

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SIXTY-SECOND DAY — WEDNESDAY, APRIL 25, 2007

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Farabee.

The roll of the house was called and a quorum was announced present (Record 636).

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 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; Jones; 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; 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.

Absent, Excused — King, T.; Moreno.

The invocation was offered by Dr. Jo Hudson, senior pastor, Cathedral of Hope, Dallas, as follows:

Holy One, we give you thanks for this life, this day, and this moment. We thank you for the chance to be part of your creative and life-giving work and the opportunity to make a difference in your world. May your Holy Spirit come now into this place.

Let your spirit fill this chamber. Pour out your spirit upon these good women and men whom you have called to do the work of this great state. Give them your vision for this world. Help them to hear your voice above all the voices that demand their attention. Remind them that you are a God of love and justice, of grace and peace. O Holy God, give these your servants wisdom and courage that they may make decisions that will bring about health and hope for all your people. Help them choose your priorities, by choosing people over power,

creation over contention, dignity over divisiveness, justice over judgment, possibility over posturing, and peace over politics. Keep them ever mindful that people and governments are at their best when they care for the least, the most vulnerable, the poor, and the marginalized.

Turn your face to us, O God. Let your spirit come here into this place and cast out all fear. Through the work and courage of these your servants, may love prevail over hate, hope prevail over despair, peace prevail over violence and life prevail over death, and may the world be a better place because of the work of these good women and men. We pray earnestly and faithfully in your many names. Amen.

The chair recognized Representative Anchia 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 important business in the district:

T. King on motion of Flynn.

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

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

### **CAPITOL PHYSICIAN**

The chair recognized Representative Escobar who presented Dr. Jose Ugarte of Kingsville as the "Doctor for the Day."

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

### **HR 1604 - ADOPTED (by Hill)**

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 1604**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1604**, Honoring the 2007 Richardson ISD Capitol Scholars.

**HR 1604** was read and was adopted.

(Straus in the chair)

### **HR 1580 - ADOPTED (by Dutton, et al.)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1580**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1580**, Honoring Coach Cynthia Cooper-Dyke and the Prairie View A&M University women's basketball team.

**HR 1580** was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1580** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Dutton who introduced Dr. George Wright and coaches and players of the Prairie View A&M University women's basketball team.

#### **HR 1527 - ADOPTED (by McReynolds)**

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 1527**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1527**, Recognizing April 25, 2007, as Youth Service Above Self Day at the State Capitol.

(J. Davis in the chair)

**HR 1527** was read and was adopted.

#### **HR 1673 - ADOPTED (by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 1673**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1673**, Congratulating the Cedar Hill High School football team for winning the 5A Division II state football championship.

**HR 1673** was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 1673** as signers thereof.

#### **HR 1674 - ADOPTED (by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 1674**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1674**, Congratulating the South Oak Cliff boys' basketball team on winning the 2007 UIL Class 4A State Boy's Basketball Championship.

**HR 1674** was adopted.

On motion of Representatives Mallory Caraway and Hodge, the names of all the members of the house were added to **HR 1674** as signers thereof.

**HR 1628 - ADOPTED**  
**(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 1628**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1628**, Honoring Robert L. Stanley of San Angelo on being named the 2007 Outstanding Disabled Veteran of the Year.

**HR 1628** was read and was adopted.

On motion of Representative Miller, the names of all the members of the house were added to **HR 1628** as signers thereof.

**HR 1571 - ADOPTED**  
**(by Farabee)**

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1571**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1571**, Recognizing April 22-28, 2007, as County Government Week.

**HR 1571** was read and was adopted.

On motion of Representatives Heflin, McReynolds, and Miller, the names of all the members of the house were added to **HR 1571** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Farabee who introduced members of the Texas Association of Counties.

**HR 1518 - ADOPTED**  
**(by W. Smith)**

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1518**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1518**, In memory of the Honorable Sam D. Seale of Jackson County.

**HR 1518** was read and was unanimously adopted by a rising vote.

On motion of Representative Heflin, the names of all the members of the house were added to **HR 1518** as signers thereof.

**HR 1265 - READ**  
**(by Y. Davis)**

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

**HR 1265**, Congratulating the Duncanville High School boys' basketball team on winning the 2007 UIL Class 5A State Championship.

**HR 1265 - MOTION TO ADD NAMES**

On motion of Representative Y. Davis, the names of all the members of the house were added to **HR 1265** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Y. Davis who introduced coaches and players of the Duncanville High School boys' basketball team.

**HR 1548 - ADOPTED**  
**(by Allen)**

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 1548**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1548**, Commending the Empowering Teen Leaders program and welcoming its members to the State Capitol.

**HR 1548** was read and was adopted.

**HCR 211 - ADOPTED**  
**(by Noriega, et al.)**

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HCR 211**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 211**, Honoring Art Briles, head coach of the University of Houston football team, for his achievements.

**HCR 211** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Noriega who introduced Art Briles and members of the University of Houston Board of Regents.

**HR 1653 - ADOPTED**  
**(by Harper-Brown)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1653**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1653**, Recognizing April 25, 2007, as Red Hat Society Day in Texas.

**HR 1653** was read and was adopted.

(Speaker in the chair)

**CSHB 1439 - VOTE RECONSIDERED**

Representative Farabee moved to reconsider the vote by which **CSHB 1439**, as amended, failed to pass to engrossment on April 24.

The motion to reconsider prevailed.

**CSHB 1439 ON SECOND READING**  
**(by Chisum)**

**CSHB 1439**, A bill to be entitled An Act relating to authorizing the Texas Department of Public Safety to establish a driver record monitoring pilot program and enter into contracts for the periodic reporting of certain information in the department's driver's license files; providing penalties.

**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. 27).

**CSHB 1439 - (consideration continued)**

(Bonnen in the chair)

**Amendment No. 3**

Representative Martinez Fischer offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** (committee printing) as follows:

(1) On page 2, line 25, strike "and".

(2) On page 3, strike line 6 and substitute the following:

contract; and

(D) if the person is an employer, as soon as practicable but not later than the seventh day after the date the employer and the department enter into the contract, to notify each of its employees that the driver record of the employee will be monitored by the department under the contract, and permit each employee to elect whether to permit the department to monitor that employee's driver record under the contract.

Amendment No. 3 was withdrawn.

**Amendment No. 4**

Representative Martinez Fischer offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** (committee printing) as follows:

(1) On page 2, line 25, strike "and".

(2) On page 3, strike line 6 and substitute the following:  
contract; and

(D) if the person is an employer, as soon as practicable but not later than the seventh day after the date the employer and the department or its agent enter into the contract, to notify each of its employees that the driver record of the employee will be monitored by the department under the contract, and permit each employee to elect whether to permit or not to permit the department to monitor that employee's driver record under the contract.

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Giddings offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** on page 3, between lines 22 and 23, by inserting the following:

(e-1) If the attorney general recovers a civil penalty relating to a direct or indirect disclosure of information received from the department under the contract in a manner that violates the terms of the contract, the attorney general shall distribute to each person whose information was released improperly an equal percentage of that civil penalty.

A record vote was requested.

Amendment No. 5 was adopted by (Record 637): 83 Yeas, 59 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Orr; Ortiz; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo.

Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Farabee; Flynn; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hill; Howard, C.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Latham; Laubenberg; Macias;

Miller; Morrison; Mowery; Murphy; O'Day; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Smith, T.; Smith, W.; Smithee; Swinford; Taylor; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — King, T.; Moreno.

Absent — Goolsby; Madden; Olivo.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 637. I intended to vote yes.

Harper-Brown

When Record No. 637 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

I was shown voting no on Record No. 637. I intended to vote yes.

Taylor

### Amendment No. 6

Representative Dunnam offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** (committee printing) as follows:

(1) On page 2, line 25, strike "and".

(2) On page 3, strike line 6 and substitute the following:

contract; and

(D) if the person is an insurance support organization, as soon as practicable after the date of the contract, the insurance support organization will notify each individual whose driver record is subject to being monitored by the department under the contract, and permit each individual to elect whether to permit the department to monitor that individual's driver record under the contract.

Amendment No. 6 was adopted.

### Amendment No. 7

Representative Gallego offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** (committee printing) on page 5, between lines 16 and 17 by inserting:

(n) The department shall charge a person with whom the department contracts under this section a fee set by the department in an amount equal to one-third of the net profits the person derives from the contract. A fee collected under this subsection shall be deposited to the credit of the designated trauma facility and emergency medical services account.

(Speaker in the chair)

Representative Chisum moved to table Amendment No. 7.

A record vote was requested.



The motion to table was lost by (Record 638): 69 Yeas, 73 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Geren; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Riddle; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Olivo; Ortiz; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Branch; Davis, J.; Deshotel; King, S.; Miller.

**STATEMENTS OF VOTE**

When Record No. 638 was taken, I was in the house but away from my desk. I would have voted no.

Branch

I was shown voting yes on Record No. 638. I intended to vote no.

Farabee

Amendment No. 7 was adopted.

**Amendment No. 8**

Representative Merritt offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439**, on page 4, line 20, after "pilot program." by inserting "In addition to the fee imposed under this subsection, the department may impose against an employer a \$10 fee for each transaction for each employee of the employer who elects to permit the department to monitor the employee's driver record.".

Representative Chisum moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 639): 70 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Delisi; Driver; Eissler; England; Farabee; Flynn; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Laubenberg; Macias; Madden; McReynolds; Miller; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Truitt; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Creighton; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; Elkins; Escobar; Farias; Farrar; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Hamilton; Heflin; Herrero; Hochberg; Hodge; Howard, D.; Jones; Kuempel; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Naishtat; Olivo; Ortiz; Pierson; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Talton; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Branch; Crownover; Darby; Dutton; Flores; Frost; Hernandez; King, S.; Latham; Lucio; Noriega; Taylor.

#### STATEMENTS OF VOTE

When Record No. 639 was taken, I was in the house but away from my desk. I would have voted no.

Branch

When Record No. 639 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 639 was taken, I was in the house but away from my desk. I would have voted yes.

Frost

When Record No. 639 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

#### Amendment No. 9

Representative Giddings offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** on page 3, between lines 6 and 7, by inserting the following:

(c-1) Notwithstanding any other provision of this section, driver record monitoring services may be provided to an employer or employer support organization only in relation to a person who is required to drive while performing services for the person's employer.

Amendment No. 9 was withdrawn.

A record vote was requested.

**CSHB 1439**, as amended, failed to pass to engrossment by (Record 640): 66 Yeas, 79 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Driver; Eissler; England; Farabee; Flynn; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Laubenberg; Macias; Madden; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Patrick; Paxton; Phillips; Pickett; Riddle; Smith, W.; Smithee; Strama; Swinford; Taylor; Vaught; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bohac; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Parker; Peña; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Straus; Talton; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Flores; Latham.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 640. I intended to vote no.

Harper-Brown

I was shown voting no on Record No. 640. I intended to vote yes.

Parker

#### SB 483 - RECOMMITTED

Representative P. King moved to recommit **SB 483** to the Committee on Regulated Industries.

The motion prevailed.

**HB 84 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 84**, A bill to be entitled An Act relating to issuance and renewal of a driver's license of an elderly person.

Representative Branch moved to concur in the senate amendments to **HB 84**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 641): 140 Yeas, 0 Nays, 1 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.; 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.; 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; Riddle; 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 — King, T.; Moreno.

Absent — Callegari; Davis, Y.; King, S.; Miller; Phillips; Rodriguez; Thompson.

**Senate Committee Substitute**

**CSHB 84**, A bill to be entitled An Act relating to issuance and renewal of a driver's license of an elderly person.

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

SECTION 1. This Act may be cited as "Katie's Law."

SECTION 2. Section 521.271, Transportation Code, is amended to read as follows:

Sec. 521.271. LICENSE EXPIRATION. (a) Each original driver's license and provisional license expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the earlier of:

(A) the 18th birthday of the license holder; or

(B) the first birthday of the license holder occurring after the date of the application;

(3) an instruction permit expires on the second birthday of the license holder occurring after the date of the application; and

(4) an occupational license expires on the first anniversary of the court order granting the license.

(b) Except as provided by Section 521.2711, a [A] driver's license that is renewed expires on the sixth anniversary of the expiration date before renewal.

SECTION 3. Subchapter M, Chapter 521, Transportation Code, is amended by adding Section 521.2711 to read as follows:

Sec. 521.2711. LICENSE EXPIRATION: PERSON AT LEAST 85 YEARS OF AGE. (a) Each original driver's license of a person 85 years of age or older expires on the license holder's second birthday after the date of the license application.

(b) A driver's license of a person 85 years of age or older that is renewed expires on the second anniversary of the expiration date before renewal.

SECTION 4. Section 521.274(b), Transportation Code, is amended to read as follows:

(b) A rule adopted under this section:

(1) may prescribe eligibility standards for renewal under this section; ~~and~~

(2) may not permit a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure, to register by mail or electronic means; and

(3) may not permit renewal by mail or electronic means of a driver's license of a person who is 79 years of age or older.

SECTION 5. Section 521.421, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) The fee for issuance or renewal of a driver's license is \$8 for a license with an expiration date established under Section 521.2711.

SECTION 6. Section 522.029, Transportation Code, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(a) The fee for a commercial driver's license or commercial driver learner's permit issued by the department is \$60, except as provided by Subsections (f), ~~and~~ (h), and (j).

(j) The fee for issuance or renewal of a commercial driver's license or commercial driver learner's permit is \$25 for a license with an expiration date established under Section 522.054.

SECTION 7. Sections 522.051(a), (b), (c), and (d), Transportation Code, are amended to read as follows:

(a) Except as provided by Sections ~~Section~~ 522.033 and 522.054, an original commercial driver's license or commercial driver learner's permit expires five years after the applicant's next birthday.

(b) Except as provided by Section 522.054, a [A] commercial driver's license or commercial driver learner's permit issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance of the commercial driver's license or commercial driver learner's permit expires five years after the applicant's next birthday.

(c) Except as provided by Section 522.054, a [A] commercial driver's license or commercial driver learner's permit issued to a person holding a Texas Class A, B, C, or M license that would expire less than one year after the date of issuance of the commercial driver's license or commercial driver learner's permit or that has been expired for less than one year expires five years after the expiration date shown on the Class A, B, C, or M license.

(d) Except as provided by Section 522.054, a [A] commercial driver's license or commercial driver learner's permit issued to a person holding a Texas Class A, B, C, or M license that has been expired for at least one year but not more than two years expires five years after the applicant's last birthday.

SECTION 8. Sections 522.052(b), (c), and (g), Transportation Code, are amended to read as follows:

(b) Except as provided by Section 522.054, a [A] renewal of a commercial driver's license that has been expired for less than one year expires five years after the expiration date shown on the commercial driver's license.

(c) Except as provided by Section 522.054, a [A] renewal of a commercial driver's license that has been expired for at least one year but not more than two years expires six years after the applicant's last birthday.

(g) A commercial driver's license issued under Section 522.033 or to which Section 522.054 applies may not be renewed before the 60th day preceding the expiration date.

SECTION 9. Subchapter E, Chapter 522, Transportation Code, is amended by adding Section 522.054 to read as follows:

Sec. 522.054. LICENSE EXPIRATION: PERSON AT LEAST 85 YEARS OF AGE. (a) Each original commercial driver's license and commercial driver learner's permit of a person 85 years of age or older expires on the license holder's second birthday after the date of the license application.

(b) A commercial driver's license of a person 85 years of age or older that is renewed expires on the second anniversary of the expiration date before renewal.

SECTION 10. The change in law made by this Act applies only to a driver's license, commercial driver's license, or commercial driver learner's permit issued or renewed on or after the effective date of this Act.

SECTION 11. This Act takes effect September 1, 2007.

### **HB 1098 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1098**, A bill to be entitled An Act relating to immunization against human papillomavirus.

Representative Bonnen moved to concur in the senate amendments to **HB 1098**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 642): 135 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Castro; Chavez; Chisum; Christian; Cohen; 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; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Naishtat; Noriega; 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; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Hochberg; Howard, D.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Allen; Burnam; Callegari; Coleman; Dunnam; Giddings; King, S.; Miller; Murphy; Pierson.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 642. I intended to vote no.

Cohen

I was shown voting yes on Record No. 642. I intended to vote no.

Farrar

When Record No. 642 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

I was shown voting yes on Record No. 642. I intended to vote no.

Hernandez

When Record No. 642 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 642 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

### **Senate Committee Substitute**

**CSHB 1098**, A bill to be enacted An Act relating to immunization against human papillomavirus.

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

SECTION 1. Section 38.001, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsections (b-1) and [Subsection] (c), the executive commissioner of the Health and Human Services Commission [Texas Board of Health] may modify or delete any of the immunizations in Subsection (a) or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.

(b-1) Immunization against human papillomavirus is not required for a person's admission to any elementary or secondary school; however, by using existing resources, the Health and Human Services Commission shall provide educational material about the human papillomavirus vaccine that is unbiased, medically and scientifically accurate, and peer reviewed, available to parents or legal guardians at the appropriate time in the immunization schedule by the appropriate school. This subsection preempts any contrary executive order issued by the governor. This subsection expires January 11, 2011.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

### **MAJOR STATE CALENDAR SENATE BILLS THIRD READING**

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

#### **SB 277 ON THIRD READING (Harper-Brown - House Sponsor)**

**SB 277**, A bill to be entitled An Act relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the state military forces; providing a criminal penalty.

A record vote was requested.

**SB 277** was passed by (Record 643): 134 Yeas, 0 Nays, 1 Present, not voting.



Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; 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; Jones; King, P.; Kolkhorst; 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; 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 — King, T.; Moreno.

Absent — Anchia; Callegari; Christian; Driver; Dunnam; Eiland; Giddings; Hodge; Keffer; King, S.; Krusee; Phillips; Strama.

#### STATEMENTS OF VOTE

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted yes.

Dunnam

When Record No. 643 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 643 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 370 ON THIRD READING  
(Eissler - House Sponsor)**

**SB 370**, A bill to be entitled An Act relating to a school district employee's immunity from liability and responsibility for certain materials.

A record vote was requested.

**SB 370** was passed by (Record 644): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; 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; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; Jones; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; 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; 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 — King, T.; Moreno.

Absent — Alonzo; Farrar; Garcia; Hill; Krusee; Mowery; Pierson.

**SB 362 ON THIRD READING  
(Gattis - House Sponsor)**

**SB 362**, A bill to be entitled An Act relating to civil remedies and qui tam provisions under the Medicaid fraud prevention act.

A record vote was requested.

**SB 362** was passed by (Record 645): 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.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; 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; Phillips; Pickett; Pierson; Pitts; Puente; 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 — King, T.; Moreno.

Absent — Corte; Deshotel; Goolsby; Hilderbran; Paxton; Smithee.

#### STATEMENT OF VOTE

When Record No. 645 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

#### SB 339 ON THIRD READING (Bailey - House Sponsor)

**SB 339**, A bill to be entitled An Act relating to entrance examination procedures for certain police officers under municipal civil service.

A record vote was requested.

**SB 339** was passed by (Record 646): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; 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 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; Jones; Keffer; King, P.; King, S.; Kolkhorst; 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; 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 — King, T.; Moreno.

Absent — Bohac; Krusee; Paxton.

### STATEMENT OF VOTE

When Record No. 646 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

### SB 1665 ON THIRD READING (Bonnen - House Sponsor)

**SB 1665**, A bill to be entitled An Act relating to regulation of emissions from residential water heaters.

A record vote was requested.

**SB 1665** was passed by (Record 647): 139 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; 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; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; 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; 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; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Bolton; Castro; Herrero; Leibowitz; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Garcia; Heflin.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 647. I intended to vote no.

Farrar

When Record No. 647 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

I was shown voting yes on Record No. 647. I intended to vote no.

Hernandez

**POSTPONED BUSINESS**

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

**HB 443 ON SECOND READING**

**(by Phillips)**

**HB 443**, A bill to be entitled An Act relating to the consent to and annulment of certain marriages.

**HB 443** was read second time on April 11, postponed until April 18, postponed until April 23, and was again postponed until 10 a.m. today.

Representative Phillips moved to postpone consideration of **HB 443** until 10 a.m. Friday, April 27.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative P. King requested permission for the Committee on Regulated Industries to meet while the house is in session, 1:15 p.m. today.

Permission to meet was granted.

(Straus in the chair)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Regulated Industries, 1:15 p.m. today, 1W.14, for a formal meeting, to consider **HB 1659** and **SB 483**.

**HB 2308 ON SECOND READING**

**(by Rose)**

**HB 2308**, A bill to be entitled An Act relating to the requirement that certain economic development corporations hold a hearing before spending funds to undertake a project.

**HB 2308** was read second time on April 24 and was postponed until 10 a.m. today.

Representative Rose moved to postpone consideration of **HB 2308** until 2:30 p.m. today.

The motion prevailed.

### **HB 1911 - RECOMMITTED**

Representative Elkins moved to recommit **HB 1911** to the Committee on Business and Industry.

The motion prevailed.

### **HB 3060 ON SECOND READING**

(by Peña)

**HB 3060**, A bill to be entitled An Act relating to issuance by a court of a *causas* or a *causas pro fine*.

**HB 3060** was read second time on April 24, amendments were offered and disposed of, and **HB 3060** was postponed until 10 a.m. today.

(W. Smith in the chair)

A record vote was requested.

**HB 3060**, as amended, was passed to engrossment by (Record 648): 140 Yeas, 2 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; Eiland; Eissler; Elkins; England; Escobar; Farabee; 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.; 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; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Dutton; Thompson.

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

Absent, Excused — King, T.; Moreno.

Absent — Farias; O'Day; Puente; Turner.

**CSHB 3446 ON SECOND READING****(by Rose, Keffer, Deshotel, McCall, Gonzales, et al.)**

**CSHB 3446**, A bill to be entitled An Act relating to the promotion by the comptroller of Texas manufactured products; providing civil and administrative penalties.

**CSHB 3446** was read second time on April 24 and was postponed until 10 a.m. today.

Representative Rose moved to postpone consideration of **CSHB 3446** until 2:30 p.m. today.

The motion prevailed.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 3140 ON THIRD READING****(by Flynn, B. Cook, Truitt, Kolkhorst, McClendon, et al.)**

**HB 3140**, A bill to be entitled An Act relating to the review and functions of the Veterans' Land Board.

A record vote was requested.

**HB 3140** was passed by (Record 649): 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; 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; 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.; 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.; 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; Smith, W.(C).

Absent, Excused — King, T.; Moreno.

Absent — Frost.

**HB 3249 ON THIRD READING**

(by **Truitt, B. Cook, McClendon, Kolkhorst, and Flynn**)

**HB 3249**, A bill to be entitled An Act relating to the powers and duties of, and the entities reviewed by, the Sunset Advisory Commission.

Representative Truitt moved to postpone consideration of **HB 3249** until 9 a.m. tomorrow.

The motion prevailed.

**GENERAL STATE CALENDAR**

**HOUSE BILLS**

**THIRD READING**

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

**HB 2605 ON THIRD READING**

(by **Hochberg, Woolley, and Hernandez**)

**HB 2605**, A bill to be entitled An Act relating to the existence of a common nuisance on premises for which certain alcoholic beverage permits or licenses are held or sought.

A record vote was requested.

**HB 2605** was passed by (Record 650): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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.; Isett; Jackson; Jones; 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; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; 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; Smith, W.(C).

Absent, Excused — King, T.; Moreno.

Absent — Alonzo; Branch; Hughes.



**HB 1355 ON THIRD READING**  
**(by Gattis, Anchia, Naishtat, Delisi, Rose, et al.)**

**HB 1355**, A bill to be entitled An Act relating to dog attacks on persons; creating an offense.

(Speaker in the chair)

**HB 1355 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE RODRIGUEZ: This bill doesn't specify any breed of dog?

REPRESENTATIVE GATTIS: It does not and that's one of the things that we wanted to make sure we didn't do. I will tell you, 99 percent of the time, we know what breeds of dogs this is typically going to be. But any dog, if treated in the wrong way, trained in the wrong way, could become a very dangerous animal. This bill is to hold those irresponsible pet owners responsible.

RODRIGUEZ: And that's a good idea. One last question though, Dan. If you have a city—and I know there are other cities around the country that have this—banning certain breeds of animals or defining them as dangerous, would this supersede any ordinance that a city might have?

GATTIS: It does not and in fact in our current law a city or county can have a dog declared dangerous. We do not change that in any way. Our law in the State of Texas, though, does not allow a city to go do a breed-specific declaration and this doesn't change that either.

**REMARKS ORDERED PRINTED**

Representative Rodriguez moved to print remarks between Representative Gattis and Representative Rodriguez.

The motion prevailed.

A record vote was requested.

**HB 1355** was passed by (Record 651): 140 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; 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 Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; 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; 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; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Castro; Chavez; Corte; Hancock; Hilderbran; Parker; Straus.

### STATEMENTS OF VOTE

When Record No. 651 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 651 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 651 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

When Record No. 651 was taken, I was in the house but away from my desk. I would have voted yes.

Straus

### HB 4062 ON THIRD READING

(by Miller)

**HB 4062**, A bill to be entitled An Act relating to certain administrative duties and responsibilities of the Department of Agriculture.

A record vote was requested.

**HB 4062** was passed by (Record 652): 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; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; 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.; 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; 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 — King, T.; Moreno.

Absent — Dukes; Frost; Rose.

**HB 1196 ON THIRD READING**  
**(by Kolkhorst, Parker, et al.)**

**HB 1196**, A bill to be entitled An Act relating to restrictions on the use of certain public subsidies.

A record vote was requested.

**HB 1196** was passed by (Record 653): 135 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; 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.; Delisi; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; 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; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; 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; Zedler; Zerwas.

Nays — Alonzo; Burnam; Davis, Y.; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Deshotel; Gallego; Jackson; McCall; Naishtat; Peña; Pierson; Woolley.

**STATEMENTS OF VOTE**

When Record No. 653 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 653 was taken, my vote failed to register. I would have voted yes.

Gallego

When Record No. 653 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

When Record No. 653 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

**HB 1005 ON THIRD READING**  
(by Giddings)

**HB 1005**, A bill to be entitled An Act relating to the timely submission of a claim for payment by a workers' compensation health care provider.

A record vote was requested.

**HB 1005** was passed by (Record 654): 141 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; 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; 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.; 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; 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 — Callegari; Crabb; Miller; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Burnam; Van Arsdale.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 654. I intended to vote no.

Harper-Brown

**HB 1472 ON THIRD READING**  
**(by Miller, Orr, Anderson, R. Cook, et al.)**

**HB 1472**, A bill to be entitled An Act relating to the annexation of land for which property taxes are imposed based on the land's value for agricultural or wildlife management purposes.

A record vote was requested.

**HB 1472** was passed by (Record 655): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycocok; 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; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; 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; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; 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; 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 — Hodge.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Bolton; Farabee; Gattis; Van Arsdale.

**STATEMENTS OF VOTE**

When Record No. 655 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

When Record No. 655 was taken, I was in the house but away from my desk. I would have voted yes.

Gattis

**HB 401 ON THIRD READING****(by B. Brown, et al.)**

**HB 401**, A bill to be entitled An Act relating to the use of text messages and other electronic media to commit certain sexual offenses against minors or certain students.

A record vote was requested.

**HB 401** was passed by (Record 656): 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; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Jones; 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; 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 — King, T.; Moreno.

Absent — Crownover; Dukes; Van Arsdale.

**STATEMENT OF VOTE**

When Record No. 656 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

**HB 2735 ON THIRD READING****(by Berman)**

**HB 2735**, A bill to be entitled An Act relating to lobbying expenditures that are made jointly.

A record vote was requested.

**HB 2735** was passed by (Record 657): 139 Yeas, 4 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; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; 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; Oliveira; 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; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Nays — Eiland; Herrero; Leibowitz; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Creighton; Hodge; Olivo; Pierson.

#### STATEMENTS OF VOTE

When Record No. 657 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 657 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

#### HB 3352 ON THIRD READING (by Woolley)

**HB 3352**, A bill to be entitled An Act relating to municipal civil service for firefighters and police officers in certain municipalities.

A record vote was requested.

**HB 3352** was passed by (Record 658): 141 Yeas, 0 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; Coleman; Cook, B.; Cook, R.; Corte; Crabb; 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.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; 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 — King, T.; Moreno.

Absent — Aycock; Burnam; Creighton; Crownover; Darby; McCall.

### HB 2559 ON THIRD READING

(by Otto)

**HB 2559**, A bill to be entitled An Act relating to the authority of a dealer to conduct certain motor vehicle sales outside of a dealership.

A record vote was requested.

**HB 2559** was passed by (Record 659): 140 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; 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; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; 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.; 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; 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; Woolley; Zedler; Zerwas.

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Burnam; Creighton; Haggerty; Puente; Turner; West.



**STATEMENTS OF VOTE**

When Record No. 659 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 659 was taken, I was in the house but away from my desk. I would have voted yes.

Turner

**HB 2983 ON THIRD READING  
(by Creighton)**

**HB 2983**, A bill to be entitled An Act relating to a petition for the creation of a fresh water supply district.

A record vote was requested.

**HB 2983** was passed by (Record 660): 136 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; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Driver; Dukes; Dutton; Eissler; Elkins; 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.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Naishtat; Noriega; 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; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

Nays — Eiland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Darby; Davis, Y.; Deshotel; Dunnam; England; Latham; Menendez; Murphy; Pierson; West.

**STATEMENT OF VOTE**

When Record No. 660 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

**HB 2984 ON THIRD READING**  
**(by Creighton)**

**HB 2984**, A bill to be entitled An Act relating to the qualification of supervisors of a fresh water supply district.

A record vote was requested.

**HB 2984** was passed by (Record 661): 140 Yeas, 0 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; 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; 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, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; Naishtat; Noriega; 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; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Burnam; Darby; Howard, C.; Mallory Caraway; Morrison; Pierson; Truitt.

**STATEMENT OF VOTE**

When Record No. 661 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

**HB 2818 ON THIRD READING**  
**(by Ritter, Hamilton, Deshotel, Otto, and McReynolds)**

**HB 2818**, A bill to be entitled An Act relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council.

A record vote was requested.

**HB 2818** was passed by (Record 662): 139 Yeas, 3 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; 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; 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, D.; Hughes; Isett; Jackson; Jones; 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; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; 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; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Callegari; Crabb; Miller.

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

Absent, Excused — King, T.; Moreno.

Absent — Howard, C.; Olivo; Smith, T.; Truitt.

#### STATEMENTS OF VOTE

When Record No. 662 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

When Record No. 662 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

When Record No. 662 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

#### HB 3410 ON THIRD READING

(by Gattis, et al.)

**HB 3410**, A bill to be entitled An Act relating to alternative procedures for plat revision of residential areas by a county.

A record vote was requested.

**HB 3410** was passed by (Record 663): 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; 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 Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberger; 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 — King, T.; Moreno.

Absent — Crossover; Howard, C.

#### STATEMENT OF VOTE

When Record No. 663 was taken, I was in the house but away from my desk. I would have voted yes.

Crossover

#### HB 1804 ON THIRD READING (by Gattis, Coleman, et al.)

**HB 1804**, A bill to be entitled An Act relating to the prosecution of the offense of improper photography or visual recording.

A record vote was requested.

**HB 1804** was passed by (Record 664): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crossover; 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 Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham;

Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; 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); Chavez.

Absent, Excused — King, T.; Moreno.

Absent — Howard, C.; Laubenberg; Morrison; Paxton.

### **HB 530 ON THIRD READING**

**(by Madden, Rodriguez, Peña, Hodge, and Woolley)**

**HB 530**, A bill to be entitled An Act relating to the operation and funding of drug court programs.

A record vote was requested.

**HB 530** was passed by (Record 665): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; 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; Jones; 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; 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 — King, T.; Moreno.

Absent — Anchia; Jackson.

**HB 2641 ON THIRD READING**  
**(by Solomons)**

**HB 2641**, A bill to be entitled An Act relating to the selection of depositories for certain county funds, including funds held by a county or district clerk.

A record vote was requested.

**HB 2641** was passed by (Record 666): 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; 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.; 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; 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 — King, T.; Moreno.

Absent — Chavez; Macias; Riddle; Van Arsdale.

**HB 2010 ON THIRD READING**  
**(by Rose)**

**HB 2010**, A bill to be entitled An Act relating to declaratory relief for businesses in this state for liability for sales and use taxes of other states.

A record vote was requested.

**HB 2010** was passed by (Record 667): 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; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; 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.; 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; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Creighton; Flores; Riddle; Thompson.

### HB 3132 ON THIRD READING

(by R. Cook)

**HB 3132**, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax.

A record vote was requested.

**HB 3132** was passed by (Record 668): 136 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; 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; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; 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.; 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; 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; Zedler; Zerwas.

Nays — Branch; Callegari; Christian; Crabb; Flynn; Hamilton; Harless; Miller; Patrick; Phillips; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

**HB 4094 ON THIRD READING**  
(by Swinford)

**HB 4094**, A bill to be entitled An Act relating to the fees assessed in certain cases filed in the Midland County courts at law.

A record vote was requested.

**HB 4094** was passed by (Record 669): 146 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; 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 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; Jones; 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; 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 — King, T.; Moreno.

Absent — Crownover.

**HB 2814 ON THIRD READING**  
(by Eissler, Oliveira, Guillen, et al.)

**HB 2814**, A bill to be entitled An Act relating to a language immersion pilot project in certain school districts.

A record vote was requested.

**HB 2814** was passed by (Record 670): 116 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bolton; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England;



Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Gattis; Geren; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Isett; Jones; Keffer; King, P.; King, S.; Krusee; Kuempel; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Bohac; Bonnen; Callegari; Crabb; Eiland; Flynn; Harless; Harper-Brown; Howard, C.; Hughes; Jackson; Kolkhorst; Laubenberg; Merritt; Miller; Paxton; Phillips; Riddle; Taylor; Truitt; Van Arsdale; Zedler.

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

Absent, Excused — King, T.; Moreno.

Absent — Branch; Crownover; Flores; Giddings; McCall; Menendez; Miles; Ritter.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 670. I intended to vote yes.

Eiland

When Record No. 670 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

I was shown voting no on Record No. 670. I intended to vote yes.

Zedler

**HB 1248 ON THIRD READING**

**(by Taylor)**

**HB 1248**, A bill to be entitled An Act relating to the sale of mixed beverages aboard certain passenger vessels.

A record vote was requested.

**HB 1248** was passed by (Record 671): 137 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; 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; 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; Zedler; Zerwas.

Nays — Aycock; Callegari; Crabb; Flynn; Hartnett; Laubenberg; Miller; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Bolton; Paxton.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 671. I intended to vote no.

Talton

### HB 1519 ON THIRD READING (by T. Smith and Peña)

**HB 1519**, A bill to be entitled An Act relating to including within the offense of barratry and solicitation of professional employment certain solicitations made during certain periods.

A record vote was requested.

**HB 1519** was passed by (Record 672): 133 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; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Homer; Hopson; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; 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 — King, T.; Moreno.

Absent — Christian; Darby; Dutton; Eissler; Giddings; Hochberg; Hodge; Howard, C.; Hughes; McClendon; Miles; O'Day; Quintanilla; Talton.

**STATEMENTS OF VOTE**

When Record No. 672 was taken, my vote failed to register. I would have voted yes.

Christian

When Record No. 672 was taken, my vote failed to register. I would have voted yes.

Eissler

**HB 522 ON THIRD READING  
(by Woolley, Hartnett, et al.)**

**HB 522**, A bill to be entitled An Act relating to adoption and operation of requirements regarding health benefit plan identification cards.

A record vote was requested.

**HB 522** was passed by (Record 673): 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; Gattis; 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; Jones; Keffer; King, P.; King, S.; 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; 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 — King, T.; Moreno.

Absent — Hopson; McReynolds; Pierson.

**HB 1928 ON THIRD READING****(by Flores)**

**HB 1928**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain travel trailers.

A record vote was requested.

**HB 1928** was passed by (Record 674): 107 Yeas, 20 Nays, 12 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Lucio; Macias; Madden; Mallory Caraway; Martinez; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Murphy; Noriega; O'Day; Oliveira; Orr; Otto; Parker; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Woolley; Zedler; Zerwas.

Nays — Allen; Bolton; Brown, B.; Burnam; Castro; Chavez; Coleman; Dunnam; Farias; Herrero; Jackson; Leibowitz; Martinez Fischer; Mowery; Naishtat; Pierson; Riddle; Smithee; Vaught; Veasey.

Present, not voting — Mr. Speaker(C); Anchia; Harless; Hartnett; Miller; Ortiz; Patrick; Pitts; Solomons; Strama; Vo; West.

Absent, Excused — King, T.; Moreno.

Absent — Crownover; Eiland; Gattis; Hodge; King, S.; Laubenberg; McCall; Olivo; Paxton.

**STATEMENTS OF VOTE**

When Record No. 674 was taken, I was temporarily out of the house chamber. I would have voted yes.

Olivo

I was shown voting yes on Record No. 674. I intended to vote no.

Rodriguez

**HB 1250 ON THIRD READING****(by C. Howard)**

**HB 1250**, A bill to be entitled An Act relating to prohibiting discrimination based on a student's secondary school in awarding certain financial aid for higher education.

A record vote was requested.

**HB 1250** was passed by (Record 675): 129 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bonnen; 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; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; 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, D.; Hughes; Isett; Jones; Keffer; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Mowery; Murphy; Noriega; 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; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Dutton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Bohac; Bolton; Creighton; Driver; Flores; Gallego; Howard, C.; Jackson; King, P.; McClendon; Miles; Miller; Morrison; Naishtat; Pierson; Talton; Veasey.

### STATEMENTS OF VOTE

When Record No. 675 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

I was shown voting yes on Record No. 675. I intended to vote no.

Frost

When Record No. 675 was taken, my vote failed to register. I would have voted yes.

Gallego

I was shown voting yes on Record No. 675. I intended to vote no.

Hopson

When Record No. 675 was taken, I was in the house but away from my desk. I would have voted yes.

C. Howard

When Record No. 675 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

**HB 1678 ON THIRD READING**

**(by Madden, Turner, Haggerty, McReynolds, Hochberg, et al.)**

**HB 1678**, A bill to be entitled An Act relating to the operation of a system of community supervision.

A record vote was requested.

**HB 1678** was passed by (Record 676): 135 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Bohac; Christian; Harper-Brown; Laubenberg; Paxton; Phillips; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Dutton; Harless; Naishtat; Patrick; Smith, W.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 676. I intended to vote yes.

Zedler

**HB 3158 ON THIRD READING**

**(by W. Smith)**

**HB 3158**, A bill to be entitled An Act relating to the name, powers, and board of directors of the Chambers County-Cedar Bayou Navigation District.

A record vote was requested.

**HB 3158** was passed by (Record 677): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; 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; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; Noriega; O'Day; Oliveira; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; 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); Morrison.

Absent, Excused — King, T.; Moreno.

Absent — Burnam; Crossover; Eiland; Flores; Frost; Hopson; King, S.; McCall; Naishtat; Olivo; Otto; Pierson; Rodriguez.

**STATEMENTS OF VOTE**

When Record No. 677 was taken, I was in the house but away from my desk. I would have voted yes.

Crossover

When Record No. 677 was taken, I was in the house but away from my desk. I would have voted yes.

Frost

When Record No. 677 was taken, I was in the house but away from my desk. I would have voted yes.

Hopson

When Record No. 677 was taken, my vote failed to register. I would have voted yes.

Otto

**HB 3226 ON THIRD READING**  
**(by Branch, Woolley, Eiland, and D. Howard)**

**HB 3226**, A bill to be entitled An Act relating to the equalization of property wealth in certain school districts.

A record vote was requested.

**HB 3226** was passed by (Record 678): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ayccock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; 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.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; 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; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Alonzo; Corte; Eiland; Flores; King, S.; McCall; Mowery; Pierson; Riddle.

### **HB 2144 ON THIRD READING** (by Flores)

**HB 2144**, A bill to be entitled An Act relating to the regulation of the practice of public accountancy by certain out-of-state license holders.

A record vote was requested.

**HB 2144** was passed by (Record 679): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Ayccock; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; 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; Pitts; Puente; Quintanilla; Raymond; Ritter; 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 — King, T.; Moreno.

Absent — Hartnett; Madden; McReynolds; Pierson; Riddle; Rodriguez.

**HB 2341 ON THIRD READING**  
**(by Truitt)**

**HB 2341**, A bill to be entitled An Act relating to certain investment products made available to certain public school employees.

A record vote was requested.

**HB 2341** was passed by (Record 680): 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; 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.; 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; 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 — King, T.; Moreno.

Absent — Creighton; Pierson.

**STATEMENT OF VOTE**

When Record No. 680 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

**HB 921 ON THIRD READING**  
**(by Delisi)**

**HB 921**, A bill to be entitled An Act relating to the sharing of information among state agencies.

A record vote was requested.

**HB 921** was passed by (Record 681): 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; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dunnam; Dutton; Eissler; Elkins; England; Escobar; 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; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; 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; Pitts; Puente; Quintanilla; Raymond; Riddle; 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 — King, T.; Moreno.

Absent — Callegari; Dukes; Eiland; Farabee; Hilderbran; Kuempel; Pierson; Ritter.

**STATEMENT OF VOTE**

When Record No. 681 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

**HB 2655 ON THIRD READING**  
**(by Puente)**

**HB 2655**, A bill to be entitled An Act relating to certificates of public convenience and necessity for water service and sewer service.

**Amendment No. 1**

Representative Puente offered the following amendment to **HB 2655**:

Amend **HB 2655** (Second Reading Engrossment), as follows:

(1) On page 1, lines 20-21, strike "Subject to the provisions of Section 13.245 [Except as provided by Subsection (b), if]," and substitute "If [Except as provided by Subsection (b), if]".

(2) On page 2, lines 1-3, strike "To the extent of a conflict between this section and Section 13.245, Section 13.245 prevails."

(3) On page 2, lines 4-26, strike Subsections (b) and (c), and substitute the following:

(b) A municipality that seeks to extend a certificate of public convenience and necessity beyond the municipality's extraterritorial jurisdiction must ensure that the municipality complies with Section 13.241 in relation to the area covered by the portion of the certificate that extends beyond the municipality's extraterritorial jurisdiction.

(c) The commission, after notice to the municipality and an opportunity for a hearing, may decertify an area outside a municipality's extraterritorial jurisdiction if the municipality does not provide service to the area on or before the fifth anniversary of the date the certificate of public convenience and necessity was granted for the area. This subsection does not apply to a certificate of public convenience and necessity for an area:

(1) that was transferred to a municipality on approval of the commission; and

(2) in relation to which the municipality has spent public funds.

(d) To the extent of a conflict between this section and Section 13.245, Section 13.245 prevails. [The commission may not extend a municipality's certificate of public convenience and necessity beyond its extraterritorial jurisdiction without the written consent of the landowner who owns the property in which the certificate is to be extended. The portion of any certificate of public convenience and necessity that extends beyond the extraterritorial jurisdiction of the municipality without the consent of the landowner is void.]

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Callegari offered the following amendment to **HB 2655**:

Amend **HB 2655** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 13.246(a-1), Water Code, is amended to read as follows:

(a-1) Except as otherwise provided by this subsection, in addition to the notice required by Subsection (a), the commission shall require notice to be mailed to each owner of a tract of land that is at least 25 [~~50~~] acres and is wholly or partially included in the area proposed to be certified. Notice required under this subsection must be mailed by first class mail to the owner of the tract according to the most current tax appraisal rolls of the applicable central appraisal district at the time the commission received the application for the certificate or

amendment. Good faith efforts to comply with the requirements of this subsection shall be considered adequate notice to landowners. Notice under this subsection is not required for a matter filed with the commission under:

- (1) Section 13.248 or 13.255; or
- (2) Chapter 65.

Amendment No. 2 was adopted.

A record vote was requested.

**HB 2655**, as amended, was passed by (Record 682): 134 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; 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; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; 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.; 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; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Gattis; Harless; Miller; Truitt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Anchia; Bailey; Castro; Chavez; Eissler; Hancock; Pitts; Strama; Thompson.

#### STATEMENTS OF VOTE

When Record No. 682 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 682 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

When Record No. 682 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**HB 957 ON THIRD READING**  
**(by Orr)**

**HB 957**, A bill to be entitled An Act relating to participation by certain state employees in a default investment product under a deferred compensation plan.

A record vote was requested.

**HB 957** was passed by (Record 683): 135 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Isett; Jackson; Jones; Keffer; King, P.; King, S.; 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; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Bolton; Farrar; Herrero; Leibowitz; Vaught.

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

Absent, Excused — King, T.; Moreno.

Absent — Burnam; Castro; Creighton; Eissler; Riddle; Rose.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 683. I intended to vote yes.

Bolton

When Record No. 683 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 683 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

I was shown voting yes on Record No. 683. I intended to vote no.

Hodge

**HB 2338 ON THIRD READING****(by Bailey)**

**HB 2338**, A bill to be entitled An Act relating to the authority of a municipality to regulate a vehicle operating as a limousine.

A record vote was requested.

**HB 2338** was passed by (Record 684): 137 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; 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; Gattis; 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; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; 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; Vo; West; Zedler; Zerwas.

Nays — Aycock; Crabb; Miller; Phillips; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Burnam; Castro; Kuempel; Villarreal; Woolley.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 684. I intended to vote no.

Callegari

**HB 2636 ON THIRD READING****(by Smithee)**

**HB 2636**, A bill to be entitled An Act relating to the nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, to nonsubstantive additions to and corrections in the codified Insurance Code, and to conforming the provisions of that code that were codified by the 79th Legislature to other Acts of that legislature, including conforming amendments, repeals, and penalties.

A record vote was requested.

**HB 2636** was passed by (Record 685): 145 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; 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.; 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 — King, T.; Moreno.

Absent — Bailey; Garcia.

### STATEMENT OF VOTE

When Record No. 685 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

### HB 1886 ON THIRD READING

(by Callegari)

**HB 1886**, A bill to be entitled An Act relating to the procurement methods of certain political subdivisions and certain other entities for the construction, rehabilitation, alteration, or repair of certain projects.

#### Amendment No. 1

Representative Callegari offered the following amendment to **HB 1886**:

Amend **HB 1886** (second reading engrossment) on third reading, in SECTION 2 of the bill, in amended Section 271.904(a), Local Government Code, on page 4, lines 5-8 by striking the remainder of the sentence after "from" and substituting the following:

an act of [the] negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by [of] the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control [governmental agency or its agent or employee].

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Puente offered the following amendment to **HB 1886**:

Amend **HB 1886** (second reading engrossment) on third reading, in SECTION 1 of the bill, in added Section 271.197, Local Government Code, on page 12, between lines 19 and 20, by adding a new Subsection (d) to read as follows:

(d) To the extent of a conflict between this section and a federal law or rule governing the expenditure of federal transit funds by a transit authority created under Chapter 451, Transportation Code, the federal law or rule prevails.

Amendment No. 2 was adopted.

A record vote was requested.

**HB 1886**, as amended, was passed by (Record 686): 138 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bailey; 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; 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; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; 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; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Hochberg; Latham.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Allen; Berman; Eissler; King, S.; Mowery; O'Day; Pierson.



### STATEMENTS OF VOTE

When Record No. 686 was taken, I was in the house but away from my desk. I would have voted yes.

Allen

I was shown voting no on Record No. 686. I intended to vote yes.

Hochberg

### HB 2491 ON THIRD READING (by Berman)

**HB 2491**, A bill to be entitled An Act relating to political expenditures made by a corporation to finance the establishment and administration of a political committee.

#### Amendment No. 1

Representative Gallego offered the following amendment to **HB 2491**:

Amend **HB 2491**, on third reading, in added Section 253.100(d)(7), Election Code, between "polling" and the semi-colon, by inserting "in relation to a matter that is scheduled to appear on an electoral ballot".

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Eiland offered the following amendment to **HB 2491**:

Amend **HB 2491** as follows:

(1) On page 1, line 6, strike "Subsections (d) and (e)" and substitute "Subsections (d), (e), (f), and (g)".

(2) On page 1, line 9, between "expenditures" and "to", insert "from its own treasury funds and property".

(3) On page 1, lines 10-11, strike "a general-purpose committee" and substitute "only the single [¶] general-purpose committee sponsored by that corporation".

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

(f) A corporation or labor organization is considered to sponsor a general-purpose committee if the corporation or labor organization establishes and administers the committee. The funds for the establishment and administration of a general-purpose committee sponsored by a corporation or labor organization must be kept in a separate, segregated account and may not be commingled with any other funds.

(g) For purposes of this section, all parents, subsidiaries, branches, divisions, or affiliates of an organization are considered a single organization.

Amendment No. 2 was withdrawn.

A record vote was requested.

**HB 2491**, as amended, was passed by (Record 687): 128 Yeas, 12 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; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Kruse; Kuempel; Latham; Laubenberg; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Nays — Eiland; Elkins; Geren; Herrero; Jones; Leibowitz; McCall; Merritt; Naishtat; Smith, T.; Talton; Turner.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Hernandez; Hilderbran; King, S.; Lucio; Olivo; Pierson; Villarreal.

### STATEMENTS OF VOTE

When Record No. 687 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 687 was taken, I was temporarily out of the house chamber. I would have voted no.

Olivo

### HB 2994 ON THIRD READING (by Bonnen, O'Day, and Branch)

**HB 2994**, A bill to be entitled An Act relating to the authority of certain taxing units to enter into an agreement under the Property Redevelopment and Tax Abatement Act or the Texas Economic Development Act with the owner of certain electric power generation facilities.

A record vote was requested.

**HB 2994** was passed by (Record 688): 112 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.;

Davis, Y.; Delisi; Deshotel; Driver; Eiland; Elkins; England; Escobar; Farabee; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Latham; Laubenberg; Lucio; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Orr; Ortiz; Parker; Patrick; Paxton; Phillips; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; West; Woolley; Zedler; Zerwas.

Nays — Burnam; Castro; Coleman; Dukes; Dutton; Farias; Farrar; Hernandez; Herrero; Hochberg; Leibowitz; Mallory Caraway; Martinez Fischer; Rodriguez; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Cohen; Creighton; Dunnam; Eissler; Flores; Gallego; Guillen; Hodge; Kuempel; Merritt; Naishtat; Olivo; Otto; Peña; Pickett; Pierson; Straus; Talton.

**STATEMENTS OF VOTE**

When Record No. 688 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 688 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 688 was taken, my vote failed to register. I would have voted yes.

Kuempel

When Record No. 688 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

I was shown voting yes on Record No. 688. I intended to vote present, not voting.

Noriega

When Record No. 688 was taken, I was temporarily out of the house chamber. I would have voted yes.

Olivo

**HB 3074 ON THIRD READING**  
**(by Creighton)**

**HB 3074**, A bill to be entitled An Act relating to advertising of entities that contract with local workforce development boards.

A record vote was requested.

**HB 3074** was passed by (Record 689): 137 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; Chisum; Christian; 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; Gattis; 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; Isett; Jackson; Jones; 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; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Chavez; Cohen; Eissler; Garcia; Homer; Mowery; Pickett; Pierson; Straus; Zerwas.

**STATEMENT OF VOTE**

When Record No. 689 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

**HB 1038 ON THIRD READING**  
**(by Ritter and McClendon)**

**HB 1038**, A bill to be entitled An Act relating to the operation of the Texas Residential Construction Commission; providing penalties.

A record vote was requested.

**HB 1038** was passed by (Record 690): 135 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; 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; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; 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.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; 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.

Nays — Crabb.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Alonzo; Bailey; Cohen; Eissler; Flynn; Frost; Menendez; Murphy; Peña; Pierson; Zerwas.

**STATEMENTS OF VOTE**

When Record No. 690 was taken, I was in the house but away from my desk. I would have voted yes.

Bailey

When Record No. 690 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 690 was taken, my vote failed to register. I would have voted no.

Flynn

When Record No. 690 was taken, my vote failed to register. I would have voted yes.

Frost

**HB 2120 ON THIRD READING  
(by Deshotel)**

**HB 2120**, A bill to be entitled An Act relating to the wages credited to an individual for the purpose of computing the individual's unemployment compensation benefits.

**HB 2120 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE DESHOTEL: I want you to know that I received a note this morning from the Workforce Commission—so that you will know about the concerns about this bill—that says, "Mr. Hammond's assertion below that employers would have to submit amended quarterly reports is incorrect. Quarterly reports are filed by the employer only when wages are paid—nothing in the bill revises that requirement. The bill requires that the commission develop rules to determine the method of crediting wages due, but not yet paid." That was some of the confusion that was caused on the floor and this comes directly from the Texas Workforce Commission.

**REMARKS ORDERED PRINTED**

Representative Deshotel moved to print remarks regarding **HB 2120**.

The motion prevailed.

**Amendment No. 1**

Representative Deshotel offered the following amendment to **HB 2120**:

Amend **HB 2120**, second reading engrossment, by striking the SECTION of the bill that repeals Section 201.011(1), Labor Code, and the SECTION of the bill that adds Section 201.013, Labor Code, and renumber subsequent SECTIONS accordingly.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Deshotel offered the following amendment to **HB 2120**:

Amend **HB 2120** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 207.021, Labor Code, is amended by adding Subsection (d) to read as follows:

(d) An individual is available for work for purposes of Subsection (a)(4) even if the individual is available only for part-time work if:

(1) the individual establishes to the satisfaction of the commission that the individual has a legitimate reason to limit the individual's employment to part-time work; and

(2) the individual's last work was part-time work.

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

A record vote was requested.

**HB 2120**, as amended, was passed by (Record 691): 141 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; 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; Flores; Frost; Gallego; 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, D.; Hughes; Isett; Jackson; Jones; 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; 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 — Flynn; Howard, C.

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

Absent, Excused — King, T.; Moreno.

Absent — Garcia; Vaught.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 691. I intended to vote no.

Creighton

When Record No. 691 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

#### HB 1871 ON THIRD READING (by Giddings)

**HB 1871**, A bill to be entitled An Act relating to information obtained regarding the sale of plastic bulk merchandise containers; providing civil penalties.

A record vote was requested.

**HB 1871** was passed by (Record 692): 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; 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.; 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; 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 — King, T.; Moreno.

Absent — Eissler; Phillips; Solomons.

### STATEMENTS OF VOTE

When Record No. 692 was taken, my vote failed to register. I would have voted yes.

Eissler

When Record No. 692 was taken, I was in the house but away from my desk. I would have voted yes.

Solomons

### HB 3564 ON THIRD READING

(by Darby, Homer, Swinford, Isett, Chavez, et al.)

**HB 3564**, A bill to be entitled An Act relating to the transfer of Angelo State University to the Texas Tech University System.

#### Amendment No. 1

Representative Darby offered the following amendment to **HB 3564**:

Amend **HB 3564**, on third reading, as follows:

(1) Beginning on page 3, line 22, and ending on page 4, line 5, strike SECTION 4 of the bill and substitute the following:

#### SECTION 4. CONTRACTS AND CERTAIN WRITTEN OBLIGATIONS.

Contracts and written obligations of every kind and character entered into by the board of regents of the Texas State University System for and on behalf of Angelo State University, other than bonds, are considered ratified, confirmed, and validated by the board of regents of the Texas Tech University System on the effective date of the transfer. In those contracts and written obligations, the board of regents of the Texas Tech University System is substituted for and stands and acts in the place of the board of regents of the Texas State University System to the extent permitted by law.

(2) On page 7, lines 14-15, strike "in accordance with this subchapter" and substitute "in accordance with this subchapter and with a systemwide revenue financing program adopted by the board,".

Amendment No. 1 was adopted.

A record vote was requested.



**HB 3564**, as amended, was passed by (Record 693): 137 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; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Garcia; Gattis; Geren; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; 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.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; 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.

Nays — Crabb; Crownover; Elkins; Hamilton.

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

Absent, Excused — King, T.; Moreno.

Absent — Gallego; Giddings; Menendez; Olivo; Thompson.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 693. I intended to vote yes.

Crownover

When Record No. 693 was taken, my vote failed to register. I would have voted no.

Gallego

When Record No. 693 was taken, I was temporarily out of the house chamber. I would have voted yes.

Olivo

When Record No. 693 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**POSTPONED BUSINESS**

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

**HB 2308 ON SECOND READING**  
(by Rose)

**HB 2308**, A bill to be entitled An Act relating to the requirement that certain economic development corporations hold a hearing before spending funds to undertake a project.

**HB 2308** was read second time on April 24, postponed until 10 a.m. today, and was again postponed until 2:30 p.m. today.

**HB 2308** 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: Harper-Brown and Leibowitz recorded voting no.)

**CSHB 3446 ON SECOND READING**  
(by Rose, Keffer, Deshotel, McCall, Gonzales, et al.)

**CSHB 3446**, A bill to be entitled An Act relating to the promotion by the comptroller of Texas manufactured products; providing civil and administrative penalties.

**CSHB 3446** was read second time on April 24, postponed until 10 a.m. today, and was again postponed until 2:30 p.m. today.

**Amendment No. 1**

Representative Dunnam offered the following amendment to **CSHB 3446**:

Amend **CSHB 3446** (committee printing) as follows:

- (1) On page 1, between lines 17 and 18, insert:
  - (3) "Office" means the governor's office of economic development.
- (2) Strike "COMPTROLLER" each place the term appears and substitute "OFFICE".
  - (3) Strike "comptroller" each place the term appears and substitute "office".
  - (4) Strike "comptroller's" each place the term appears and substitute "offices's".
  - (5) Strike "Comptroller" each place the term appears and substitute "Office".

Amendment No. 1 was adopted.

**CSHB 3446**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**GENERAL STATE CALENDAR**  
(consideration continued)

**HB 1921 ON THIRD READING**  
(by Keffer)

**HB 1921**, A bill to be entitled An Act relating to the use of certain devices in a polling place.

A record vote was requested.

**HB 1921** was passed by (Record 694): 137 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; 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; 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; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; 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.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Burnam.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Farias; Gattis; Hill; Mallory Caraway; Mowery; Noriega; Pierson; Smithee; Vaught.

### **HB 2738 ON THIRD READING** (by Solomons)

**HB 2738**, A bill to be entitled An Act relating to liens on real property.

A record vote was requested.

**HB 2738** was passed by (Record 695): 126 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Christian; Cohen; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; 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; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Murphy;

Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Anderson; Bailey; Castro; Coleman; Cook, B.; Dunnam; Farias; Flynn; Harless; Hill; Jones; Mallory Caraway; Morrison; Mowery; Noriega; Peña; Pierson; Rodriguez; Talton; Thompson; Vaught.

### STATEMENTS OF VOTE

When Record No. 695 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 695 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

When Record No. 695 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 695 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

### HB 2978 ON THIRD READING (by Morrison, Laubenberg, Woolley, and Alonzo)

**HB 2978**, A bill to be entitled An Act relating to engineering recruitment programs established by the Texas Higher Education Coordinating Board.

A record vote was requested.

**HB 2978** was passed by (Record 696): 134 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; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg;

Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; 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; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Goolsby.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Chavez; Davis, Y.; Flynn; Harless; Hill; Mallory Caraway; Menendez; Mowery; Paxton; Pierson; Thompson; Vaught.

### STATEMENT OF VOTE

When Record No. 696 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

### HB 3517 ON THIRD READING (by Creighton)

**HB 3517**, A bill to be entitled An Act relating to competitive purchasing requirements for local governments.

A record vote was requested.

**HB 3517** was passed by (Record 697): 140 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; 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; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; 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 — King, T.; Moreno.

Absent — Deshotel; Hill; Mallory Caraway; Mowery; Phillips; Pierson; Vaught.

### STATEMENT OF VOTE

When Record No. 697 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

### HB 1767 ON THIRD READING

(by Peña)

**HB 1767**, A bill to be entitled An Act relating to the punishment for criminal mischief committed by interfering with certain transportation signs, signals, or devices.

A record vote was requested.

**HB 1767** was passed by (Record 698): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; 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; Gattis; 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; Jones; Keffer; King, P.; King, S.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; 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; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — King, T.; Moreno.

Absent — Chavez; Hill; Kolkhorst; Mallory Caraway; Mowery; Pierson; Vaught.

### HB 461 ON THIRD READING

(by Miller, Kolkhorst, Hughes, Anderson, R. Cook, et al.)

**HB 461**, A bill to be entitled An Act relating to prohibiting mandatory participation in an animal identification system.

A record vote was requested.

**HB 461** was passed by (Record 699): 85 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Anderson; Aycok; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Delisi; Deshotel; Dunnam; Dutton; Eiland; Eissler; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Goolsby; Guillen; Haggerty; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; Kolkhorst; Laubenberg; Macias; Madden; Martinez Fischer; McCall; McReynolds; Menendez; Miller; Murphy; Noriega; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Raymond; Riddle; Rose; Smith, W.; Solomons; Talton; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Burnam; Castro; Chisum; Cohen; Corte; Creighton; Darby; Davis, Y.; Driver; Dukes; Elkins; England; Farias; Flores; Geren; Giddings; Gonzales; Gonzalez Tourelles; Hamilton; Hancock; Hardcastle; Hernandez; Hill; Hochberg; Hodge; Homer; King, P.; King, S.; Krusee; Kuempel; Latham; Leibowitz; Lucio; Mallory Caraway; Martinez; McClendon; Merritt; Miles; Morrison; Mowery; Naishtat; Olivo; Pitts; Puente; Ritter; Rodriguez; Smith, T.; Smithee; Strama; Straus; Swinford; Thompson; Vaught.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Chavez; Ortiz; Pierson; Quintanilla; Vo.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 699. I intended to vote no.

Farrar

I was shown voting no on Record No. 699. I intended to vote yes.

Merritt

When Record No. 699 was taken, I was temporarily out of the house chamber. I would have voted yes.

Quintanilla

I was shown voting no on Record No. 699. I intended to vote yes.

Rodriguez

I was shown voting no on Record No. 699. I intended to vote yes.

Strama

**HB 1170 ON THIRD READING**  
**(by Flynn and Farabee)**

**HB 1170**, A bill to be entitled An Act relating to the regulation and limitation of liability of persons engaged in certain liquefied petroleum gas-related activities, including requirements concerning consumer safety notification.

A record vote was requested.

**HB 1170** was passed by (Record 700): 139 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; 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; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; 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; Isett; Jackson; Jones; Keffer; King, P.; King, S.; 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; 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 — Herrero; Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Bolton; Crabb; Driver; Eissler; Farias; Flores.

**STATEMENTS OF VOTE**

When Record No. 700 was taken, I was in the house but away from my desk. I would have voted yes.

Crabb

When Record No. 700 was taken, my vote failed to register. I would have voted yes.

Eissler

**HB 610 ON THIRD READING**  
**(by F. Brown, Zedler, Flynn, Crabb, et al.)**

**HB 610**, A bill to be entitled An Act relating to a plan to provide services to an area annexed by a municipality.



A record vote was requested.

**HB 610** was passed by (Record 701): 140 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.; Delisi; Deshotel; Driver; Dukes; Dunnam; 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; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; 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; 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 — King, T.; Moreno.

Absent — Davis, Y.; Dutton; Farrar; Gattis; Hernandez; Lucio; Mowery.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 1602 ON SECOND READING  
(by Van Arsdale, O'Day, Goolsby, B. Cook, Strama, et al.)**

**CSHB 1602**, A bill to be entitled An Act relating to venue in civil actions under the Jones Act.

**Amendment No. 1**

Representative Van Arsdale offered the following amendment to **CSHB 1602**:

Amend **CSHB 1602** as follows:

(1) On page 1, line 21, strike "In this section, "inland"" and substitute the following:

In this section:

(1) "Coastal county" means:

(A) a county in a coastal area, as defined by Section 33.004, Natural Resources Code; or

(B) a county having a United States Customs port through which waterborne freight is transported.

(2) "Inland

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

(3) "Principal Texas Port Center" means:

(A) a county in this state with a population of more than three million that is adjoined by a coastal county; or

(B) a coastal county adjoining a county described by Subparagraph (A) with a population of more than 225,000.

(3) On page 2, strike lines 23 through 27 and substitute the following:

(1) in a Principal Texas Port Center where the plaintiff resided at the time the cause of action accrued;

(2) if the plaintiff did not reside in a Principal Texas Port Center at the time the cause of action accrued, in any Principal Texas Port Center;

(3) in the county where the defendant's principal office in this state is located if the defendant's principal office in this state is located in a coastal county; or

(4) if the defendant does not have a principal office in this state located in a coastal county, in the county where the plaintiff resided at the time the cause of action accrued.

Amendment No. 1 was adopted.

**CSHB 1602**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **CSHB 3678 ON SECOND READING**

**(by C. Howard, Chisum, et al.)**

**CSHB 3678**, A bill to be entitled An Act relating to voluntary student expression of religious viewpoints in public schools.

### **CSHB 3678 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **CSHB 3678** under Rule 4, Section 11 of the House Rules on the grounds that proper notice of the committee meeting was not given.

The point of order was withdrawn.

Representative C. Howard moved to postpone consideration of **CSHB 3678** until the end of today's calendar.

The motion prevailed.

### **CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING**

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

**HJR 103 ON SECOND READING**  
(by Darby)

**HJR 103**, A joint resolution proposing a constitutional amendment providing for the continuation of the constitutional appropriation for facilities and other capital items at Angelo State University on a change in the governance of the university.

A record vote was requested.

**HJR 103** was adopted by (Record 702): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; 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.; 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; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Alonzo; Woolley.

**STATEMENT OF VOTE**

When Record No. 702 was taken, I was in the house but away from my desk. I would have voted yes.

Woolley

**CSHJR 72 ON SECOND READING**  
(by Solomons)

**CSHJR 72**, A joint resolution proposing a constitutional amendment to clarify certain provisions relating to the making of a home equity loan and use of home equity loan proceeds.

**CSHJR 72 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE MCCALL: Mr. Solomons, for purposes of legislative intent, when does the homeowner receive a copy of the loan application?

REPRESENTATIVE SOLOMONS: The homeowner may submit a written, electronic, or oral application. The lender is required to give a copy of the loan application twice to the homeowner. First, one day prior to closing, the lender is required to give the homeowner a copy of the loan application, and a final, itemized disclosure of all the actual fees, points, interest, costs, and charges that would be charged at closing. This copy of the loan application is the most current version that the borrower reviews for accuracy before the closing. Second, the homeowner should receive a copy of the final loan application, that's the final loan application, and all executed documents signed at closing. This copy is the final version of the loan application. It contains the homeowner's signature.

MCCALL: Finally, Mr. Solomons, for purposes of legislative intent, would you define what are preprinted checks?

SOLOMONS: The phrase, preprinted checks not solicited by the borrower, means checks that a person sometimes gets in the mail inviting them to borrow money. If the borrower requests these checks, then he can use the checks. However, if a borrower can sign a piece of paper when they take out a home equity loan or a line of credit that says, "I want the lender to send me checks periodically," that is not okay. That is not the intent of this provision. A borrower must request the lender to send them the checks, which is what "solicited by the borrower" means. We do not want homeowners with these accounts to be unnecessarily encouraged to borrow money against their home, and I want to make it very clear what the intent of this provision is for any state agency or court that needs help interpreting it.

**REMARKS ORDERED PRINTED**

Representative McCall moved to print remarks between Representative Solomons and Representative McCall.

The motion prevailed.

**CSHJR 72 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE RODRIGUEZ: I want to make sure that the changes made in **CSHJR 72** only affect the summary of rights. This resolution does not attempt to change substantive law regarding the disclosure of actual fees, and charges that must be done a day before closing, unless there is an emergency or another good cause, and the borrower consents. Is that correct?

SOLOMONS: That is correct.

**REMARKS ORDERED PRINTED**

Representative Rodriguez moved to print remarks between Representative Solomons and Representative Rodriguez.

The motion prevailed.

A record vote was requested.

**CSHJR 72** was adopted by (Record 703): 143 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; Castro; Chavez; 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; King, P.; King, S.; 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; 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; Zedler; Zerwas.

Nays — Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Chisum; Keffer; Riddle.

**STATEMENT OF VOTE**

When Record No. 703 was taken, I was in the house but away from my desk. I would have voted yes.

Riddle

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 10 ON SECOND READING  
(by Chavez, Peña, F. Brown, Castro, Haggerty, et al.)**

**CSHB 10**, A bill to be entitled An Act relating to certain gaming activity conducted by an Indian tribe or tribal organization.

**CSHB 10 - POINT OF ORDER**

Representative Talton raised a point of order against further consideration of **CSHB 10** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

**CSHB 10 - STATEMENT BY REPRESENTATIVE PEÑA**

It has come to my attention that a point of order may be called on the bill analysis of **CSHB 10**. The reasoning for this point of order is on the basis that the caption and in certain portions of the bill the words, "tribe or tribal organization" are listed, but that in the first paragraph of the bill analysis on line five and six contain only the word "tribe."

I respectfully object to this point of order on the grounds that the caption specifically reads, "relating to certain gaming activity conducted by an Indian tribe or tribal organization." The reason why the caption includes "tribal organization" is due to the first specification of "Indian tribe," a particular type of tribe. The words "tribe" and "tribal organization" have the same definition, and therefore, if throughout the bill, the drafter stated "tribe or tribal organization" rather than "Indian tribe or tribal organization," the drafter is being repetitive.

The bill explicitly refers to "federally recognized Indian tribe or tribal organization as listed by the United States Secretary of Interior under 25 U.S.C. Section 479a-1." Attached to this memo is a copy of the mentioned section. In this section under U.S. Code, the heading reads, "Publication of list of recognized tribes." It does not read, "tribe or tribal organization" due to the nature of the repetitiveness. Therefore, I respectfully request your consideration of this objection. Thank you.

The speaker sustained the point of order.

**CSHB 10** was returned to the Committee on Criminal Jurisprudence.

**CSHB 551 ON SECOND READING**

(by Turner, Bonnen, Giddings, Bohac, Homer, et al.)

**CSHB 551**, A bill to be entitled An Act relating to the system benefit fund and to eligibility for and enrollment for benefits provided under the system benefit fund programs.

**Amendment No. 1**

Representative Turner offered the following amendment to **CSHB 551**:

Amend **CSHB 551** (Turner) by inserting the following on page 4, line 10 following the word "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."

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Gallego offered the following amendment to **CSHB 551**:

Amend **CSHB 551** (house committee printing) as follows:

(1) Add the following SECTION, numbered appropriately:

SECTION \_\_\_\_\_. (a) Notwithstanding Section 39.903, Utilities Code, as amended by this Act:

(1) on the effective date of this Act the Public Utility Commission of Texas by order shall reduce the nonbypassable fee set under Section 39.903(b), Utilities Code, to a fee of zero cents per megawatt hour; and

(2) the Public Utility Commission of Texas may not increase the fee described by Subdivision (1) of this section without subsequent express legislative authorization.

(b) Notwithstanding any other law, money in the system benefit fund may not be appropriated or expended for any purpose other than a purpose authorized by Section 39.903(e), Utilities Code, as amended by this Act.

Representative Turner moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 704): 88 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen; Aycock; Bailey; Berman; Bohac; Bonnen; Brown, B.; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; England; Farabee; Flynn; Gattis; Geren; Giddings; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hill; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McReynolds; Merritt; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Puente; Riddle; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Zedler; Zerwas.

Nays — Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dunnam; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Jackson; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Miles; Naishtat; Olivo; Ortiz; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Talton; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — King, T.; Moreno.

Absent — Anderson; Branch; Brown, F.; Callegari; Flores; Hodge; King, S.; McClendon; Miller; Noriega; Pierson; Thompson; Woolley.

### STATEMENTS OF VOTE

When Record No. 704 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 704 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 704 was taken, I was in the house but away from my desk. I would have voted yes.

Woolley

**CSHB 551**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 1268 ON SECOND READING**

(by Van Arsdale)

**HB 1268**, A bill to be entitled An Act relating to the award of attorney's fees under the terms of certain contracts with a governmental entity.

**HB 1268** 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 1579 ON SECOND READING**

(by Guillen)

**CSHB 1579**, A bill to be entitled An Act relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.

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

Representative Guillen offered the following amendment to **CSHB 1579**:

Amend **CSHB 1579** (house committee printing) as follows:

- (1) On page 1, line 18, strike "physician" and substitute "provider".
- (2) On page 1, line 13, strike "or rural health clinic" and substitute ", rural health clinic, or municipal health department's public clinic".

Amendment No. 1 was adopted.

**CSHB 1579**, 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: Harper-Brown recorded voting no.)

### **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).



**HB 2462 ON SECOND READING**  
**(by Van Arsdale)**

**HB 2462**, A bill to be entitled An Act relating to providing for the sale of certain gambling equipment seized by a law enforcement agency.

**HB 2462** 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 2439 ON SECOND READING**  
**(by Truitt, J. Davis, Rose, Isett, McReynolds, et al.)**

**HB 2439**, A bill to be entitled An Act relating to the functions of local mental health and mental retardation authorities.

**Amendment No. 1**

Representative Truitt offered the following amendment to **HB 2439**:

Amend **HB 2439** as follows:

(1) On page 3, line 25, strike "department's approval" and substitute "[department's] approval of the Department of State Health Services or the Department of Aging and Disability Services, or both, as applicable".

(2) On page 9, lines 4 and 5, strike "~~[ALLOCATION OF DUTIES] UNDER CERTAIN MEDICAID [WAIVER] PROGRAMS~~" and substitute "~~[ALLOCATION OF DUTIES UNDER CERTAIN MEDICAID WAIVER PROGRAMS]~~".

(3) On page 11, line 2, strike "voluntary".

(4) On page 11, line 12, strike "capacity" and substitute "capacity, to be reduced by attrition".

(5) On page 11, line 18, between "capacity" and "in" insert ", to be reduced by attrition".

(6) On page 11, line 22, strike "department" and substitute "Department of Aging and Disability Services".

(7) On page 11, line 27, strike "accomodate" and substitute "accommodate".

(8) On page 12, line 21, between "capacity" and the bracket insert ", to be reduced by attrition".

(9) On page 13, line 1, strike "department" and substitute "Department of Aging and Disability Services".

Amendment No. 1 was adopted.

(Isett in the chair)

**Amendment No. 2**

Representative Truitt offered the following amendment to **HB 2439**:

Amend **HB 2439** as follows:

(1) On page 8, immediately following line 27, add the following:

(f) As part of a local network development plan, a local mental health authority annually shall post on the local authority's website a list of persons with whom the local authority had a contract or agreement in effect during all or part of the previous year, or on the date the list is posted, related to the provision of mental health services.

(2) On page 16, between lines 9 and 10, insert the following:

(h) The Department of State Health Services shall ensure that a local mental health authority providing best practices information to the department or mentoring another local mental health authority complies with Section 533.03521(f).

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative J. Davis offered the following amendment to **HB 2439**:

Amend **HB 2439** by striking page 17, line 21, through page 18, line 6, and substituting the following:

Sec. 533.0359. RULEMAKING FOR LOCAL MENTAL HEALTH AUTHORITIES. In developing rules governing local mental health authorities under Sections 533.035, 533.0351, 533.03521, 533.0357, and 533.0358, the executive commissioner shall use rulemaking procedures under Subchapter B, Chapter 2001, Government Code.

Amendment No. 3 was adopted.

**HB 2439**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 317 ON SECOND READING** (by Miller, Aycock, and Delisi)

**HB 317**, A bill to be entitled An Act relating to the student enrollment required for the issuance of certain revenue bonds for facilities at Texas A&M University–Central Texas.

**HB 317** 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 971 ON SECOND READING** (by T. King)

**CSHB 971**, A bill to be entitled An Act relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

Representative Flynn moved to postpone consideration of **CSHB 971** until 7 a.m. tomorrow.

The motion prevailed.

**HB 3063 ON SECOND READING****(by Peña)**

**HB 3063**, A bill to be entitled An Act relating to the filing of a foreign judgment in a Texas court.

**HB 3063** 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 3011 ON SECOND READING****(by W. Smith, Noriega, et al.)**

**CSHB 3011**, A bill to be entitled An Act relating to the creation of ship channel security districts by certain populous counties.

**Amendment No. 1**

Representative W. Smith offered the following amendment to **CSHB 3011**:

Amend **CSHB 3011** (house committee printing) on page 7, line 12, between "appropriate" and the period, by inserting "to reflect the intent of the petition requesting creation of the district".

Amendment No. 1 was adopted.

**CSHB 3011**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**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).

**LEAVE OF ABSENCE GRANTED**

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

Corte on motion of Hilderbran.

**HB 1365 ON SECOND READING****(by Flores and Kuempel)**

**HB 1365**, A bill to be entitled An Act relating to residency requirements for holders of a promotional alcoholic beverage permit.

**HB 1365** 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: Flynn recorded voting no.)

**CSHB 521 ON SECOND READING****(by Miller)**

**CSHB 521**, A bill to be entitled An Act relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

**Amendment No. 1**

Representatives Miller and Isett offered the following amendment to **CSHB 521**:

Amend **CSHB 521** by striking page 2, line 18, through page 3, line 6, and substituting the following:

SECTION 2. Section 27.105(a), Water Code, is amended to read as follows:

(a) A person who knowingly or intentionally violates a provision of this chapter under the jurisdiction of the railroad commission, a rule of the railroad commission other than a rule adopted under Section 27.034(a-1)(2), or a term, condition, or provision of a permit issued by the railroad commission under this chapter is subject to a fine of not more than \$5,000 for each violation and for each day of violation. A violation under the jurisdiction of the commission is enforceable under Section 7.157.

Amendment No. 1 was adopted.

**CSHB 521**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1526 ON SECOND READING****(by W. Smith)**

**CSHB 1526**, A bill to be entitled An Act relating to incentives for and the use of alternative leak detection technologies for air contaminants.

**CSHB 1526** 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 2910 ON SECOND READING****(by Gattis)**

**HB 2910**, A bill to be entitled An Act relating to the authority of certain municipalities to regulate certain quarry activities.

**HB 2910** 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: D. Howard recorded voting present, not voting.)

**CSHB 1460 ON SECOND READING**  
**(by Haggerty)**

**CSHB 1460**, A bill to be entitled An Act relating to licensing, acquisition, and regulation of manufactured housing; providing penalties.

**Amendment No. 1**

Representative Haggerty offered the following amendment to **CSHB 1460**:

Amend **CSHB 1460** by adding the appropriately numbered section as follows:

SECTION \_\_\_\_\_. Amend Section 1201.453 as follows:

Sec. 1201.453. HABITABILITY. Manufactured housing is habitable only if:

(1) there is no defect or deterioration in or damage to the home that creates a dangerous situation;

(2) the plumbing, heating, and electrical systems are in safe working order;

(3) the walls, floor, and roof are:

(A) free from a substantial opening that was not designed; and

(B) structurally sound; and

(4) all exterior doors and windows are in place and operate properly.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Haggerty offered the following amendment to **CSHB 1460**:

Amend **CSHB 1460**, on page 54, between lines 17 and 22 to read as follows:

Sec. 1201.401. MANUFACTURED HOMEOWNERS' RECOVERY TRUST FUND. The manufactured homeowners's trust fund is a dedicated an account in the general revenue fund held in trust for carrying out the specific purposes of the fund. Money deposited in the fund as required by this chapter is exempt from the application of Section 403.095, Government Code.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Haggerty offered the following amendment to **CSHB 1460**:

Amend **CSHB 1460** on page 75, lines 9-14, by deleting Section 84 and renumbering subsequent sections accordingly.

Amendment No. 3 was adopted.

**CSHB 1460**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 872 ON SECOND READING**  
**(by Otto and Garcia)**

**HB 872**, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of tampering with or fabricating physical evidence.

**HB 872** 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 2770 ON SECOND READING**  
**(by Eiland)**

**HB 2770**, A bill to be entitled An Act relating to adoption of the Uniform Child Abduction Prevention Act.

**Amendment No. 1**

Representative Eiland offered the following amendment to **HB 2770**:

Amend **HB 2770** on page 5, line 1, between "activities" and "that", by inserting ", other than planning activities related to carrying out a safety plan to flee from family violence,".

Amendment No. 1 was adopted.

**HB 2770**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 3694 ON SECOND READING**  
**(by Deshotel)**

**CSHB 3694**, A bill to be entitled An Act relating to the enterprise zone program.

**Amendment No. 1**

Representative Deshotel offered the following amendment to **CSHB 3694**:

Amend **CSHB 3694** as follows:

(1) On page 1, line 15, between the period and "For", insert "(a)".

(2) On page 1, between lines 18 and 19, insert the following:

(b) Notwithstanding Subsection (a), the governing body of a county with a population of 750,000 or more may nominate for designation as an enterprise project a project or activity of a qualified business that is located within the jurisdiction of a municipality located in the county. For purposes of this subsection, a county during any biennium may not use in any one municipality more than three of the maximum number of designations the county is permitted under Section 2303.406(d)(2).

(3) On page 5, lines 6 and 7, strike "Section 2303.404, Government Code, is amended by adding Subsection (a-1) and amending Subsection (c)" and substitute "Section 2303.404(c), Government Code, is amended".

(4) On page 5, strike lines 9 through 12.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Dutton offered the following amendment to **CSHB 3694**:

Amend **CSHB 3694** as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 2303, Government Code, is amended by adding Section 2303.203 to read as follows:

Sec. 2303.203. PARTICIPATION BY NEIGHBORHOOD ENTERPRISE ASSOCIATIONS. Each neighborhood enterprise association organized under Subchapter E should be encouraged to participate in planning and carrying out activities in the enterprise zone.

SECTION \_\_\_\_\_. Chapter 2303, Government Code, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. NEIGHBORHOOD ENTERPRISE ASSOCIATIONS

Sec. 2303.301. ORGANIZATION OF NEIGHBORHOOD ENTERPRISE ASSOCIATION. (a) Individuals residing in an enterprise zone may organize a neighborhood enterprise association.

(b) Only one association may exist for a geographic neighborhood area.

(c) The association must:

(1) be a nonprofit corporation formed under the Texas Nonprofit Corporation Law, as described by Section 1.008, Business Organizations Code; and

(2) be eligible for federal tax exemption under Section 501(c) of the Internal Revenue Code of 1986.

(d) The certificate of formation must:

(1) describe the geographic neighborhood area of the association; and

(2) authorize the association to engage in business only in the enterprise zone in which the neighborhood area is located.

(e) The organizers shall publish in a newspaper of general circulation in the area designated as an enterprise zone an explanation of the proposed association and the organizers' rights in the association.

(f) A copy of the association's certificate of formation and its bylaws shall be available for public inspection at the office.

Sec. 2303.302. CERTIFICATION OF ASSOCIATION. (a) After a neighborhood enterprise association is formed, the association's board of directors must apply to the bank for certification as a neighborhood enterprise association.

(b) The bank may not grant certification unless the association has hired or appointed a suitable chief executive officer.

Sec. 2303.303. MEMBERSHIP; VOTING. (a) The membership of a neighborhood enterprise association may be composed only of residents of the enterprise zone.

(b) An individual is entitled to be a member of a neighborhood enterprise association if the individual is:

- (1) a resident of the association's geographic neighborhood area; and
- (2) of voting age.

(c) To be entitled to vote, a member of the association must have been a resident of the association's neighborhood area for at least one year.

Sec. 2303.304. POWERS OF NEIGHBORHOOD ENTERPRISE ASSOCIATIONS. (a) A neighborhood enterprise association may purchase or lease publicly or privately owned real property.

(b) A neighborhood enterprise association with the approval of the bank may:

(1) establish crime watch patrols in the association's geographic neighborhood area;

(2) establish volunteer day-care centers;

(3) organize recreational activities for the association's geographic neighborhood area youth;

(4) provide garbage collection;

(5) maintain and improve streets, bridges, and water and sewer lines;

(6) provide energy or water conservation projects;

(7) provide health and clinic services;

(8) provide drug abuse programs;

(9) provide senior citizen assistance programs;

(10) maintain parks;

(11) rehabilitate, renovate, operate, or maintain low or moderate income housing; and

(12) provide other types of public services as authorized by law or rule.

(c) A service may be provided under Subsection (b) by the association or, if feasible and prudent and after agreement with the bank, by a private firm or organization.

(d) The governmental entity responsible for providing a service in the enterprise zone may contract with a neighborhood enterprise association to provide services in an amount equal to the amount saved by the entity by the provision of the service under the contract.

(e) A neighborhood enterprise association has powers established by other law or rule, including powers available to similar corporations under state law.

(f) A neighborhood enterprise association may enter into a contract and participate in a joint venture with the state or a state agency or institution.

(g) A neighborhood enterprise association may receive money without approval of the bank.

Sec. 2303.305. APPROVED PROJECTS. (a) On approval of the bank, a neighborhood enterprise association may carry out projects other than those under Section 2303.304(b). The association must submit to the bank an application that describes the nature and benefit of the project and that specifically states:

(1) how the project will contribute to the self-help efforts of the residents of the association's geographic neighborhood area;



(2) how the residents of the geographic neighborhood area will be involved in the planning and implementation of the project;

(3) whether there are sufficient resources to complete the project and whether the association will be fiscally responsible for the project; and

(4) whether the project will enhance the enterprise zone by:

(A) creating permanent jobs;

(B) physically improving the housing stock;

(C) stimulating neighborhood business activity; or

(D) preventing crime.

(b) If the bank does not disapprove an application submitted under Subsection (a) before the 45th day after the day of receipt of the application, the application is considered to be approved.

(c) If the bank disapproves an application submitted under Subsection (a), the bank shall notify the association of the specific reasons for the decision and shall allow the association to amend the application on or before the 60th day after the date of the notification.

(d) The association shall furnish to the bank:

(1) an annual statement of the programmatic and financial status of each approved project; and

(2) an audited financial statement of the project.

(2) On page 5, line 16, strike "Sections 2303.405(a) and (b), Government Code," and substitute "Sections 2303.405(a), (b), and (c), Government Code,".

(3) On page 7, between lines 2 and 3, insert the following:

(c) For the purposes of this section, local effort to develop and revitalize a municipality or county is:

(1) the willingness of public entities in the municipality or county to provide services, incentives, and regulatory relief authorized by this chapter and to negotiate with the qualified business for which application is made and with neighborhood enterprise associations and other local groups or businesses to achieve the public purposes of this chapter; and

(2) the effort of the qualified business and other affected entities to cooperate in achieving those public purposes.

Amendment No. 2 was adopted.

**CSHB 3694**, 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: Paxton recorded voting no.)

### **HB 946 ON SECOND READING**

**(by Miller, et al.)**

**HB 946**, A bill to be entitled An Act relating to conduct that constitutes the offense of endangering a child.

**HB 946** 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 2445 ON SECOND READING**  
**(by Driver, et al.)**

**CSHB 2445**, A bill to be entitled An Act relating to certain employment records maintained by the Commission on Law Enforcement Officer Standards and Education; providing an administrative penalty.

**CSHB 2445 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE LATHAM: Section 2(a)(2) [page 2, lines 16-22] states the termination report [F-5] must be submitted to TCLEOSE not later than seven days after all administrative appeals have been exhausted if the termination was based upon misconduct. Appeals can take considerable time. Does the language mean the report cannot be submitted before the appeals process is completed?

REPRESENTATIVE DRIVER: No. It simply means the report must be submitted no later than seven days after the last appeal if an agency chooses to hold the report throughout the appeals process. An agency may submit a report at the time of termination if the agency desires to clear the position and hire another officer. Of course, the agency runs the risk of the appeals process overturning the termination, which would require the agency to amend the report.

The appeals process in this section refers to local appeals and not those granted by the state to contest the designation on the report. If the agency submits the report at the time of termination it is submitted under (a)(1) [line 19, page 2]; if the agency holds the report through the appeals process it is submitted under (a)(2) [lines 20-22, page 2]. The principle is the same under Section 2(d)(1)(2) as it pertains to providing the terminated officer with a copy of the report.

LATHAM: Section 4(e) requires an administrative law judge to consider the evidence submitted by an officer that retired or resigned in lieu of termination under the same burden of proof as an officer that is terminated. Usually, an employee gives up some due process when that employee retires or resigns regardless of the reason. Why are we providing it here?

DRIVER: Some officers may be pressured into retiring or resigning in lieu of termination or may retire or resign because they feel it puts them in a better position for future employment opportunities. In such case, they probably do forfeit due process at the local level. Therefore, it should be afforded at the state level because a report designating a dishonorable discharge jeopardizes the officer's license.

LATHAM: Does that mean the same burden of proof is provided to officers that retire or resign in lieu of termination only when they face a dishonorable discharge?

DRIVER: Yes. Officers may retire or resign in lieu of termination and receive a general discharge under some circumstances. We are not asking an administrative law judge to rule on the validity of the report designation by the preponderance of the evidence in general discharge cases.

### **REMARKS ORDERED PRINTED**

Representative Latham moved to print remarks between Representative Driver and Representative Latham.

The motion prevailed.

**CSHB 2445** 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 2823 ON SECOND READING (by Bohac, et al.)**

**CSHB 2823**, A bill to be entitled An Act relating to provisional voting by a person who applied for an early voting ballot by mail.

**CSHB 2823** 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 2138 ON SECOND READING (by Paxton)**

**CSHB 2138**, A bill to be entitled An Act relating to regulation of property tax lenders; providing a penalty.

**CSHB 2138** 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 782 ON SECOND READING (by Dutton)**

**CSHB 782**, A bill to be entitled An Act relating to genetic testing in the determination of parentage and to a proceeding to vacate an order of paternity or child support.

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

Representative Dutton offered the following amendment to **CSHB 782**:

Amend **CSHB 782** as follows:

(1) Strike SECTIONS 1 and 2 of the bill and substitute the following:

SECTION 1. Subchapter A, Chapter 154, Family Code, is amended by adding Section 154.015 to read as follows:

Sec. 154.015. PATERNITY TEST REQUIRED. (a) Except as provided by Subsections (b) and (c), a court may not render an order requiring the payment of child support unless the court finds that:

(1) the parties have completed a genetic test to determine parentage that complies with the requirements of Subchapter F, Chapter 160, and, based on the genetic test, the man named as the father in the suit affecting the parent-child relationship is rebuttably identified as the father of the child in accordance with Section 160.505(a); or

(2) the party being ordered to pay child support is an adoptive parent of the child.

(b) If the parties to a suit affecting the parent-child relationship in which child support is requested have not completed a genetic test that complies with the requirements of Subchapter F, Chapter 160, the court shall order the child, the child's mother, and the alleged father to submit to genetic testing not later than the 30th day after the date the order requiring genetic testing is rendered. If an alleged father fails to submit to a genetic test ordered under this section, the court may render an order adjudicating the alleged father to be the father of the child and requiring the alleged father to pay child support.

(c) In a suit affecting the parent-child relationship, an alleged father of the child may file an affidavit with the court admitting paternity of the child. After receiving an affidavit under this subsection, the court may, without requiring a genetic test, render an order adjudicating the alleged father to be the father of the child and requiring the alleged father to pay child support. An alleged father who files an affidavit under this subsection may not challenge the adjudication of paternity.

(d) The parties, other than a governmental entity, shall bear the cost of the genetic test ordered under this section equally.

(2) On page 3, strike lines 23 through 27 and substitute the following:

(1) an affidavit stating facts that show the court order was obtained by fraud or material mistake of fact; and

(3) On page 5, lines 25 through 27, strike ", or that the person did not receive the notice required by Section 102.008(b)(11)."

(4) Strike SECTION 4 of the bill.

(5) On page 9, strike lines 3 through 7 and substitute "SECTION \_\_\_\_\_. If before implementing any provision of this Act the".

(6) On page 9, strike lines 13 through 27.

(7) Renumber the SECTIONS of the bill as appropriate.

Amendment No. 1 was adopted.

**CSHB 782**, 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: B. Brown, Paxton, and Zedler recorded voting no.)

**CSHB 647 ON SECOND READING****(by McCall, Strama, Gonzalez Toureilles, Berman, Bohac, et al.)**

**CSHB 647**, A bill to be entitled An Act relating to the making of political contributions to and acceptance of political contributions by statewide officers and members of the legislature before and during a special session of the legislature; providing a criminal penalty.

**CSHB 647** 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 3350 ON SECOND READING****(by Geren)**

**HB 3350**, A bill to be entitled An Act relating to payment of costs incurred in the operation and administration of the Texas Lottery Commission.

**HB 3350** 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 3322 ON SECOND READING****(by Truitt)**

**CSHB 3322**, A bill to be entitled An Act relating to a plan-to-plan transfer of certain assets from the TexaSaver 457 plan administered by the Employees Retirement System of Texas to a 457 plan created by an institution of higher education.

**CSHB 3322** 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 814 ON SECOND READING****(by Dutton, et al.)**

**HB 814**, A bill to be entitled An Act relating to the payment of child support obligations on behalf of persons wrongfully imprisoned.

**HB 814** 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 1927 ON SECOND READING****(by Chisum)**

**CSHB 1927**, A bill to be entitled An Act relating to the liability of manufacturers or sellers of fuel additives and components and fuels.

Representative Chisum moved to postpone consideration of **CSHB 1927** until 10 a.m. Monday, April 30.

The motion prevailed.

**HB 2265 ON SECOND READING**  
(by **Haggerty**)

**HB 2265**, A bill to be entitled An Act relating to the prizes awarded in a progressive bingo game.

**Amendment No. 1**

Representative Haggerty offered the following amendment to **HB 2265**:

Amend **HB 2265** on page 2 after line 8 by adding a new subsection (e) to read as follows:

(e) A licensed authorized organization may offer only one progressive bingo game during each bingo occasion.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Haggerty offered the following amendment to **HB 2265**:

Amend **HB 2265** on page 2, line 8, by striking "\$50,000" and substituting "\$2,500".

Amendment No. 2 was adopted.

**HB 2265**, 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, Berman, Bohac, B. Brown, Crabb, Crownover, Eissler, Flynn, Harper-Brown, C. Howard, Hughes, Latham, Laubenberg, Paxton, Riddle, Talton, Taylor, and Zedler recorded voting no.)

**CSHB 1386 ON SECOND READING**  
(by **P. King**)

**CSHB 1386**, A bill to be entitled An Act relating to regulation of the decommissioning costs of certain nuclear-powered commercial electric generating units.

**Amendment No. 1**

Representative Burnam offered the following amendment to **CSHB 1386**:

Amend **CSHB 1386** (house committee printing) as follows:

(1) On page 6, between lines 15 and 16, insert:

(m) The commission by rule may ensure that:

(1) money for decommissioning a nuclear generating unit is prudently collected, managed, and spent for its intended purposes; and

(2) decommissioning money that remains unspent after decommissioning of the nuclear generating unit is complete is returned to the appropriate retail electric customers.

(2) Reletter the subsections of added Section 39.206, Utilities Code, as added by Section 1 of the substitute, as appropriate.

Amendment No. 1 was adopted.

A record vote was requested.

**CSHB 1386**, as amended, was passed to engrossment by (Record 705): 115 Yeas, 21 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hill; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McCall; McClendon; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Oliveira; 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; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dutton; Farrar; Hernandez; Herrero; Hochberg; Hodge; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; Miles; Naishtat; Olivo; Thompson.

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

Absent, Excused — Corte; King, T.; Moreno.

Absent — Dunnam; Hamilton; Hartnett; Hilderbran; McReynolds; Pierson; Veasey.

#### STATEMENTS OF VOTE

When Record No. 705 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting no on Record No. 705. I intended to vote yes.

Lucio

#### **CSHB 1888 ON SECOND READING** **(by Haggerty, Madden, and Hodge)**

**CSHB 1888**, A bill to be entitled An Act relating to the provision of pay telephone service to inmates confined in facilities operated by the Texas Department of Criminal Justice.

Representative Haggerty moved to postpone consideration of **CSHB 1888** until 10 a.m. Tuesday, May 1.

The motion prevailed.

**CSHB 1297 ON SECOND READING**  
**(by Delisi)**

**CSHB 1297**, A bill to be entitled An Act relating to the creation of the state employee wellness program.

**CSHB 1297** 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: Harper-Brown recorded voting no.)

**CSHB 3732 ON SECOND READING**  
**(by Hardcastle, Deshotel, Darby, Solomons, R. Cook, et al.)**

**CSHB 3732**, A bill to be entitled An Act relating to the implementation of ultraclean energy projects in this state.

**Amendment No. 1**

Representative Hardcastle offered the following amendment to **CSHB 3732**:

On page 5, line 10, of **CSHB 3732** strike subsections (b), insert subsection (b) and (c) as follows and renumber accordingly:

(b) As authorized by federal law, not later than nine months after the executive director declares an application for a permit under this chapter for an advanced clean energy project to be administratively complete, the executive director shall complete its technical review of the application.

(c) The commission shall issue a final order issuing or denying the permit not later than nine months after the executive director declares the application technically complete. The commission may extend the deadline set out in this subsection up to three months if it determines that the number of complex pending applications for permits under this chapter will prevent the commission from meeting the deadline imposed by this subsection without creating an extraordinary burden on the resources of the commission.

Conservation Office shall issue a report to the legislature providing an assessment of whether the ultra clean energy program should be extended due to a continued need for incentives to ensure that a diverse range of affordable fuels, including lignite, can be utilized in a manner that achieves the lowest emission profile that is technically and economically feasible.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Vaught offered the following amendment to **CSHB 3732**:

Amend **CSHB 3732** (house committee printing) on page 4, line 27, by striking "0.05" and substituting "0.02".



**AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE PHILLIPS: Make sure we understand, there's nothing in the legislation that prevents them from trying to say, "look, we're going to be less than this amount," correct?

REPRESENTATIVE VAUGHT: Correct.

PHILLIPS: But what you're doing is you're mandating it to be an amount that's never been attained by any active facility.

VAUGHT: That's incorrect. This whole program is not a mandate. This is an incentive program that gives these corporations—

PHILLIPS: But the question, Representative Vaught, is what plant is meeting that standard today, that's in existence in this nation?

VAUGHT: Well, I don't believe that it's in existence, we—

PHILLIPS: And that's the point, you're putting a standard on there that's nonexistent, and nothing in his bill limits them from coming and saying, because it's not just NO<sub>x</sub> we're dealing with here, we're dealing with four different emissions, not just NO<sub>x</sub>, correct?

VAUGHT: Agreed, and my amendment does not address any of the other ones. I want it to be as reasonable as possible, so I picked one that is probably one of the most important to our health and our economy, and that's NO<sub>x</sub>.

PHILLIPS: You keep talking about this application down in Corpus.

VAUGHT: Yes.

PHILLIPS: That's the same facility that was denied and not allowed to go into another state, correct?

VAUGHT: I'm not aware of that.

PHILLIPS: And they're coming down and they're not using coal, they're using slurry. I mean, they're using coke product from a petroleum industry down there.

VAUGHT: I am told that it is lignite, if I'm wrong, I'll concede so, but I will tell you, though, that I come back to Mr. Theodore Beatty with Energy Northwest that is building one of these plants right now that we will have using coal—

PHILLIPS: And where is he building that?

VAUGHT: Well, I can't tell you right now, but a specific mountain energy center. Somewhere in the northwestern part of the United States.

PHILLIPS: It's in another part of the States.

VAUGHT: Yeah.

PHILLIPS: Another part of the nation.

VAUGHT: It's not in Texas.

PHILLIPS: He's marketing a certain type of facility that he wants to see his company produce down here?

VAUGHT: No, he's telling us about a facility that he's building in this area that is operational and can obtain this technology that we're talking about today.

Representative Hardcastle moved to table Amendment No. 2.

A record vote was requested.

(Speaker in the chair)

The motion to table prevailed by (Record 706): 80 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Homer; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Laubenberg; Macias; Madden; McCall; Menendez; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler.

Nays — Allen; Alonzo; Anchia; Bailey; Bohac; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; England; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Miles; Naishtat; Noriega; Oliveira; Olivo; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; Zerwas.

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

Absent, Excused — Corte; King, T.; Moreno.

Absent — Flores; Harless; Hill; Latham; Mowery.

### STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 706. I intended to vote no.

Ortiz

### Amendment No. 3

Representative Burnam offered the following amendment to **CSHB 3732**:

Amend **CSHB 3732** (house committee printing) on page 4, line 27, by striking "0.05" and substituting "0.04".

Representative Hardcastle moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 707): 83 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; Elkins; Farabee; Flynn; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Heflin; Hilderbran; Homer; Hopson; Howard, C.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Laubenberg; Macias; Madden; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; England; Escobar; Farias; Farrar; Flores; Frost; Gallego; Gattis; Gonzales; Gonzalez Toureilles; Guillen; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Noriega; Oliveira; Olivo; Ortiz; Patrick; Pierson; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; King, T.; Moreno.

Absent — Cohen; Creighton; Garcia; Giddings; Harless; Hartnett; Hill; Hughes; Latham; Mowery; Naishtat.

#### STATEMENTS OF VOTE

When Record No. 707 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 707 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

#### Amendment No. 4

Representative Hardcastle offered the following amendment to **CSHB 3732**:

On page 13, line 18, of **CSHB 3732**, Amend SECTION 10 by inserting promulgate rules to after the word "shall."

On page 13, line 18, insert a new Section 10 as follows and renumber accordingly:

(a) Not later than September 1, 2012 and September 1, 2016, the Texas Commission on Environmental Quality and the State Energy Conservation Office shall issue a joint report to the Legislature providing a status update on the implementation of the Ultra Clean Energy Program and an assessment of whether the emissions profile set out in Section 382.003 (1-a) (B), Health and Safety Code, as amended by this act, should be adjusted to increase or decrease elements of the emissions profile.

(b) Factors to be considered in the assessment of the emissions profile shall include:

(1) the technical and economic feasibility of meeting all of the elements of the emissions profile in a commercially viable project, as documented by the United States Department of Energy;

(2) the technical and economic feasibility of projects to meet all of the elements of the emissions profile and still use a diverse range of fuels, including lignite; and

(3) the adequacy of the incentives provided by this Act to continue to attract investment in and federal funding for ultra clean energy projects in this state.

(c) Any adjustments to the emissions profile implemented by the legislature in response to a report required by this section shall not apply to an application deemed administratively complete on or before the date of the report.

(d) Not later than September 1, 2020, the State Energy Conservation Office shall issue a report to the legislature providing an assessment of whether the ultra clean energy program should be extended due to a continued need for incentives to ensure that a diverse range of affordable fuels, including lignite, can be utilized in a manner that achieves the lowest emission profile that is technically and economically feasible.

Amendment No. 4 was adopted.

#### **Amendment No. 5**

Representative Strama offered the following amendment to **CSHB 3732**:

Amend **CSHB 3732** as follows:

(1) Strike page 6, lines 1 and 2, and substitute the following:

SECTION 4. Section 11.31, Tax Code, is amended by amending Subsection (b) and adding Subsections (k), (l), and (m) to read as follows:

(2) Insert the following on page 6 between lines 2 and 3:

(b) In this section, "facility, device, or method for the control of air, water, or land pollution" means land that is acquired after January 1, 1994, or any structure, building, installation, excavation, machinery, equipment, or device, and any attachment or addition to or reconstruction, replacement, or improvement of that property, that is used, constructed, acquired, or installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution. Whether or not carbon dioxide is considered a pollutant, the term includes property that is used, constructed, acquired, or installed wholly or partly to capture carbon dioxide from an anthropogenic source that is used in an enhanced recovery project for which a producer of oil receives a severance tax exemption under Section 202.0545, or that is geologically sequestered. This section does not apply to a motor vehicle.

(3) Insert the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Subchapter B, Chapter 202, Tax Code, is amended by adding Section 202.0545 to read as follows:

Sec. 202.0545. TAX EXEMPTION FOR ENHANCED RECOVERY PROJECTS USING ANTHROPOGENIC CARBON DIOXIDE. (a) Subject to the limitations provided by this section, the producer of oil recovered through an enhanced oil recovery project that qualifies under Section 202.054 for the recovered oil tax rate provided by Section 202.052(b) is entitled to an additional 50 percent reduction in that tax rate if in the recovery of the oil the enhanced oil recovery project uses carbon dioxide that:

(1) is captured from an anthropogenic source;  
(2) would otherwise be released into the atmosphere as industrial emission;

(3) is measurable at the source of capture; and  
(4) is sequestered in one or more geological formations following the enhanced oil recovery process;

(b) In the event that a portion of the carbon dioxide used in the enhanced oil recovery project is anthropogenic carbon dioxide that satisfies the criteria of Subsection (a) and a portion of the carbon dioxide used in the project fails to satisfy the criteria of Subsection (a) because it is not anthropogenic, the tax reduction provided by Subsection (a) shall be reduced to reflect the proportion of the carbon dioxide used in the project that satisfies the criteria of Subsection (a).

(c) To qualify for the tax rate reduction under this section, the operator must apply to the comptroller for the reduction and include with the application any information and documentation that the comptroller may require.

(d) To qualify for the tax rate reduction under this Section, the operator must apply for a certification from the agency or agencies responsible, under the federal Safe Drinking Water Act, for the regulation of underground injection of the carbon dioxide to be sequestered pursuant to Subsection (a)(4). The agency or agencies must certify, based on substantial evidence, that there is a reasonable expectation that:

(1) the operator's planned sequestration program will assure that at least 99% of the carbon dioxide sequestered as required by Subsection (a)(4) will remain sequestered for at least 1000 years; and

(2) the operator's planned sequestration program will include appropriately designed monitoring and verification measures that will be employed for a period of time sufficient to demonstrate whether or not the sequestration program is performing as expected.

(e) The tax rate reduction shall not apply if the operator's sequestration program or the operator's monitoring and verification measures differs substantially from the planned program as described in Subsection (d), and the operator shall refund the difference between the tax paid on oil produced pursuant to this Section and the tax that would have applied in the absence of this Section.

(f) The comptroller shall approve the application if the operator submits the certification or certifications required by Subsection (d) and if the comptroller determines that the oil is otherwise eligible under this section.

(g) If, before the comptroller approves an application for the tax rate reduction under this section, the tax imposed by this chapter is paid at the rate provided by Section 202.052(a) or (b) on oil that qualifies under this section, the

producer or producers of the oil are entitled to a credit against taxes imposed by this chapter in an amount equal to the difference between the tax paid on the oil and the tax due on the oil after the rate reduction under this section is applied. The credit is allowed to each producer according to the producer's proportionate share in the oil. To receive a credit, one or more of the producers of the oil must apply to the comptroller for the credit not later than the first anniversary of the date the oil is produced.

(h) The comptroller may enact rules and establish procedures to implement and administer this section.

(i) The Railroad Commission may enact rules and establish procedures to implement and administer this section.

(j) The Texas Commission on Environmental Quality may enact rules and establish procedures to implement and administer this section.

SECTION \_\_\_\_\_. The amendment made by this Act to Section 11.31(b), Tax Code, takes effect January 1, 2008.

Amendment No. 5 was adopted.

**CSHB 3732**, 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: Leibowitz recorded voting no.)

#### **CSHB 2069 ON SECOND READING (by Hochberg and Castro)**

**CSHB 2069**, A bill to be entitled An Act relating to the processing of consumer rebates.

Representative Hochberg moved to postpone consideration of **CSHB 2069** until 9 a.m. Tuesday, May 1.

The motion prevailed.

#### **HB 1531 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Flores moved to lay **HB 1531** on the table subject to call.

The motion prevailed.

#### **CSHB 1470 ON SECOND READING (by Eissler and Swinford)**

**CSHB 1470**, A bill to be entitled An Act relating to the continuation of the Texas Economic Development Act and to the duties of the comptroller of public accounts and the Texas Education Agency under that Act.

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

Representative Eissler offered the following amendment to **CSHB 1470**:

Amend **CSHB 1470** (House committee printing) as follows:

(1) On page 1, line 22, between "conduct" and "the evaluation", insert "or contract with a third person to conduct".

(2) On page 1, line 24, between "the comptroller" and "any requested", insert "or third person".

(3) On page 2, at the end of line 26, add the following:

A third person contracted by the comptroller to conduct an economic impact evaluation of an application is not required to make a determination that the Texas Education Agency is required to make and report to the comptroller under this subsection.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Eissler offered the following amendment to **CSHB 1470**:

Amend **CSHB 1470** as follows:

(1) On page 2, lines 15 and 16, strike "the impact that the added infrastructure will have on the region and".

(2) On page 2, line 19, strike "Sections 313.026(a)(6) and (9)" and substitute "Section 313.026(a)(9)".

(3) On page 2, lines 20 and 25, strike "determinations" and substitute "determination".

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Eissler offered the following amendment to **CSHB 1470**:

Amend **CSHB 1470** by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 313.025, Tax Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) Notwithstanding any other provision of this chapter to the contrary, including Section 313.003(2) or 313.004(3)(A) or (B)(iii), the governing body of a school district may waive the new jobs creation requirement in Section 313.021(2)(A)(iv)(b) or 313.051(b) and approve an application if the governing body makes a finding that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

Amendment No. 3 was adopted.

**CSHB 1470**, 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: Herrero and Leibowitz recorded voting no.)

### **CSHB 3722 ON SECOND READING (by Krusee and Haggerty)**

**CSHB 3722**, A bill to be entitled An Act relating to pass-through financing and the creation and operation of the transportation reinvestment fund.

Representative Haggerty moved to postpone consideration of **CSHB 3722** until 10 a.m. Tuesday, May 1.

The motion prevailed.

(Eissler in the chair)

**CSHB 1351 ON SECOND READING**  
**(by T. King)**

**CSHB 1351**, A bill to be entitled An Act relating to the operation of certain staff leasing services arrangements.

Representative Flynn moved to postpone consideration of **CSHB 1351** until 9 a.m. tomorrow.

The motion prevailed.

**HB 3765 ON SECOND READING**  
**(by O'Day and Garcia)**

**HB 3765**, A bill to be entitled An Act relating to the taking or unloading of fish in this state.

(Speaker in the chair)

**HB 3765** 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.)

**CSSB 949 ON SECOND READING**  
**(Frost - House Sponsor)**

**CSSB 949**, A bill to be entitled An Act relating to the regulation of a private business providing security services by a political subdivision of this state.

**CSSB 949** was considered in lieu of **HB 2258**.

**Amendment No. 1**

Representative Frost offered the following amendment to **CSSB 949**:

Amend **CSSB 949** (House committee printing) in SECTION 1 of the bill, in proposed Section 1702.184, Occupations Code (page 1, lines 12 through 18) by striking proposed Subsection (b) of that section and substituting the following:

(b) This section does not apply to:

(1) a requirement that a private business contract with or employ a peace officer to:

(A) provide security services for a public event;

(B) provide security services for a private event held at a public facility that is owned or leased by a political subdivision of this state;

(C) conduct a public escort; or

(D) direct traffic on a public roadway; or



(2) an order or determination made by a court under Chapter 125, Civil Practice and Remedies Code.

Amendment No. 1 was adopted.

**CS SB 949**, as amended, was passed to third reading. (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 2258 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Frost moved to lay **HB 2258** on the table subject to call.

The motion prevailed.

### **CS HB 913 ON SECOND READING (by P. King, Veasey, and Truitt)**

**CS HB 913**, A bill to be entitled An Act relating to the ad valorem tax situs of certain portable drilling rigs.

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

Representative P. King offered the following amendment to **CS HB 913**:

Amend **CS HB 913** on page 2, line 1, between "January 1" and the period, by inserting the following:

. Notwithstanding any other provision of this subsection, if the owner of a portable drilling rig does not have a place of business in this state, the rig is taxable by each taxing unit in which the rig is located on January 1

Amendment No. 1 was adopted.

**CS HB 913**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **CS HB 2482 ON SECOND READING (by R. Cook)**

**CS HB 2482**, A bill to be entitled An Act relating to the requirements for certification to provide training to an owner of an on-site sewage disposal system using aerobic treatment in maintaining the system.

**CS HB 2482** 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.)

### **CS HB 2534 ON SECOND READING (by Solomons and Pickett)**

**CS HB 2534**, A bill to be entitled An Act relating to the transfer of a motor vehicle retail installment contract to a holder.

**CSHB 2534** 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 2713 ON SECOND READING**

**(by Bonnen, Hancock, Branch, P. King, England, et al.)**

**CSHB 2713**, A bill to be entitled An Act relating to an interim study concerning the state's demand for electric generation capacity, the development of a long-term energy plan, and the effects on the environment of electric generating facilities.

**Amendment No. 1**

Representative Bonnen offered the following amendment to **CSHB 2713**:

Amend **CSHB 2713** (House Committee Printing) as follows:

(1) On page 1, line 20, strike "and".

(2) On page 1, between "governor" and the period, insert the following:

;

(8) one member representing the electric generation industry, appointed by the governor;

(9) one member representing the academic community in the area of energy and environmental studies, appointed by the governor; and

(10) one member representing a public interest organization, appointed by the governor

(1) On page 2, line 27, strike "and".

(2) On page 3, line 11, between "nonattainment area" and the period, insert the following:

;

(E) an assessment of the reliability of existing electric generating facilities to meet the demand for electric generation capacity;

(F) an estimate of the costs associated with meeting the demand for electric generation capacity; and

(G) recommendations for reducing demand through the use of energy efficiency programs

(3) On page 3, line 15, strike "and".

(4) On page 3, line 16, between "Texas" and the period, insert the following:

; and

(4) the Electric Reliability Council of Texas

(5) On page 3, line 17, between "(c)" and "The committee", insert the following:

Each agency named by Subsection (b) shall designate an individual as the point of contact for the committee.

(d)

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Farabee offered the following amendment to **CSHB 2713**:

Amend **CSHB 2713** (house committee printing) as follows:

(1) On page 1, between lines 6 and 7, insert the following:

ARTICLE 1. INTERIM SPECIAL COMMITTEE ON ELECTRIC ENERGY  
GENERATION CAPACITY AND ENVIRONMENTAL IMPACT

(2) On page 1, line 7, strike "SECTION 1" and substitute "SECTION 1.01".

(3) On page 2, line 6, strike "SECTION 2" and substitute "SECTION 1.02".

(4) On page 3, line 20, strike "SECTION 3" and substitute "SECTION 1.03".

(5) On page 3, line 24, strike "SECTION 4" and substitute "SECTION 1.04".

(6) On page 4, line 2, strike "SECTION 5" and substitute "SECTION 1.05".

(7) On page 4, line 6, strike "Act" and substitute "article".

(8) On page 4, line 12, strike "SECTION 6. EFFECTIVE DATE. This Act" and substitute "SECTION 1.06. EFFECTIVE DATE. This article".

(9) Add the following appropriately numbered ARTICLES and SECTIONS and renumber the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_ . ELECTRIC ENERGY STORAGE DEVICES

SECTION \_\_\_\_ .01. DEFINITION. In this article, "commission" means the Public Utility Commission of Texas.

SECTION \_\_\_\_ .02. STUDY. (a) The commission shall conduct a study on the potential of electric energy storage devices to benefit the operation of transmission and distribution systems. In conducting the study, the commission shall consider any relevant issues, including:

(1) the effect of the devices on system reliability;

(2) the advantages and disadvantages of transmission and distribution utilities owning and operating those devices as transmission and distribution facilities;

(3) the manner in which the devices may be integrated into the ERCOT operating system, if applicable;

(4) the manner in which the devices may benefit power generation companies, retail electric providers, electric utilities, and transmission and distribution utilities; and

(5) the appropriate methods to bill and account for any costs and revenue associated with the electric energy that is used to charge, and that is later discharged from, a device.

(b) The commission shall prepare a report on the results of the study. The report must include the commission's conclusions on the potential of electric energy storage devices and, as appropriate, recommendations to the legislature on legislation or other action necessary to realize that potential. The commission shall include the report in the electric market scope of competition report required by Section 31.003, Utilities Code, that the commission submits to the 81st Legislature.

(c) The commission shall conduct the study and prepare the report as required by this section:

- (1) with input from the ERCOT independent system operator; and
- (2) after requesting comments and input from all interested parties.

SECTION \_\_\_\_\_.03. DEMONSTRATION PROJECTS. (a) The commission may authorize one or more electric utilities or transmission or distribution utilities to operate demonstration projects that involve facilities capable of not more than two megawatts of electric energy storage for the purpose of obtaining a better understanding of the facilities':

- (1) cost;
- (2) value; and
- (3) operational characteristics, including the efficient use of the transmission system and the facilities' effect on removing transmission constraints.

(b) The operation of a demonstration project under this section does not prejudice the study required by Section \_\_\_\_\_.02 of this article or any future determination relating to the appropriateness of an electric utility or transmission and distribution utility owning and operating electric energy storage facilities.

(c) This section may not be interpreted to require an electric utility or transmission and distribution utility to install an electric energy storage facility.

SECTION \_\_\_\_\_.04. EFFECTIVE DATE. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2007.

#### ARTICLE \_\_\_\_\_. EFFECTIVE DATE

SECTION \_\_\_\_\_.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2007.

Amendment No. 2 was adopted.

#### **Amendment No. 3**

Representative Anderson offered the following amendment to **CSHB 2713**:

Amend **CSHB 2713** (House Committee Printing) as follows:

(1) On page 3, line 8, between "(iii) the" and "effect on air quality", insert "cumulative".

(2) On page 3, line 15, strike "and".

(3) On page 3, line 16, between "Texas" and the period, insert the following:

; and

- (4) the Electric Reliability Council of Texas

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative Crabb offered the following amendment to **CSHB 2713**:

Amend **CSHB 2713** (House Committee Printing) as follows:

(1) On page 2, line 11, between "electric generating facilities" and "; and", insert ",including the effects on global warming or climate change,".

(2) On page 3, line 9, strike "and".

(3) On page 3, line 11, between "nonattainment area" and the period, insert the following:  
; and

(v) global warming or climate change

Amendment No. 4 was adopted.

**CSHB 2713**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **RESOLUTIONS CALENDAR**

The chair laid before the house the following resolution on committee report:

#### **HCR 96 (by Driver)**

**HCR 96**, Requesting the lieutenant governor and speaker to create a joint interim committee to study the qualifications and standards necessary to be designated a police agency and to encourage a moratorium on the statutory creation of new police agencies.

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

Representative Driver offered the following amendment to **HCR 96**:

Substitute the following for **HCR 96**:

WHEREAS, Article 2.12, Code of Criminal Procedure, delineates who are peace officers in the State of Texas; since its enactment in 1967, the article has been amended 51 times and now includes a list of 34 classes of individuals who have been designated peace officers under the law; and

WHEREAS, Law enforcement authority for these peace officers is derived from two sources: the Texas Constitution grants permanent authority to sheriffs, constables, marshals, and police officers, among others; alternatively, peace officers are commissioned by a governmental entity or state agency to carry out a specific law enforcement purpose under the limited purview of the commissioning entity; and

WHEREAS, As a consequence of the manner in which these commissioned peace officers are authorized under Article 2.12, there are no statewide standards to provide for the oversight of a commissioning entity, liability for a peace officer's action, or management of geographic or functional overlaps in jurisdiction; and

WHEREAS, To prevent any compromises to law enforcement efforts that may arise from this lack of coordinated effort, it would behoove the state to study the development of our peace officer ranks and future additions to Article 2.12, Code of Criminal Procedure; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas observe a moratorium on the statutory creation of new police agencies, except for any new law enforcement authority the legislature deems necessary for the Texas Youth Commission, the Texas Juvenile Probation Commission, and the Texas Health and Human Services Commission Office of Inspector General, until the issue can be studied and fully assessed by the 81st Texas Legislature.

Amendment No. 1 was adopted.

**HCR 96**, as amended, was adopted.

### **POSTPONED BUSINESS**

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

#### **CSHB 3678 ON SECOND READING**

**(by C. Howard, Chisum, et al.)**

**CSHB 3678**, A bill to be entitled An Act relating to voluntary student expression of religious viewpoints in public schools.

**CSHB 3678** was read second time earlier today and was postponed until this time.

#### **CSHB 3678 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **CSHB 3678** under Rule 4, Section 11 of the House Rules on the grounds that proper notice of the committee meeting was not given.

The point of order was overruled.

#### **CSHB 3678 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **CSHB 3678** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

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

The chair finds that the deletion of a section that authorizes the citation of the titles in the substitute is not substantially misleading for purposes of complying with the House Rules and house precedent and practice.

#### **CSHB 3678 - POINT OF ORDER**

Representative Hernandez raised a point of order against further consideration of **CSHB 3678** 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.

**CSHB 3678 - POINT OF ORDER**

Representative Farrar raised a point of order against further consideration of **CSHB 3678** 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.

(Isett in the chair)

Representative Hochberg moved to extend speaking time on **CSHB 3678**.

A record vote was requested.

The motion to extend time prevailed by (Record 708): 87 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Berman; Bolton; Brown, B.; Brown, F.; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Davis, J.; Davis, Y.; Delisi; Deshotel; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Garcia; Gattis; Geren; Gonzales; Gonzalez Tourelles; Guillen; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; King, S.; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Peña; Pitts; Puente; Quintanilla; Raymond; Smith, T.; Smith, W.; Solomons; Strama; Talton; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zerwas.

Nays — Aycock; Bailey; Bohac; Callegari; Chisum; Christian; Crownover; Darby; Elkins; Haggerty; Harless; Harper-Brown; Jackson; Keffer; Kuempel; Latham; Laubenberg; Macias; Miller; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Smithee; Swinford; Taylor; Truitt; West; Zedler.

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

Absent, Excused — Corte; King, T.; Moreno.

Absent — Bonnen; Branch; Burnam; Driver; Dukes; Dunnam; Dutton; Eiland; Flynn; Gallego; Giddings; Goolsby; Hamilton; Hancock; Hochberg; Hughes; Jones; King, P.; Kolkhorst; Krusee; Morrison; Pickett; Pierson; Ritter; Rodriguez; Rose; Straus.

**CSHB 3678 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HOCHBERG: I think it's important that school districts know what their rights and responsibilities are, I have no question with that and so I appreciate a lot of what you are doing with the bill. I just want to get some things clear because I want to make sure we don't set something up and have lawsuits in the other direction. Kids try to pull a lot of things, you know. There's four million of them out there. So, if a student came up with something crazy and off-the-wall and said it was their religion and they were saying things that were

crazy and off-the-wall and trying to maintain the right to say them under this bill—and somebody's going to do it—it's your intent that this bill wouldn't prohibit the district from saying "no" to that. They can draw a line, can't they?

REPRESENTATIVE C. HOWARD: They can adopt a policy, that's the whole idea. The bill says, if you look on page one, it says, "a district shall adopt a policy which must include the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak." That's what the bill does. It sets up a limited public forum where these students can speak and the bill says that."

HOCHBERG: So let's assume that we're in that forum. And they've decided you can speak through the practice that you outline here at the opening of a football game, or a graduation, or something. And the student that's selected decides that his religion is The Church of Scott or The Church of Charlie and gets up and starts saying crazy things that don't fit into the policy, and the school says I don't want you to say that, but he says, "no, I'm expressing my religious viewpoint." Would you agree with me that your bill would have the school be able to say, "you can't say that, The Church of Scott is not really a religion."

C. HOWARD: Well, I think what the bill says if you look at page 2, line 10, it says, "ensure that the speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech."

HOCHBERG: Let's say he gets up and says, "my religion says there is no God and I want y'all to listen to me about there not being a God and I think anybody who says there is a God is a bad person. And that's my religion and so I have a right to say that." Shouldn't the school district be able to say, "What a minute. That's not a religion. You can't use the Student Expression of Religious Viewpoints Act to justify you being able to say that."

C. HOWARD: Again, I go back to the school itself, the school district can adopt their policy and they're the ones who can state what the policy is and it has to be in a limited public forum, again.

HOCHBERG: Okay, so does that mean that the school can adopt a policy that says that if it's a religion that doesn't respect a supreme being we're not going to consider that a religion under our policy—

C. HOWARD: No, they couldn't do that because I think that would go against the Constitution.

HOCHBERG: Okay, I'm trying to figure out what authority they have to draw the line because if they do that, if they draw a line and we don't clearly state what it is, I'm afraid they are going to get sued from the other side. So in the example I gave you, where I created The Church of Scott, we could pretty much agree that this bill doesn't protect that.

C. HOWARD: I don't think this bill protects that, I think there is somewhere in the line of thinking that the public school districts are going to have to use some common sense when they set out their guidelines.



HOCHBERG: Okay, and that would be the district's job really to do that when adopting that policy?

C. HOWARD: That's correct.

HOCHBERG: The local district's job to do that?

C. HOWARD: That's correct.

HOCHBERG: And they could say that, in this community we believe in a supreme being and therefore a religion that claims to be devil-worshipping or something like that, we're not going to go for that?

C. HOWARD: I don't think we're getting that, Scott. Again, what the bill says, it's student expression. It does not say what somebody else can say. It's what a student can say only in a limited public forum.

HOCHBERG: Right. And they can say anything under the guise of religious viewpoint? I think you agreed there are some limitations—

C. HOWARD: If it's a religious viewpoint, they can express that. That's correct.

HOCHBERG: But the district gets to decide what a legitimate religious viewpoint is?

C. HOWARD: I think they could—I would not say that could not be challenged in court. That's your real question, is it not?

HOCHBERG: No, I'm just trying to get your intent of the bill. Can a district make that decision and that's the district's decision?

C. HOWARD: I think that would have to be their decision. If it's challenged, then it would have to be proven. What the bill does, and again, I refer back to the section on the model policy. If you adopt the policy that's in the bill we know that if you are sued that you'll win. That was the whole intent of putting the model policy there, but it does not tie a school district to this model policy, they can adopt their own.

HOCHBERG: Ms. Thompson has some questions and she just asked me to ask these for intent.

C. HOWARD: Sure, go ahead.

HOCHBERG: Why does it isolate on religious speech and not on any other form of speech?

C. HOWARD: Well, what it says is, they have the ability to—it doesn't say they don't have secular speech. They can have secular speech here. It does not prohibit secular speech. It's viewpoint, again. It's a secular viewpoint or a religious viewpoint expression—that's what we're talking about.

HOCHBERG: If a school provides a forum for a student to give a prayer of some religious speech, don't you run the risk of giving kids the impression that the school endorses that religion?

C. HOWARD: Well, again, if you look on page 2, line (b), it says, "a school district disclaimer required by Section (a)(4) must be provided at all graduation ceremonies, at all public places where the student can speak." In other words, the school district is required to offer a disclaimer. That's to protect them. To make sure that what you're just saying does not happen, that they're endorsing something. The disclaimer—it's their responsibility to put that disclaimer there at the outset.

### REMARKS ORDERED PRINTED

Representative Hochberg moved to print remarks between Representative C. Howard and Representative Hochberg.

The motion prevailed.

### Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** as follows:

- (1) On page 1, line 11, between "EXPRESSION," and "A", insert "(a)".
- (2) On page 1, line 12, between "a" and "religious", insert "legitimate".
- (3) On page 1, line 16, between "a" and "religious", insert "legitimate".
- (4) On page 1, between lines 17 and 18, insert the following:
  - (b) For purposes of this subchapter, in determining whether a religious viewpoint is legitimate, a school district shall use local community standards.
- (5) On page 1, line 20, between "a" and "religious", insert "legitimate".
- (6) On page 1, line 23, between "a" and "religious", insert "legitimate".
- (7) On page 2, line 6, before "religious", insert "legitimate".
- (8) On page 2, line 23, between "a" and "religious", insert "legitimate".
- (9) On page 3, line 23, between "of" and "religious", insert "legitimate".
- (10) On page 5, line 23, before "religious", insert "legitimate".
- (11) On page 5, line 27, between "a" and "religious", insert "legitimate".
- (12) On page 6, line 22, between "of" and "religious", insert "legitimate".
- (13) On page 6, line 26, between "a" and "religious", insert "legitimate".
- (14) On page 8, line 15, between "of" and "religious", insert "legitimate".
- (15) On page 8, line 19, between "a" and "religious", insert "legitimate".

Representative C. Howard moved to table Amendment No. 1.

### LEAVES OF ABSENCE GRANTED

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

Branch on motion of Hamilton.

Herrero on motion of Leibowitz.

Krusee on motion of Driver.

Lucio on motion of Ortiz.

Menendez on motion of Guillen.

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

Pierson on motion of Veasey.

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

Gonzales on motion of Ortiz.

### **CSHB 3678 - (consideration continued)**

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 1 and the vote was announced yeas 70, nays 67.

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 709): 69 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Howard, C.; Hughes; Jackson; Jones; Keffer; King, P.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Hernandez; Hochberg; Hodge; Homer; Hopson; Howard, D.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Branch; Corte; Gonzales; Herrero; King, T.; Krusee; Lucio; Menendez; Moreno; Pierson.

Absent — Bailey; Goolsby; Hill; King, S.; Mowery; Straus.

The chair stated that the motion to table prevailed by the above vote.

### **REASON FOR VOTE**

A motion to table is a procedural vote whether or not an amendment should perhaps have further debate. The amendment being discussed for this vote raised a question that without the amendment our local school districts could become

subject to more lawsuits, and I wanted to know more about the effect of the amendment and if the proposed bill might need the amendment. This is the reason I voted against the motion to table.

Solomons

### 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).

#### CSHB 3678 - (consideration continued)

#### Amendment No. 2

Representative Y. Davis offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** as follows:

(1) on page 2, line 10, between "not" and "engage", insert ":

(A)".

(2) On page 2, line 11, strike "and" and substitute "or".

(2) On page 2, between lines 11 and 12, insert the following:

(B) promote discrimination on the basis of another individual's sex, race, age, sexual preference, or religious beliefs; and .

(3) On page 5, line 22, between "speech." and "The", insert "The student speech may not promote discrimination on the basis of another individual's sex, race, age, sexual preference, or religious belief.".

(4) On page 8, line 14, between "speech." and "The", insert "The student speech may not promote discrimination on the basis of another individual's sex, race, age, sexual preference, or religious belief.".

#### AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE THOMPSON: I just want to ask you about three or four questions, just for legislative intent. If the school provides a forum for a student to give a prayer, or some religious speech, do you think that you would run the risk of giving kids the impression that the school endorses that religion?

REPRESENTATIVE C. HOWARD: Well, this bill specifically states that the school would put a disclaimer any time that they allowed that.

THOMPSON: If a kid is giving an Evangelical Christian prayer or a speech, and a Catholic or Mormon student is offended or feels coerced to conform, what would the school need to do under this bill?

C. HOWARD: I don't think this bill addresses that.

THOMPSON: How would this bill affect the situation we all read about two years ago in the Santa Fe Independent School District? Is this bill consistent with the Supreme Court decision in that case?

C. HOWARD: Yes, ma'am, it is.

THOMPSON: Don't you worry that this bill might require the state to get too entangled in religion?

C. HOWARD: No, ma'am.

THOMPSON: Specifically the process it sets up to give students a special status, it seems to do that. Do you believe that?

C. HOWARD: Ma'am, what this does, is it follows the Constitution and rulings of the Supreme Court. That's what the bill does.

THOMPSON: Is it a fact that giving kids a privilege or a special status under this process set up by this bill means that the kids who are not given that status will feel less privileged, and won't that make them feel like the school is endorsing a prayer?

C. HOWARD: I don't think that it does. I don't think it sets up a preference. It is a limited forum, as we talked about before, and the students have the right to express their viewpoint. It might be a secular viewpoint, it may not be a religious viewpoint.

### REMARKS ORDERED PRINTED

Representative Thompson moved to print remarks between Representative C. Howard and Representative Thompson.

The motion prevailed.

Representative C. Howard moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 710): 63 Yeas, 70 Nays, 2 Present, not voting.

Yeas — Anderson; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Crabb; Creighton; Crownover; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; McReynolds; Merritt; Miller; Murphy; O'Day; Orr; Otto; Parker; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Aycock; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Harless; Heflin; Hernandez; Hochberg; Hodge; Homer; Hopson; Howard, D.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Miles; Morrison; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Branch; Corte; Gonzales; Herrero; King, T.; Krusee; Lucio; Menendez; Moreno; Pierson.

Absent — Gattis; Goolsby; Mowery; Straus; Van Arsdale.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 710. I intended to vote no.

England

A record vote was requested.

Amendment No. 2 was adopted by (Record 711): 86 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Harless; Hernandez; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, S.; Kolkhorst; Leibowitz; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Patrick; Peña; Pickett; Pitts; Puente; Raymond; Ritter; Rodriguez; Rose; Strama; Swinford; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; Woolley; Zerwas.

Nays — Anderson; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Crabb; Creighton; Crownover; Driver; Elkins; Gattis; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Howard, C.; Jackson; Jones; Keffer; King, P.; Kuempel; Latham; Laubenberg; Macias; Mowery; O'Day; Otto; Parker; Paxton; Phillips; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Van Arsdale; West; Zedler.

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

Absent, Excused — Branch; Corte; Gonzales; Herrero; King, T.; Krusee; Lucio; Menendez; Moreno; Pierson.

Absent — Goolsby; Hughes; Quintanilla; Straus.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 711. I intended to vote no.

Eissler

I was shown voting yes on Record No. 711. I intended to vote no.

Farabee

I was shown voting yes on Record No. 711. I intended to vote no.

Flynn

I was shown voting no on Record No. 711. I intended to vote yes.

Hilderbran

When Record No. 711 was taken, my vote failed to register. I would have voted no.

Hughes

I was shown voting yes on Record No. 711. I intended to vote no.

Miller

When Record No. 711 was taken, I was temporarily out of the house chamber. I would have voted yes.

Quintanilla

I was shown voting yes on Record No. 711. I intended to vote no.

Swinford

I was shown voting yes on Record No. 711. I intended to vote no.

Woolley

**Amendment No. 2 - Motion to Reconsider**

Representative Flynn moved to reconsider the vote by which Amendment No. 2 was adopted.

A record vote was requested.

The motion to reconsider was lost by (Record 712): 56 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Anderson; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Crabb; Creighton; Crownover; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Guillen; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Jackson; Keffer; King, P.; Kuempel; Latham; Macias; Madden; Miller; Morrison; Murphy; O'Day; Otto; Parker; Paxton; Phillips; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Aycock; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzalez Toureilles; Haggerty; Harless; Heflin; Hernandez; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, S.; Kolkhorst; Laubenberg; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Branch; Corte; Gonzales; Herrero; King, T.; Krusee; Lucio; Menendez; Moreno; Pierson.

Absent — Goolsby; Hamilton; Orr; Straus.

### CSHB 3678 - MOTION TO LIMIT AMENDMENTS

Representative Chisum moved to limit amendments to **CSHB 3678** to those pending on the Speaker's desk.

The motion was seconded by Representatives Morrison, P. King, Miller, Callegari, Hopson, Orr, Pickett, Pitts, Aycock, Darby, Phillips, West, Hill, Harless, Patrick, Zedler, Chisum, Macias, W. Smith, Flynn, Taylor, O'Day, Hughes, Otto, Murphy, and Zerwas.

(Speaker in the chair)

A record vote was requested.

The motion to limit amendments was lost by (Record 713): 65 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Creighton; Crownover; Darby; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Latham; Laubenberg; Macias; Miller; Morrison; Mowery; Murphy; O'Day; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Crabb; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzalez Toureilles; Hamilton; Hernandez; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, S.; Kuempel; Leibowitz; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Gonzales; Herrero; King, T.; Krusee; Lucio; Menendez; Moreno; Pierson.

Absent — Goolsby; Heflin; Kolkhorst; Straus.

### STATEMENT OF VOTE

When Record No. 713 was taken, my vote failed to register. I would have voted yes.

Heflin

Representative C. Howard moved to postpone consideration of **CSHB 3678** until 10 a.m. Monday, April 30.

A record vote was requested.



The motion prevailed by (Record 714): 105 Yeas, 21 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Kuempel; Latham; Leibowitz; Macias; Madden; Mallory Caraway; McCall; Merritt; Miller; Morrison; Murphy; Naishtat; O'Day; Olivo; Orr; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Van Arsdale; Vaught; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Cohen; Davis, Y.; Dukes; Dutton; Flores; Geren; Hamilton; Hodge; Howard, D.; Martinez; McClendon; McReynolds; Miles; Oliveira; Ortiz; Puente; Rose; Strama; Thompson; Turner; Vo.

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

Absent, Excused — Branch; Corte; Gonzales; Herrero; King, T.; Krusee; Lucio; Menendez; Moreno; Pierson.

Absent — Goolsby; Hill; King, S.; Laubenberg; Martinez Fischer; Mowery; Noriega; Paxton; Quintanilla; Straus; Veasey.

### **CSHB 782 - MOTION TO RECONSIDER**

Representative Hartnett moved to reconsider the vote by which **CSHB 782** was passed to engrossment.

A record vote was requested.

The motion to reconsider was lost by (Record 715): 62 Yeas, 71 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bohac; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Frost; Gallego; Garcia; Gattis; Hamilton; Hardcastle; Harper-Brown; Hartnett; Heflin; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Latham; Laubenberg; Macias; Madden; McReynolds; Miller; Morrison; Murphy; Naishtat; O'Day; Orr; Otto; Parker; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Berman; Bolton; Bonnen; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Crabb; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Hancock; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Howard, D.; Jones; King, S.;

Kuempel; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Merritt; Miles; Mowery; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Corte; Gonzales; Herrero; King, T.; Krusee; Lucio; Menendez; Moreno; Pierson.

Absent — Dunnam; Geren; Goolsby; Harless; Patrick; Straus.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Deshotel moved to suspend the five day posting rule to allow the Committee on Economic Development to consider **SB 1424** upon adjournment today in E1.014.

The motion prevailed.

#### **COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to House Rule 4, Section 9, Representative Driver requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Berman moved to suspend the five day posting rule to allow the Committee on Elections to consider **HB 3907** and **HB 3908** upon adjournment today in E2.028.

The motion prevailed.

(Homer in the chair)

#### **HB 21 - RECOMMITTED**

Representative Swinford moved to recommit **HB 21** to the Committee on State Affairs.

The motion prevailed.

#### **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 21**, **HB 1517**, **HB 2935**, and pending business upon adjournment today at Desk 9.

The motion prevailed.

(Speaker pro tempore in the chair)

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

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

Straus on motion of Geren.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Truitt moved to suspend the five day posting rule to allow the Committee on Pensions and Investments to consider **HB 3609** at 8 a.m. tomorrow in E2.030.

The motion prevailed.

Representative Keffer moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider **HB 3488** upon adjournment today in E2.010.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Chisum requested permission for the conference committee on **HB 1** to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Chisum moved to suspend the five day posting rule to allow the Committee on Appropriations to consider invited testimony on Medicaid reform, hospital financing, and pending business at 7 a.m. Friday, April 27 in E1.030.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Corrections, upon adjournment today, Desk 50, for a formal meeting, to consider pending business.

Law Enforcement, upon adjournment today, Desk 56, for a formal meeting, to consider pending bills.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

Appropriations, 7 a.m. Friday, April 27, E1.030, for a public hearing, to consider invited testimony on Medicaid reform, hospital financing, and pending business.

Energy Resources, upon adjournment today, Desk 25, for a formal meeting, to consider pending business.

State Affairs, upon adjournment today, Desk 9, for a formal meeting, to consider **HB 21**, **HB 1517**, **HB 2935**, and pending business.

Criminal Jurisprudence, upon adjournment today, Desk 37, for a formal meeting, to consider **HB 10** and pending business.

**RESOLUTIONS ADOPTED**

Representative Homer moved to suspend all necessary rules in order to take up and consider at this time **HR 1633**, **HR 1666**, **HR 1676**, **HR 1683**, and **SCR 55**.

The motion prevailed.

The following resolutions were laid before the house:

**HR 1633** (by Dutton), Congratulating Dr. Andrew M. Landry on his appointment as dean of the Conroe Baptist Theological Institute/Houston Extension College.

**HR 1666** (by Dukes), Honoring Don T. Haynes, Jr., for his years of service to the students of LBJ High School in Austin.

**HR 1676** (by Dukes), Honoring Dorothy W. Hannon of Austin on the occasion of her retirement from the Texas Workforce Commission.

**HR 1683** (by Gonzalez Toureilles), Honoring Staff Sergeant Shane Valverde of Alice on his orders to receive a Purple Heart and Joint Service Commendation Medal.

**SCR 55** (Homer - House Sponsor), Recognizing Andrew C. Solomon who has been elected student government president of The University of Texas at Austin for the 2007-2008 school year.

The resolutions were adopted.

### **PROVIDING FOR ADJOURNMENT**

Representatives Branch and Driver moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9 a.m. tomorrow in memory of Katie Bolka of Dallas and in honor of Marshall and Brinkley Driver's birthdays.

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.)

(Bonnen in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 8:28 p.m., adjourned 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**

**HCR 207** (By Hilderbran), Honoring retired United States Air Force Lieutenant Colonel Richard Cole, the last surviving member of General Jimmy Doolittle's crew.

To Rules and Resolutions.

**HCR 208** (By Aycock), Congratulating the City of Killeen on being named the Association of Defense Communities 2006 Active Base Community of the Year.

To Rules and Resolutions.

**HR 1605** (By West), Honoring the Texas Jewish Historical Society on the occasion of its 2007 Annual Gathering in Odessa.

To Rules and Resolutions.

**HR 1606** (By C. Howard), Congratulating Sugar Land Regional Airport for being named the 2007 Reliever Airport of the Year.

To Rules and Resolutions.

**HR 1608** (By Naishtat), In memory of Susan C. Cranford of Austin.

To Rules and Resolutions.

**HR 1609** (By Latham), Congratulating Homer Phillips on his retirement from the Mesquite Fire Department.

To Rules and Resolutions.

**HR 1610** (By Hilderbran), Congratulating Macy Smith Janner of Llano on her 101st birthday.

To Rules and Resolutions.

**HR 1611** (By Hilderbran), In memory of Jack Clarke, Jr., of West Kerr County.

To Rules and Resolutions.

**HR 1612** (By McReynolds), In memory of Jerry Mareland Johnson of Zavalla.

To Rules and Resolutions.

**HR 1613** (By McReynolds), Congratulating Chief Warrant Officer Luis A. Perez on his retirement from the U.S. Navy.

To Rules and Resolutions.

**HR 1614** (By Martinez Fischer), Congratulating USAA on its selection as the nation's top customer service company by Business Week.

To Rules and Resolutions.

**HR 1617** (By Flynn), Honoring the Dallas District of the Church of the Nazarene on its 100th anniversary.

To Rules and Resolutions.

**HR 1618** (By Flynn), Congratulating Monte and Maggie Clinton of Quinlan on their 25th wedding anniversary.

To Rules and Resolutions.

**HR 1619** (By Callegari), In memory of U.S. Marine Sergeant James Rodney Tijerina of Katy.

To Rules and Resolutions.

**HR 1620** (By Aycok), Honoring Camp Longhorn summer camp.  
To Rules and Resolutions.

**HR 1621** (By Castro), Commending Fernando Andrade, Jr., and his community mural program for the west side of San Antonio.  
To Rules and Resolutions.

**HR 1622** (By Escobar), Congratulating Edward R. Tamayo of Harlingen on his retirement from an exceptional career in the banking industry that spanned more than 40 years.

To Rules and Resolutions.

**SB 103** to Corrections.

**SB 110** to Public Health.

**SB 156** to Public Health.

**SB 263** to Criminal Jurisprudence.

**SB 346** to Civil Practices.

**SB 419** to Insurance.

**SB 758** to Human Services.

**SB 776** to Public Health.

**SB 805** to Human Services.

**SB 809** to Public Health.

**SB 855** to Financial Institutions.

**SB 962** to Public Education.

**SB 1031** to Public Education.

**SB 1090** to Public Health.

**SB 1096** to Human Services.

**SB 1267** to Transportation.

**SB 1405** to Local Government Ways and Means.

**SB 1411** to Judiciary.

**SB 1500** to Public Health.

**SB 1626** to Pensions and Investments.

**SB 1781** to Civil Practices.

**SB 1913** to Pensions and Investments.

**SCR 61** to Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**SB 796** to Ways and Means.

**SB 1132** to Financial Institutions.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 27**

**SB 456, SB 657, SB 740**

**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  
Wednesday, April 25, 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:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 1518** Paxton SPONSOR: Harris  
Relating to circumstances under which court reporting firms, shorthand reporting firms, and affiliate offices are considered to provide services in this state.

**HCR 211** Noriega, Rick SPONSOR: Ellis  
Honoring Art Briles, head coach of the University of Houston football team, for his achievements.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 213** (29 Yeas, 0 Nays)  
THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 1**  
Senate Conferees: Ogden - Chair/Duncan/Whitmire/Williams/Zaffirini

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 25, 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:

**SB 583** Patrick, Dan  
Relating to the waiting period for a divorce on the grounds of insupportability.

**SB 877** Seliger  
Relating to a limitation on judge-ordered community supervision for a defendant convicted of first-degree felony injury to a child.

**SB 959** Shapleigh  
Relating to including the international symbol of access on certain specialty license plates.

**SB 1384** Watson  
Relating to declarations of taking for toll projects.

**SB 1814** Lucio  
Relating to the creation of the office of district attorney for Kenedy and Kleberg Counties and the district attorney for the 105th Judicial District.

**SB 1816** Averitt  
Relating to a sales tax exemption for the reuse and recycling of wastewater used for oil and gas activities.

**SB 1832** Duncan  
Relating to the billing of anatomic pathology services; providing penalties.

**SB 1937** Van de Putte  
Relating to the establishment of a school-based influenza vaccination pilot program.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 25, 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 23** Nelson  
Relating to promoting the purchase and availability of health coverage.

**SB 553** Shapleigh  
Relating to a dual language education pilot project in certain school districts.

**SB 642** West, Royce



Relating to registration and regulation of metal recycling entities; providing penalties.

**SB 1295** West, Royce  
Relating to the establishment of community-based programs administered by the juvenile boards of certain counties.

**SB 1349** Patrick, Dan  
Relating to the annexation of certain municipally owned airports.

**SB 1447** Duncan  
Relating to the investment authority of the Teacher Retirement System of Texas.

**SB 1700** Shapiro  
Relating to state assistance with the costs of constructing or renovating public high school science laboratories.

**SB 1723** Ogden  
Relating to the collection of surcharges assessed under the driver responsibility program.

**SB 1736** Shapiro  
Relating to the powers, duties, and financing of cultural education facilities finance corporations.

**SB 1865** Zaffirini  
Relating to the creation of the lifespan respite services pilot program.

**SB 1879** Williams  
Relating to the regulation of controlled substances.

**SB 2009** Hinojosa  
Relating to the creation of municipal courts of record in the city of Corpus Christi.

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 24**

Agriculture and Livestock - **HB 1915**

Business and Industry - **HB 2392, HB 3147, HB 3518, HB 3674, SB 458**

County Affairs - **HB 2276, SB 1106**

Criminal Jurisprudence - **HB 3370, HB 3372**

Culture, Recreation, and Tourism - **HB 152, HB 693, HB 3113, HB 3863, HB 3910, HJR 71, SB 182, SB 573**

Defense Affairs and State-Federal Relations - **HB 2694, SB 61**

Economic Development - **HB 2947, HB 3037**

Elections - **HB 1462**

Human Services - **HB 2042, HB 2691, SB 344, SB 744**

Insurance - **HB 2765, HB 3271**

Judiciary - **HB 2479**

Juvenile Justice and Family Issues - **HB 555, HB 876, HB 983, HB 1481, HB 1993, HB 2410, HB 2501, HB 2502, HB 2940, HB 3022, HB 3993**

Land and Resource Management - **HB 631**

Law Enforcement - **HB 2833, HB 3613, SB 534**

Licensing and Administrative Procedures - **SB 904**

Local Government Ways and Means - **HB 1404, HB 3038, SB 162, SB 940**

Natural Resources - **HB 599, HB 1498, HB 2444, HB 2883, HB 4067**

Public Education - **HB 1632**

Public Health - **SB 625**

State Affairs - **HB 13, HB 21, HB 455, HB 2038, HB 2248, HB 2656, HB 2666, HB 3453, HCR 198, SB 123**

Transportation - **HB 191**

Ways and Means - **HB 646, HB 1084, HB 1950, HB 1976, HB 2558, HB 2982, HB 3461, HB 3546, HB 3928**

#### **ENGROSSED**

**April 24 - HB 218, HB 2136**

#### **ENROLLED**

**April 24 - HCR 158, HCR 170**

#### **SENT TO THE GOVERNOR**

**April 24 - HB 5, HB 1447, HB 1967, HCR 26, HCR 167**