice of nursing.

**SB 994** Nelson

Relating to prescriptions for certain controlled substances.

**SB 1047** Seliger

Relating to the use of information obtained by the attorney general through a civil investigative demand under the Deceptive Trade Practices-Consumer Protection Act.

**SB 1048** Watson

Relating to the inheritance rights of certain parents.

**SB 1074** Wentworth

Relating to short-term revenue bonds in certain metropolitan rapid transit authorities.

**SB 1077** Carona

Relating to performance audits of certain regional transportation authorities.

**SB 1079** Carona

Relating to school bus safety; creating an offense.

**SB 1080** Carona

Relating to the use of a safety belt by a school bus operator; providing penalties.

**SB 1081** Carona

Relating to multifunction school activity buses.

**SB 1084** Carona

Relating to advertising in Department of Public Safety of the State of Texas driver's license mailings.

**SB 1086** Carona

Relating to providing notice of the anticipated fiscal impact of municipal charter amendments.

**SB 1097** Whitmire

Relating to the penalties for the offense of criminal trespass.

- SB 1106** Watson  
Relating to county accounting procedures regarding certain audits, debts, and records.
- SB 1107** Watson  
Relating to the powers and duties of the Travis County Healthcare District.
- SB 1117** Carona  
Relating to the designation by name of parts of the highway system.
- SB 1130** Hegar  
Relating to the composition of the board of navigation and canal commissioners of the Victoria County Navigation District.
- SB 1152** Carona  
Relating to an exclusion from unemployment compensation chargebacks for certain employers of continuously employed part-time employees.
- SB 1154** Carona  
Relating to sales of certain regulated material and to the criminal penalties for violations relating to those sales.
- SB 1180** Hegar  
Relating to the powers and duties of the DeWitt Medical District.
- SB 1182** Watson  
Relating to the imposition of an additional filing fee in certain proceedings for the support of the Supreme Court of Texas.
- SB 1187** Nelson  
Relating to data collection at the Department of State Health Services.
- SB 1209** Carona  
Relating to the relocation of utility facilities required by improvement of a state highway.
- SB 1249** Seliger  
Relating to the sale and delivery of certain motor fuels.
- SB 1253** Averitt  
Relating to the frequency and expenses of certain examinations conducted by the Texas Department of Insurance.
- SB 1264** Brimer  
Relating to the authority of a taxing unit to make a loan to the board of directors of a tax increment financing reinvestment zone for deposit in the tax increment fund for the zone.
- SB 1266** Brimer  
Relating to pass-through financing and the creation and operation of the transportation reinvestment fund.
- SB 1287** Van de Putte  
Relating to providing certain notices to be posted on the premises of alcoholic beverage retailers.
- SB 1375** Carona

Relating to the issuance of commercial paper notes by certain regional transportation authorities.

**SB 1536** Fraser

Relating to the issuance of bonds by a municipality for certain improvements on the state highway system; providing authority to impose a tax.

**SB 1627** Carona

Relating to the prosecution of workers' compensation insurance fraud.

**SB 1631** Wentworth

Relating to payment for the provision of services by a metropolitan rapid transit authority to persons with disabilities in a unit of election that has withdrawn from the authority.

**SB 1657** Nichols

Relating to powers and duties of the Texas Department of Transportation related to relocation assistance.

**SB 1665** Averitt

Relating to regulation of emissions from residential water heaters.

**SB 1666** Averitt

Relating to the authority of the Railroad Commission of Texas to file a lien on certain land adversely affected by past mining practices and reclaimed by the commission.

**SB 1667** Averitt

Relating to the amount of an administrative penalty assessed by the Railroad Commission of Texas for a violation of the Texas Surface Coal Mining and Reclamation Act or a permit issued under that act.

**SB 1670** Averitt

Relating to certificates of compliance issued by the Railroad Commission of Texas to owners or operators of certain wells subject to the jurisdiction of the commission.

**SB 1671** Averitt

Relating to the financial responsibility requirements applicable to owners or operators of certain underground storage tanks.

**SB 1672** Averitt

Relating to nitrogen oxide allowance allocation adjustments and the incorporation of modifications to federal rules under the state implementation plan.

**SB 1673** Averitt

Relating to the period after which a preconstruction permit issued or renewed by the Texas Commission on Environmental Quality under the Texas Clean Air Act is subject to review.

**SB 1711** Hegar

Relating to access to the state highway system and damages for diminished access to the state highway system.

**SB 1734** Nelson

Relating to providing Medicaid services to certain persons with traumatic brain or spinal cord injuries.

**SCR 28**

Watson

Urging the Texas congressional delegation to support legislation to expand telemedicine/telehealth services.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

## MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, April 12, 2007 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 1**

Chisum

SPONSOR: Ogden

General Appropriations Bill.

(Committee Substitute)

**HCR 189**

Hughes

SPONSOR: Eltife

Recognizing April 10, 2007, as Upshur County Day at the State Capitol.

**SCR 54**

West, Royce

Commending the members of the Texas Young Lawyers Association for their service to the community.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 3**

## MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, April 12, 2007 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 74** Lucio SPONSOR: Gonzales  
Relating to the confidentiality of certain information regarding victims of family violence, sexual assault, or stalking, including the creation of an address confidentiality program; providing a penalty.

**SB 965** Shapiro SPONSOR: Hill  
Relating to the powers and duties of a regional tollway authority related to turnpikes and other related projects.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

#### April 11

Agriculture and Livestock - **HB 1719, HB 1932, HB 2417, HB 2458**

Border and International Affairs - **HB 2535**

Business and Industry - **HB 70, HB 1970, HB 2092, SB 699**

Criminal Jurisprudence - **HB 312**

Culture, Recreation, and Tourism - **HB 1034, HB 1334, HB 2001, HB 2056, HB 2414, HB 2524**

Defense Affairs and State-Federal Relations - **HB 712, HB 897, HB 2233**

Economic Development - **HB 584, HB 1205, HB 1617, HB 2029, HB 2059, HB 2572**

Environmental Regulation - **HB 375, HB 1253, HB 1457, HB 3960**

Law Enforcement - **HB 1241**

Pensions and Investments - **HB 1689, HB 2880, HB 2882**

Public Education - **HB 1700, HB 2136**

State Affairs - **HB 32, HB 340, HB 1038, HB 1531, HB 1971, HB 1998, HB 2936, HB 3290, HJR 19, SB 192**

Transportation - **HB 2146, HB 2163, HB 2559, HB 3634, HB 3715, HB 3747, HB 3782**

Ways and Means - **HB 1022, HJR 54**

**ENGROSSED**

**April 11 - HB 346, HB 416, HB 709, HB 1180, HB 1332, HB 1380,  
HB 1892, HB 1987, HB 2004**

**ENROLLED**

**April 11 - HCR 59, HCR 60, HCR 101, HCR 118, HCR 122, HCR 145,  
HCR 146**

**SIGNED BY THE GOVERNOR**

**April 11 - HCR 3, HCR 4, HCR 5, HCR 153, HCR 156, HCR 165**