

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIFTH DAY — MONDAY, APRIL 30, 2007

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

The roll of the house was called and a quorum was announced present (Record 780).

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

Absent, Excused — Moreno.

Absent — Castro; Dunnam; Martinez Fischer; Olivo; Rodriguez.

The invocation was offered by Michael Davis, Sr., pastor, Greater Zion Missionary Baptist Church, Huntsville, as follows:

God of grace and God of glory, in this moment of prayer, we stand before you as our maker and our creator. We thank you for your new mercies and your loving kindness. We pray that you would transform this room with your presence, your wisdom, your insight, and your guidance. You have guided us through many dangers, through toils and snares, through storms, through wars, and even through valleys of shadows of death. We ask today that you would guide us again.

We pray for our nation as a whole, every city, every town, every neighborhood, that your peace permeate and reign that we may know that there is strength in unity. We pray for these men and women of this house of representatives, who represent the lives of many.

Teach us, O God, how to live in times of chaos and confusion. Teach us how to better know ourselves, our weaknesses, and our strengths. Teach us how to serve, how to serve in this place, in all things, whether great or small, so that small things can become great and great things can become possible. We need thy help, O God, for we desire to do what is right and pleasing in thy sight.

We ask that thou would smile down upon us in this place. And when evening comes and we have completed today's task, although we may leave this place, we ask that we will never leave your presence. We ask all these things in the strong name of Jesus Christ our Lord. Amen.

The speaker recognized Representative Kolkhorst 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 and the remainder of the week because of illness:

Moreno on motion of Escobar.

(Olivo and Rodriguez now present)

CAPITOL PHYSICIAN

The speaker recognized Representative Krusee who presented Dr. Jason Stokes of Austin as the "Doctor for the Day."

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

LEAVE OF ABSENCE GRANTED

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

Mowery on motion of Olivo.

MESSAGE FROM THE SENATE

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 28).

HR 10 - ADOPTED
(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 10**.

The motion prevailed.

The following resolution was laid before the house:

HR 10, Commemorating the 100th anniversary of the founding of Blue Bell Creameries of Brenham.

HR 10 was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 10** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Kolkhorst who introduced representatives of Blue Bell Creameries of Brenham.

(Miller in the chair)

HR 1759 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1759**.

The motion prevailed.

The following resolution was laid before the house:

HR 1759, Welcoming members of Leadership Mission to the State Capitol.

(Speaker in the chair)

HR 1759 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Flores who introduced members of Leadership Mission.

(Castro now present)

HR 1718 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1718**.

The motion prevailed.

The following resolution was laid before the house:

HR 1718, Recognizing May 1, 2007, as Law Day in Texas.

HR 1718 was adopted.

HR 1792 - ADOPTED
(by Craddick)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1792**.

The motion prevailed.

The following resolution was laid before the house:

HR 1792, Commemorating the 50th reunion of the Texas Tech University Class of 1957.

HR 1792 was adopted.

POSTPONED BUSINESS

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

SB 44 ON SECOND READING
(Gonzalez Toureilles - House Sponsor)

SB 44, A bill to be entitled An Act relating to the provision of intervention or counseling services to certain persons who have committed family violence and to a process for accrediting those services.

SB 44 was considered in lieu of **CSHB 197**.

SB 44 was read second time.

(Martinez Fischer now present)

(Solomons in the chair)

Amendment No. 1

Representative Gonzalez Toureilles offered the following amendment to **SB 44**:

Amend **SB 44** (Engrossed Version) as follows:

(1) Strike the text on page 1, line 24, through page 2, line 16, and substitute the following:

(3) if the referral option under Subdivision (1) or, beginning on September 1, 2008, the referral option under Subdivision (2) is not available, attend counseling sessions for the elimination of violent behavior with a licensed counselor, social worker, or other professional who has completed [been trained in] family violence intervention training that the community justice assistance division of the Texas Department of Criminal Justice has approved, after consultation with the licensing authorities described by Chapters 152, 501, 502, 503, and 505, Occupations Code, and experts in the field of family violence [or to attend a battering intervention and prevention program if available that meets guidelines adopted by the community justice assistance division of the Texas Department of Criminal Justice].

(2) On page 5, line 6, strike "and".

(3) On page 5, line 11, strike the period and substitute "; and".

(4) On page 5, between lines 11 and 12, insert the following:

"(10) before adopting program guidelines under Section 4A:

(A) notify the licensing authorities described by Chapters 152, 501, 502, 503, and 505, Occupations Code, that the division is considering adopting program guidelines; and

(B) invite the licensing authorities to comment on the program guidelines."

(5) On page 6, line 26, between "Section 3(1)" and the comma, insert "and after notifying the licensing authorities described by Section 3(10)".

(6) Strike the text on page 7, line 23, through page 8, line 13, and substitute the following:

"(3) if the referral option under Subdivision (1) or, beginning on September 1, 2008, the referral option under Subdivision (2) is not available, counsel with a social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor who has completed family violence intervention training that the community justice assistance division of the Texas Department of Criminal Justice has approved, after consultation with the licensing authorities described by Chapters 152, 501, 502, 503, and 505, Occupations Code, and experts in the field of family violence [if a program under Subdivision (1) is not available; or

[~~(3) perform acts specified by the court that the court determines are necessary or appropriate to prevent or reduce the likelihood of family violence~~].

Amendment No. 1 was adopted.

SB 44, 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.)

CSHB 197 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gonzalez Toureilles moved to lay **CSHB 197** on the table subject to call.

The motion prevailed.

SB 1315 ON SECOND READING

(Pickett, Driver, Giddings, Guillen, et al. - House Sponsors)

SB 1315, A bill to be entitled An Act relating to a silver alert for missing senior citizens.

SB 1315 was considered in lieu of **CSHB 157**.

SB 1315 was read second time and 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.)

CSHB 157 - LAID ON THE TABLE SUBJECT TO CALL

Representative Pickett moved to lay **CSHB 157** on the table subject to call.

The motion prevailed.

CSHB 83 ON SECOND READING
(by Branch, Dutton, Goolsby, Rose, et al.)

CSHB 83, A bill to be entitled An Act relating to requiring a record vote by each house of the legislature on final passage of a bill, resolution to propose or ratify a constitutional amendment, or other nonceremonial resolution and to public notice of the record vote.

CSHB 83 was read second time on April 17, postponed until April 23, and was again postponed until 10 a.m. today.

Representative Hamilton moved to postpone consideration of **CSHB 83** until 10 a.m. Monday, May 7.

The motion prevailed.

(Dunnam now present)

CSHB 626 ON SECOND READING
(by P. King, Christian, Macias, Paxton, Crabb, et al.)

CSHB 626, A bill to be entitled An Act relating to the procedures for registering to vote.

CSHB 626 was read second time on April 23 and was postponed until 10 a.m. today.

Representative P. King moved to postpone consideration of **CSHB 626** until the end of today's calendar.

The motion prevailed.

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.

CSHB 1927 was read second time on April 25 and was postponed until 10 a.m. today.

Representative Chisum moved to postpone consideration of **CSHB 1927** until 10 a.m. Monday, May 7.

The motion prevailed.

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 on April 25, amendments were offered and disposed of, and **CSHB 3678** was postponed until 10 a.m. today.

Amendment No. 3

Representative Burnam offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** (House committee printing) as follows:

(1) On page 2, line 11, remove the word "or".

(2) On page 2, line 11, after "indecent speech" add the language: ", or a speech that would discriminate based on a person's race, ethnicity, gender, religious preference(s), nationality, age, disability or sexual orientation."

(3) On page 5, line 21, remove the words "or".

(4) On page 5, line 21, after "indecent speech" add the language: ", or a speech that would discriminate based on a person's race, ethnicity, gender, religious preference(s), nationality, age, disability or sexual orientation."

(5) On page 8, line 14, remove the word "or".

(6) On page 8, line 14, after "indecent speech" add the language: ", or a speech that would discriminate based on a person's race, ethnicity, gender, religious preference(s), nationality, age, disability or sexual orientation."

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Burnam offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** (House committee printing) as follows:

(1) On page 3, line 20 in between "religious speech" and "." insert the following:

"The right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen or to compel other students to participate. Teachers and school administrators should ensure that no student is in any way coerced to participate in religious activity."

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Menendez.

CSHB 3678 - (consideration continued)

(Speaker in the chair)

Representative C. Howard moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 781): 90 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crossover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; England; Farabee; Flores; Flynn; Frost; Gattis; Geren; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto;

Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Raymond; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Puente; Quintanilla; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Brown, F.; Menendez.

STATEMENT OF VOTE

I was shown voting no on Record No. 781. I intended to vote yes.

Lucio

INTRODUCTION OF GUESTS

The speaker recognized Representatives Thompson and Raymond who introduced Celestin Niyongabo, Burundi Ambassador to the United States, and the Honorable Bob Krueger.

CSHB 3678 - (consideration continued)

Amendment No. 5

Representative Hochberg offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** as follows:

(1) Immediately following SECTION 2 of the bill (page 10, line 14), insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS accordingly:

SECTION ____ . Subchapter E, Chapter 25, Education Code, is amended by adding Section 25.158 to read as follows:

Sec. 25.158 STUDENT PRAYER. For the purposes of this Subchapter, voluntary student expression of religious viewpoint may include prayer.

Representative C. Howard moved to table Amendment No. 5.

A record vote was requested.

The motion to table prevailed by (Record 782): 78 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Delisi; Driver; Eissler; Elkins; England; Farabee; Flores; Flynn; Gattis; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hughes; Isett; Jackson;

Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McClendon; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Raymond; Riddle; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, S.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Creighton; Davis, J.; Hill; Howard, C.; McCall; Peña; Smith, T.; Smith, W.

STATEMENTS OF VOTE

When Record No. 782 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

I was shown voting no on Record No. 782. I intended to vote yes.

Deshotel

I was shown voting yes on Record No. 782. I intended to vote no.

Flores

I was shown voting no on Record No. 782. I intended to vote yes.

Lucio

When Record No. 782 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, upon lunch recess today, Desk 37, for a formal meeting, to consider **HB 502** and **SB 1470**.

Elections, upon lunch recess today, Desk 21, for a formal meeting, to consider **HB 1364**, **HB 2390**, **HB 2926**, and **HB 4076**.

Ways and Means, upon lunch recess today, Desk 108, for a formal meeting.

RECESS

At 11:59 a.m., the speaker announced the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

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

CSHB 3678 - (pending business)

Amendment No. 6

Representative Hochberg offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** as follows:

(1) Immediately following SECTION 2 of the bill (page 10, line 14), insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS accordingly:

SECTION _____. Subchapter E, Chapter 25, Education Code, is amended by adding Section 25.158 to read as follows:

Sec. 25.158 STUDENT PRAYER. For the purposes of this Subchapter, voluntary student expression of religious viewpoint may not include prayer.

Representative C. Howard moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 783): 104 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eiland; Eissler; Elkins; England; Escobar; Farabee; Flynn; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; 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.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Talton; Taylor; Truitt; Van Arsdale; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Flores; Frost; Gallego; Garcia; Hernandez; Herrero; Hochberg; Hodge; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; Miles; Naishtat; Noriega; Olivo; Ortiz; Puente; Rodriguez; Thompson; Turner; Vaught; Veasey; Villarreal.

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

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Deshotel; Farias; Peña; Swinford.

STATEMENTS OF VOTE

When Record No. 783 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting no on Record No. 783. I intended to vote yes.

Frost

I was shown voting no on Record No. 783. I intended to vote yes.

Lucio

I was shown voting no on Record No. 783. I intended to vote yes.

Turner

Amendment No. 7

Representative Hochberg offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** as follows:

- (1) Strike Section 25.152 from the bill.
- (2) On page 3 line 22, strike "a limited public forum and".
- (3) On pages 4 to 6, strike Article I (page 4 line 5 to page 6 line 27).
- (4) On pages 7 to 9, and Article II (page 7 line 1 to page 9 line 6).
- (5) On page 9 line 7, strike "ARTICLE III" and substitute "ARTICLE I".
- (6) On page 9 line 21, strike "ARTICLE IV" and substitute "ARTICLE II".

(Speaker in the chair)

Representative C. Howard moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 784): 94 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Gallego; Garcia; Hernandez; Herrero; Hochberg; Hodge; Homer; Howard, D.; King, S.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pierson; Puente; Rodriguez; Strama; Straus; Thompson; Vaught; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Bailey; Farias; Guillen; Hill; Menendez; Pickett; Veasey.

STATEMENTS OF VOTE

I was shown voting no on Record No. 784. I intended to vote yes.

Deshotel

I was shown voting no on Record No. 784. I intended to vote yes.

Lucio

When Record No. 784 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

Amendment No. 8

Representative Burnam offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** on page 3, following line 27, by inserting the following:

Sec. 25.1551. TEACHER TRAINING. (a) A school district shall provide professional development training to teachers regarding the First Amendment to the United States Constitution and the right of a student to express a religious viewpoint.

Representative C. Howard moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 785): 97 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; England; Farabee; Flores; Flynn; Garcia; Gattis; Geren; Gonzales; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; O'Day; Orr; Otto; Parker; Patrick;

Paxton; Peña; Phillips; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Frost; Gallego; Giddings; Guillen; Hernandez; Herrero; Hochberg; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; Miles; Noriega; Oliveira; Olivo; Ortiz; Pierson; Rodriguez; Strama; Thompson; Vaught; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Alonzo; Bailey; Chavez; Farias; Gonzalez Toureilles; Hodge; Menendez; Murphy; Naishtat; Pickett; Straus; Veasey.

STATEMENT OF VOTE

When Record No. 785 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

Amendment No. 9

Representative Burnam offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** (House committee printing) as follows:

(1) Throughout the document remove the language "religious viewpoints" and/or "a religious viewpoints" and replace with "all viewpoints".

Representative C. Howard moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 786): 105 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; England; Farabee; Flynn; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; 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.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bolton; Burnam; Cohen; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Escobar; Flores; Frost; Garcia; Hernandez; Herrero; Hochberg; Hodge; Leibowitz; Mallory Caraway; Miles; Naishtat; Noriega; Oliveira; Olivo; Pierson; Rodriguez; Thompson; Vaught; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Bailey; Castro; Chavez; Cook, B.; Dunnam; Farias; Martinez Fischer; Menendez; Straus; Veasey; Vo.

STATEMENT OF VOTE

When Record No. 786 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Amendment No. 10

Representative Y. Davis offered the following amendment to **CSHB 3678**:

Amend **CSHB 3678** as follows:

(1) On page 4, strike lines 16-17 and substitute the following "Students who hold one of the following positions of honor based on".

(2) On page 4, line 19 and 20, strike "of the highest grade level in the school".

Representative C. Howard moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 787): 80 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; England; Farabee; Flynn; Gattis; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Quintanilla; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Puente; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Bailey; Farias; Guillen; Harless; Menendez; Pickett; Straus.

A record vote was requested.

CSHB 3678, as amended, was passed to engrossment by (Record 788): 110 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Herrero; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Garcia; Hartnett; Hernandez; Hochberg; Hodge; Howard, D.; Mallory Caraway; Martinez Fischer; Miles; Naishtat; Noriega; Olivo; Pierson; Rodriguez; Strama; Talton; Thompson; Vaught; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Castro; Flores; Puente.

STATEMENTS OF VOTE

I was shown voting no on Record No. 788. I intended to vote yes.

Anchia

When Record No. 788 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

I was shown voting no on Record No. 788. I intended to vote yes.

Chavez

I was shown voting no on Record No. 788. I intended to vote yes.

Martinez Fischer

I was shown voting no on Record No. 788. I intended to vote yes.

Veasey

REASON FOR VOTE

I voted in favor of **CSHB 3678** because I believe that a person's religious views should be respected in public schools. Our religious views are sacred, personal choices that should be protected. At the same time, we must ensure that students of different religious faiths do not feel coerced or compelled to adopt a particular religion or favor someone else's religion over their own.

While I support the bill as whole, I take issue with Articles I and II of **CSHB 3678** because they go beyond protecting and respecting religious expression. For those reasons, we attempted to amend the bill to improve these sections. Those amendments failed, leaving us to choose between passing an imperfect, overbearing bill and nothing at all. As between all or nothing, I have voted for the bill and will express my opinion to members of the house of representatives and senate as the bill moves through the legislative process.

Castro

Martinez Fischer

SB 625 ON SECOND READING (J. Davis - House Sponsor)

SB 625, A bill to be entitled An Act relating to restrictions on the interchange of transplant immunosuppressant drugs.

SB 625 was considered in lieu of **CSHB 1443**.

SB 625 was read second time.

Amendment No. 1

Representative Hopson offered the following amendment to **SB 625**:

Amend **SB 625** as follows:

Amend Section 1, page 2 by adding new Section 562.0142(e):

(d) Notwithstanding any other provision of the law, this section applies only if the prescribing practitioner indicates on the prescription or in the directions of the prescription that the drug is for immunosuppressant therapy following a transplant as that term is defined by Section 562.0142(a).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hopson offered the following amendment to **SB 625**:

Amend **SB 625** as follows:

Amend Sec. 562.0142 (b) on page 1, lines 22-23 by striking "notification of and the signed informed"

Amend Sec. 562.0142 (c) on page 2, line 1 by striking subsection (c) and replacing it with the following:

(c) To comply with Subsection (b), a pharmacist shall notify a prescribing physician orally or electronically to secure permission to interchange an immunosuppressant drug or formulation of an immunosuppressant drug, brand or generic. The prescriber's authorization or denial of authorization shall be documented in writing by the pharmacist and by the prescriber.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hopson offered the following amendment to **SB 625**:

Amend **SB 625** as follows:

Amend Section 1, page 2 by adding new Section 562.0142 (d):

(d) If a pharmacist does not have the same drug product by the same manufacturer in stock to refill the prescription, or if the prescriber is unavailable to give authorization, the pharmacist may dispense a drug product that is generically equivalent if the pharmacist, before dispensing the generically equivalent drug product

(1) notifies and receives consent from the patient, at the time the prescription is dispensed, to substitute the prescribed drug product; and

(2) notifies the prescribing physician of the drug product substitution orally or electronically at the earliest reasonable time, but not later than 72 hours after dispensing the prescription.

(Madden in the chair)

Representative J. Davis moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 789): 59 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Bohac; Bonnen; Branch; Brown, B.; Cook, B.; Corte; Crabb; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Flores; Flynn; Gattis; Giddings; Goolsby; Hamilton; Harless; Hill; Homer; Howard, C.; Howard, D.; Hughes; Jackson; King, P.; King, S.; Kolkhorst; Krusee; Latham; Macias; Mallory Caraway; McCall; McClendon; Miles; Morrison; Murphy; Naishtat; Noriega; O'Day; Orr; Parker; Peña; Quintanilla; Riddle; Smith, T.; Smithee; Strama; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Berman; Bolton; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Haggerty; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Isett; Jones; Keffer; King, T.; Kuempel; Laubenberg; Leibowitz; Lucio; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Miller; Olivo; Otto; Patrick; Paxton; Pickett; Pierson; Pitts; Puente; Raymond; Ritter; Rodriguez; Rose; Smith, W.; Solomons; Straus; Swinford; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Creighton; Crownover; Guillen; Oliveira; Ortiz; Phillips.

STATEMENTS OF VOTE

I was shown voting no on Record No. 789. I intended to vote yes.

Anchia

When Record No. 789 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 789 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting yes on Record No. 789. I intended to vote no.

Dutton

I was shown voting yes on Record No. 789. I intended to vote no.

Hughes

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 Nos. 30 and 31).

SB 625 - (consideration continued)

Amendment No. 4

Representative Gattis offered the following amendment to Amendment No. 3:

Amend Floor Amendment No. 3 by Hopson to **SB 625** by striking "72" and substituting "24".

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

Amendment No. 5

Representatives Eiland and Hopson offered the following amendment to **SB 625**:

Amend **SB 625** as follows:

On page 2, line 14, insert a new paragraph (d) as follows:

(d) This section only applies to a drug that is included on the list of narrow therapeutic index drugs as provided by Section 562.014, Occupations Code.

Representative Gattis moved to table Amendment No. 5.

A record vote was requested.

The motion to table was lost by (Record 790): 51 Yeas, 91 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Brown, B.; Cohen; Cook, B.; Corte; Crabb; Creighton; Darby; Delisi; Deshotel; Driver; Dukes; Dutton; Gattis; Giddings; Goolsby; Harless; Hill; Homer; Howard, C.; Howard, D.; Jackson; Jones; King, P.; King, S.; Kolkhorst; Macias; Mallory Caraway; McCall; McClendon; Menendez; Morrison; Murphy; O'Day; Ortiz; Parker; Patrick; Peña; Phillips; Quintanilla; Smith, W.; Solomons; Strama; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, R.; Crownover; Davis, Y.; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Hughes; Isett; Keffer; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Martinez; Martinez Fischer; McReynolds; Merritt; Miles; Miller; Naishtat; Noriega; Oliveira; Olivo; Orr; Otto; Paxton; Pickett; Pierson; Pitts; Puente; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Straus; Swinford; Talton; Taylor; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Davis, J.; Frost; Guillen.

STATEMENT OF VOTE

I was shown voting no on Record No. 790. I intended to vote yes.

Branch

Amendment No. 5 was adopted.

SB 625, 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. Members registering votes are as follows: Herrero and Jones recorded voting no.)

CSHB 1443 - LAID ON THE TABLE SUBJECT TO CALL

Representative J. Davis moved to lay **CSHB 1443** on the table subject to call.

The motion prevailed.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 904 ON THIRD READING
(Truitt - House Sponsor)

SB 904, A bill to be entitled An Act relating to the continuation and functions of the Texas Alcoholic Beverage Commission; providing penalties.

A record vote was requested.

SB 904 was passed by (Record 791): 144 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; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; 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; Madden(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Miller.

STATEMENT OF VOTE

When Record No. 791 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

SB 483 ON THIRD READING
(P. King - House Sponsor)

SB 483, A bill to be entitled An Act relating to regulation of electric generation capacity ownership in the electric power market.

Amendment No. 1

Representative Strama offered the following amendment to **SB 483**:

Amend **SB 483** on third reading by adding the following SECTIONS, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.904, Utilities Code, is amended by amending Subsection (m) and adding Subsections (m-1), (m-2), and (m-3) to read as follows:

(m) A renewable energy credit retired for purposes other than to meet the requirements of Subsection (c)(1) may not affect the minimum annual renewable energy requirement under Subsection (c)(1) for a retail electric provider, municipally owned utility, or electric cooperative.

(m-1) As provided by this subsection, the commission shall reduce the requirement under Subsection (c)(1) for a retail electric provider, municipally owned utility, or electric cooperative that is subject to a renewable energy requirement under this section and that serves a customer receiving electric service at transmission-level voltage if, before any year for which the commission calculates renewable energy requirements under Subsection (c)(1), the customer notifies the commission in writing that the customer chooses not to support the goal for renewable energy generation under this section for that year. The commission shall exclude from the calculation of a retail electric provider's, municipally owned utility's, or electric cooperative's requirement under Subsection (c)(1) energy sold by the retail electric provider, municipally owned utility, or electric cooperative at transmission-level voltage to customers who have submitted the notice to the commission under this subsection for the applicable year.

(m-2) The commission shall determine the reporting requirements and schedule necessary to implement Subsections (m) and (m-1).

(m-3) Subsections (m), (m-1), and (m-2) do not alter the renewable energy goals or targets established in Subsection (a) or reduce the minimum statewide renewable energy requirements of Subsection (c)(1) [Notwithstanding any other provision of law, the commission shall ensure that all renewable capacity installed in this state and all renewable energy credits awarded, produced, procured, or sold from renewable capacity in this state are counted toward the goal in Subsection (a)].

SECTION _____. (a) The Public Utility Commission of Texas shall conduct a study of the effect that Section 39.904, Utilities Code, has had on:

- (1) market power in this state; and
- (2) the rates paid for electricity by residential customers in this state.

(b) Not later than January 1, 2009, the Public Utility Commission of Texas shall prepare and present to the governor, lieutenant governor, and speaker of the house of representatives a report describing the results of the study that specifies any changes in market power and any costs to or savings for residential customers because of the implementation of Section 39.904, Utilities Code.

(Speaker in the chair)

A record vote was requested.

Amendment No. 1 was adopted by (Record 792): 127 Yeas, 10 Nays, 1 Present, not voting.

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

Nays — Bonnen; Elkins; Haggerty; Hartnett; Isett; Kolkhorst; McCall; Quintanilla; Talton; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Aycock; Callegari; Dutton; Gattis; Miller; Phillips; Pickett; Turner; Van Arsdale.

STATEMENTS OF VOTE

When Record No. 792 was taken, I was in the house but away from my desk. I would have voted yes.

Aycock

I was shown voting yes on Record No. 792. I intended to vote no.

F. Brown

When Record No. 792 was taken, I was in the house but away from my desk. I would have voted no.

Callegari

I was shown voting yes on Record No. 792. I intended to vote no.

Harless

I was shown voting yes on Record No. 792. I intended to vote no.

McReynolds

I was shown voting yes on Record No. 792. I intended to vote no.

Merritt

When Record No. 792 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

I was shown voting yes on Record No. 792. I intended to vote no.

T. Smith

I was shown voting yes on Record No. 792. I intended to vote no.

Truitt

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).

SB 483 - (consideration continued)

Amendment No. 2

Representative Swinford offered the following amendment to **SB 483**:

Amend **SB 483** as follows:

1) Strike all references to "Sec. 39.9032" in Subchapter Z, Chapter 39, Utilities Code and replace with "Sec. 39.911";

2) In 39.911 (b) (2), by striking Subsection (b) (2) as drafted and inserting the following: "(2) the rated capacity of the distributed renewable generation does not exceed the transmission and distribution utility or electric utility service capacity."

3) In Sec. 39.911 by striking subsection (f) and inserting a new subsection (f) to read as follows: "(f) A transmission and distribution utility or electric utility shall make available to a distributed renewable generation owner for purposes of this section metering required for services provided under this section, including separate meters that measure the load and generator output or a single meter capable of measuring in-flow and out-flow at the point of common coupling meter point. The distributed renewable generation owner must pay the differential cost of the metering unless the meters are provided at no additional cost. Except as provided by this section, Section 39.107 applies to metering under this section."

4) In 39.911, Subsection (g) after the period following "39.904." by inserting the following: "For electric utilities, the commission shall address the ownership of renewable energy credits associated with power sold to the utility."

5) By striking 39.911 Subsection (h) and inserting a new Subsection (h) to read as follows: "(h) An electric utility or retail electric provider may contract with a distributed renewable generation owner so that:

(1) surplus electricity produced by distributed renewable generation is made available for sale to the transmission grid and distribution system; and

(2) the net value of that surplus electricity is credited to the distributed renewable generation owner."

6) By striking 39.911, Subsection (j) and inserting a new subsection (i) to read as follows: "(i) For distributed renewable generation owners in areas in which customer choice has been introduced, the distributed renewable generation owner must sell the owner's surplus electricity produced to the retail electric provider that serves the distributed renewable generation owner's load at a value agreed to between the distributed renewable generation owner and the provider that serves the owner's load which may include, but is not limited to, an agreed value based on the clearing price of energy at the time of day that the electricity is made available to the grid or it may be a credit applied to an account during a billing period that may be carried over to subsequent billing periods until the credit has been redeemed. The independent organization identified in Section 39.151 shall develop procedures so that the amount of electricity purchased from a distributed renewable generation owner under this section is accounted for in settling the total load served by the provider that serves that owner's load by January 1, 2009. A distributed renewable generation owner requesting net metering services for purposes of this section must have metering devices capable of providing measurements consistent with the independent organization's settlement requirements."

Amendment No. 2 was adopted.

Amendment No. 3

Representative T. Smith offered the following amendment to **SB 483**:

Amend **SB 483** on third reading as follows:

(1) Strike Section 39.154(a-2)(2), Utilities Code, as added by Floor Amendment No. 4 by Smith to Floor Amendment No. 1 by King (page 4, lines 22 and 23 of the Smith Amendment) and substitute the following:

(2) from a coal-fired generating facility that uses integrated gasification combined cycle technology or undiluted high-flame temperature oxygen combustion technology that excludes air;

(2) Strike Section 39.156(b-1)(2), Utilities Code, as added by Floor Amendment No. 4 by Smith to Floor Amendment No. 1 by King (page 7, lines 6 and 7 of the Smith Amendment) and substitute the following:

(2) from a coal-fired generating facility that uses integrated gasification combined cycle technology or undiluted high-flame temperature oxygen combustion technology that excludes air;

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hamilton offered the following amendment to **SB 483**:

Amend **SB 483** on third reading by striking the SECTION of the bill with the heading "CONSIDERATION AND APPROVAL OF CERTAIN TRANSACTIONS" as added by the Floor Amendment No. 5 by Geren to Floor Amendment No. 1 by King (page 1, line 5 through page 2, line 21 of the Geren Amendment) and substituting the following SECTION of the bill appropriately numbered:

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

Sec. 39.159. CONSIDERATION AND APPROVAL OF CERTAIN TRANSACTIONS. (a) To protect retail customers in this state, notwithstanding any other provision of this title, an electric utility or transmission and distribution utility must report to and obtain approval of the commission before closing any transaction in which:

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

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

(3) a controlling interest or operational control of the electric utility or transmission and distribution utility will be transferred.

(b) The commission shall approve a transaction under Subsection (a) if the commission finds that the transaction is in the public interest. In making its determination, the commission shall consider whether the transaction will adversely affect the reliability of service, availability of service, or cost of service of the electric utility or transmission and distribution utility. The commission shall make the determination concerning a transaction under this subsection not later than the 180th day after the date the commission receives the relevant report. If the commission has not made a determination before the 181st day after that date, the transaction is considered approved.

(c) Subsections (a) and (b) do not apply to:

(1) a transaction described by Subsection (a) for which a definitive agreement was executed before April 1, 2007, if an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility made a filing for review of the transaction under Section 14.101 before May 1, 2007, and the resulting proceeding was not withdrawn; or

(2) the jurisdictional separation of an electric utility subject to Subchapter J.

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

Amendment No. 4 was adopted.

A record vote was requested.

SB 483, as amended, was passed by (Record 793): 142 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Talton.

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

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Cohen; King, S.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 793. I intended to vote yes.

Gattis

SCR 69 - ADOPTED (W. Smith - House Sponsor)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **SCR 69**.

The motion prevailed.

The following resolution was laid before the house:

SCR 69, Requesting that the Chief Clerk of the House of Representatives be authorized to return **HB 1892** to the senate for further consideration.

SCR 69 was adopted.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

POINT OF ORDER

Representative Thompson raised a point of order against further consideration of the calendar under Rule 6, Sections 15 and 16 of the House Rules.

The speaker overruled the point of order.

HB 2278 ON THIRD READING
(by Deshotel)

HB 2278, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to business and commerce; including conforming amendments.

A record vote was requested.

HB 2278 was passed by (Record 794): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycocock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; 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; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Anchia; Cohen; Dutton; Eiland; Gattis; Geren; Hilderbran; Howard, C.; King, S.; Kolkhorst; Pickett; Smith, W.; Talton; Van Arsdale.

STATEMENTS OF VOTE

When Record No. 794 was taken, my vote failed to register. I would have voted yes.

Eiland

When Record No. 794 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 794 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

HB 1183 ON THIRD READING
(by Otto)

HB 1183, A bill to be entitled An Act relating to liability of landowners who allow their land to be used for radio control flying and related activities.

A record vote was requested.

HB 1183 was passed by (Record 795): 137 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycocck; 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; Eissler; 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, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; 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; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Herrero; Leibowitz; Vaught.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Anchia; Burnam; Eiland; King, S.; Noriega; Van Arsdale.

STATEMENT OF VOTE

When Record No. 795 was taken, my vote failed to register. I would have voted yes.

Eiland

HB 662 ON THIRD READING
(by Dukes)

HB 662, A bill to be entitled An Act relating to the coordination and improvement of certain programs and services for the prevention of and early intervention in child abuse and neglect.

A record vote was requested.

HB 662 was passed by (Record 796): 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; Crossover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; 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 — Farrar; Moreno; Mowery.

Absent — King, S.

HB 3430 ON THIRD READING

(by Strama, Hughes, Van Arsdale, Garcia, Paxton, et al.)

HB 3430, A bill to be entitled An Act relating to the online availability of information about state expenditures, including the creation of a state database containing information on state expenditures.

A record vote was requested.

HB 3430 was passed by (Record 797): 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; Crossover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez

Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; 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 — Farrar; Moreno; Mowery.

Absent — Hardcastle; King, S.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 430 ON THIRD READING
(Phillips - House Sponsor)**

SB 430, A bill to be entitled An Act relating to a claim for reimbursement in a suit to dissolve a marriage.

A record vote was requested.

SB 430 was passed by (Record 798): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; 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; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; 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 — Farrar; Moreno; Mowery.

Absent — Bolton; Brown, B.; Callegari; Davis, Y.; Lucio.

SB 432 ON THIRD READING
(Phillips - House Sponsor)

SB 432, A bill to be entitled An Act relating to the consent to and annulment of certain marriages.

A record vote was requested.

SB 432 was passed by (Record 799): 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; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; 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 — Farrar; Moreno; Mowery.

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 4 ON SECOND READING
(by Puente)

CSHB 4, A bill to be entitled An Act relating to water conservation.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (House Committee Printing) as follows:

(1) On page 13, line 13, strike "This" and substitute "(a) Except as provided by Subsection (b) of this section, this".

(2) On page 13, following line 17, add the following:

(b) SECTION 10 of this Act takes effect September 1, 2009.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Alonzo offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Chapter 68, Education Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 68.21. SUSTAINABLE WATER SUPPLY RESEARCH CENTER. (a) In this section, "center" means the Sustainable Water Supply Research Center.

(b) The board may establish and operate the Sustainable Water Supply Research Center as part of The University of Texas at Arlington.

(c) If established, the center shall:

(1) conduct, sponsor, or direct multidisciplinary research directed toward:

(A) developing sustainable water supplies for this state; and

(B) mitigating the effect of diminishing water supplies on the economy and people of this state; and

(2) conduct a comprehensive, interdisciplinary instructional program in sustainable water development at the graduate level and offer undergraduate courses for students interested in sustainable water development.

(d) The organization, control, and management of the center are vested in the board.

(e) The center may enter into an agreement or may cooperate with a public or private entity to perform the research functions of the center.

(f) The board may solicit, accept, and administer gifts and grants from any public or private source for the use and benefit of the center.

Amendment No. 2 was adopted. (The vote was reconsidered later today, and Amendment No. 2 was withdrawn.)

Amendment No. 3

Representative Bonnen offered the following amendment to **CSHB 4**:

Amend **CSHB 4** (House Committee Printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 11.085(v), Water Code, is amended to read as follows:

(v) The provisions of this section, except Subsection (a), do not apply to:

(1) a proposed transfer which in combination with any existing transfers totals less than 3,000 acre-feet of water per annum from the same permit, certified filing, or certificate of adjudication;

(2) a request for an emergency transfer of water; or

(3) ~~a proposed transfer from a basin to its adjoining coastal basin, or~~
[(4)] a proposed transfer from a basin to a county or municipality or the municipality's retail service area that is partially within the basin for use in that part of the county or municipality and the municipality's retail service area not within the basin.

Amendment No. 3 was adopted.

Amendment No. 2 - Vote Reconsidered

Representative Puente moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

CSHB 4, 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: Zedler recorded voting no.)

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

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

HJR 39 ON SECOND READING

(by Allen, Giddings, Bohac, Turner, Thompson, et al.)

HJR 39, A joint resolution post-ratifying Amendment XXIV to the Constitution of the United States prohibiting the denial or abridgment of the right to vote for failure to pay any poll tax or other tax.

A record vote was requested.

HJR 39 was adopted by (Record 800): 138 Yeas, 0 Nays, 1 Present, not voting.

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

Absent — Aycock; Darby; Escobar; Gonzales; Gonzalez Toureilles; Lucio; Martinez Fischer; Ortiz.

STATEMENTS OF VOTE

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted yes.

Aycock

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted yes.

Escobar

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted yes.

Gonzales

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted yes.

Gonzalez Toureilles

I was shown voting yes on Record No. 800. I intended to vote no.

S. King

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

When Record No. 800 was taken, my vote failed to register. I would have voted yes.

Martinez Fischer

When Record No. 800 was taken, I was in the house but away from my desk. I would have voted yes.

Ortiz

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 1572 ON SECOND READING
(by Woolley)

CSHB 1572, A bill to be entitled An Act relating to an exception from civil discovery for certain records of a law enforcement agency.

Amendment No. 1

Representative Woolley offered the following amendment to **CSHB 1572**:

Amend **CSHB 1572** on page 2, between lines 10 and 11, by inserting:

(e) This section does not apply to:

(1) a report of an accident under Chapter 550, Transportation Code; and
(2) photographs, field measurements, scene drawings and accident reconstruction done in conjunction with the investigation of the underlying accident.

Amendment No. 1 was adopted.

CSHB 1572, 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 1910 ON SECOND READING
(by Elkins)

CSHB 1910, A bill to be entitled An Act relating to the seizure of personal property for the payment of ad valorem taxes.

CSHB 1910 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 2158 ON SECOND READING
(by McReynolds)

CSHB 2158, A bill to be entitled An Act relating to nursing peer review and the regulation of the practice of nursing.

Representative McReynolds moved to postpone consideration of **CSHB 2158** until 8 a.m. Monday, May 7.

The motion prevailed.

CSHB 312 ON SECOND READING
(by Turner)

CSHB 312, A bill to be entitled An Act relating to the burden of proof in a community supervision revocation hearing regarding a defendant's ability to make certain court-ordered payments.

Amendment No. 1

Representative Turner offered the following amendment to **CSHB 312**:

Amend **CSHB 312** (House Committee Report) as follows:

On line 16, after the ".", add the following:

The court may order a community supervision and corrections department to obtain information pertaining to the factors listed under Section (h), Article 42.037, of this code and include that information in the report required under Section 9(a) of this article or a separate report, as the court directs.

(Isett in the chair)

Amendment No. 1 was adopted.

(P. King in the chair)

Representative Jackson moved to table **CSHB 312**.

A record vote was requested.

The motion to table was lost by (Record 801): 61 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crossover; Darby; Delisi; Driver; Eissler; Elkins; Flynn; Frost; Gattis; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Isett; Jackson; Jones; Kolkhorst; Kuempel; Latham; Macias; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Phillips; Pitts; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Flores; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Keffer; King, S.; King, T.; Krusee; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Paxton; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Vaught; Veasey; Villarreal; Zedler.

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

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Hilderbran; Swinford; Vo.

STATEMENT OF VOTE

When Record No. 801 was taken, my vote failed to register. I would have voted no.

Hilderbran

A record vote was requested.

CSHB 312, as amended, was passed to engrossment by (Record 802): 81 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Flores; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Keffer; King, S.; King, T.; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Vaught; Veasey; Villarreal; Zedler.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Driver; Eissler; Elkins; Flynn; Frost; Gattis; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Isett; Jackson; Jones; Kolkhorst; Latham; Macias; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zerwas.

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

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Vo.

CSHB 323 ON SECOND READING

(by Hamilton, Ritter, Anderson, Deshotel, and D. Howard)

CSHB 323, A bill to be entitled An Act relating to three-point seat belts on buses that transport schoolchildren.

(Taylor in the chair)

Amendment No. 1

Representative Vo offered the following amendment to **CSHB 323**:

Amend **CSHB 323** as follows:

(1) On page 1, lines 11-13, strike "a school bus, a school activity bus, a school-chartered bus, and a bus operated by a mass transit authority under contract with a school district" and substitute "a school bus and a school activity bus".

(2) On page 1, line 20, strike "bus operated by or" and substitute "school-chartered bus".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Patrick offered the following amendment to **CSHB 323**:

Amend **CSHB 323** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly.

SECTION _____. The changes made by Section 2 of this Act do not take effect unless the legislature appropriates money specifically for the purpose of reimbursing school districts for expenses incurred in complying with that section.

Amendment No. 2 was adopted.

A record vote was requested.

CSHB 323, as amended, was passed to engrossment by (Record 803): 124 Yeas, 15 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycocock; 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; Dukes; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Miles; Miller; Morrison; 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, W.; Smithee; Solomons; Strama; Straus; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Berman; Elkins; Flynn; Haggerty; Hancock; Herrero; Howard, C.; Jackson; Latham; Merritt; Phillips; Swinford; Talton; Truitt; Van Arsdale.

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

Absent, Excused — Farrar; Moreno; Mowery.

Absent — Driver; Jones; Krusee; McClendon; Smith, T.

STATEMENTS OF VOTE

I was shown voting no on Record No. 803. I intended to vote yes.

Herrero

I was shown voting yes on Record No. 803. I intended to vote no.

Hopson

When Record No. 803 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

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 1473 ON SECOND READING
(by Turner)

CSHB 1473, A bill to be entitled An Act relating to the waiver of sovereign immunity of a political subdivision for claims brought by certain employees.

CSHB 1473 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.)

HB 1586 ON SECOND READING
(by Flores)

HB 1586, A bill to be entitled An Act relating to the creation of the offense of illumination of an aircraft by intense light.

HB 1586 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: C. Howard recorded voting no.)

CSHB 1656 ON SECOND READING
(by Puente)

CSHB 1656, A bill to be entitled An Act relating to regulation of irrigation systems and irrigators.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 1656**:

Amend **CSHB 1656** (House Committee Printing) as follows:

(1) On page 1, line 20, between "plumbing inspector," and "the district's operator," insert "a licensed irrigation inspector,".

(2) On page 2, line 22, between "plumbing inspector" and "to", insert "or a licensed irrigation inspector".

(3) Add the following appropriately numbered SECTION and renumber the following SECTIONS accordingly:

SECTION _____. Section 1903.251, Occupations Code, is amended to read as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a license issued by the commission under Chapter 37, Water Code, if the person:

(1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;

(2) provides consulting services relating to an irrigation system; ~~or~~

(3) connects an irrigation system to a private or public, raw or potable water supply system or any water supply; or

(4) inspects an irrigation system for a municipality or water district.

(b) A person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Miller offered the following amendment to **CSHB 1656**:

Amend **CSHB 1656** (House Committee Printing) as follows:

(1) On page 2, line 3, between "to" and "an", insert "(1)".

(2) On page 2, line 5, between "Code" and the underlined period, insert the following:

; or

(2) an irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code

(3) On page 3, line 1, between "to" and "an", insert "(1)".

(4) On page 3, line 3, between "Code" and the underlined period, insert the following:

; or

(2) an irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code

Amendment No. 2 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**.

Gattis on motion of Homer.

CSHB 1656 - (consideration continued)

A record vote was requested.

CSHB 1656, as amended, was passed to engrossment by (Record 804): 112 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycoc; Bailey; Berman; Bohac; Bolton; Branch; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Ortiz; Parker; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Anderson; Bonnen; Brown, B.; Christian; Flynn; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Isett; Jones; King, T.; Latham; Merritt; Miller; Orr; Otto; Patrick; Phillips; Riddle; Smith, T.; Talton; Truitt; Zedler.

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

Absent, Excused — Farrar; Gattis; Moreno; Mowery.

Absent — Brown, F.; Callegari; Davis, J.; Hughes; Krusee; Pierson.

STATEMENTS OF VOTE

When Record No. 804 was taken, I was in the house but away from my desk. I would have voted no.

F. Brown

I was shown voting yes on Record No. 804. I intended to vote no.

C. Howard

I was shown voting no on Record No. 804. I intended to vote yes.

Miller

I was shown voting no on Record No. 804. I intended to vote yes.

T. Smith

CSHB 1988 ON SECOND READING

(by Martinez)

CSHB 1988, A bill to be entitled An Act relating to the issuance of a protective order for a victim of the offense of sexual assault or aggravated sexual assault.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 1988**:

Amend **CSHB 1988** by adding an appropriately numbered Section ____ and Renumbering the subsequent sections appropriately:

SECTION _____. Article 7A.03, Code of Criminal Procedure, is amended to read as follows:

Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this chapter, the court shall find whether there are reasonable grounds to believe that the applicant is [±

[~~(±)~~] the victim of a sexual assault [±] and :

(1) is younger than 18 years of age; or

(2) regardless of age, is the subject of a threat that reasonably places the applicant in fear of further harm from the alleged offender.

(b) If the court finds reasonable grounds to believe that the applicant is the victim of a sexual assault and is younger than 18 years of age, or regardless of age, the subject of a threat that reasonably places the applicant in fear of further harm from the alleged offender, the court shall issue a protective order that includes a statement of the required findings.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **CSHB 1988**:

Amend **CSHB 1988** on page 1, line 8, by striking "22.011 or 22.021" and substituting "21.11, 22.011, or 22.021".

Amendment No. 2 was adopted.

CSHB 1988, 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 3698 ON SECOND READING

(by McCall)

HB 3698, A bill to be entitled An Act relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.

HB 3698 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: C. Howard recorded voting no.)

HB 1657 ON SECOND READING

(by Puente)

HB 1657, A bill to be entitled An Act relating to the protection and use of intellectual property by the executive administrator of the Texas Water Development Board.

HB 1657 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 3924 ON SECOND READING

(by Rose, Patrick, and Alonzo)

HB 3924, A bill to be entitled An Act relating to student members of the board of regents of a state university or state university system.

Representative Rose moved to postpone consideration of **HB 3924** until 10 a.m. Wednesday, May 9.

The motion prevailed.

HB 2115 ON SECOND READING
(by Frost and Lucio)

HB 2115, A bill to be entitled An Act relating to a defendant's eligibility for deferred adjudication of certain intoxication offenses.

Amendment No. 1

Representative T. Smith offered the following amendment to **HB 2115**:

Amend **HB 2115** (House Committee Report) as follows:

On line 10, changed to read (A) under Section 49.045 [~~49.04, 49.05, 49.06~~], 49.07[~~7~~] or 49.08, Penal Code, or for which punishment may be increased under Section 49.09 of that code;

On Page 2, Line 1, the bill is amended by adding the following language: SECTION 2. Section 13, Article 42.12, Code of Criminal Procedure, is amended by adding new subsection (o) to read as follows:

(o) For purposes of this section, a conviction includes a deferred adjudication under Section 5 of this code.

SECTION 3. Section 411.081(e), Government Code, is amended to read as follows:

(e) A person is entitled to petition the court under Subsection (d) only if during the applicable period described by Subsection (d)(1), (2), or (3), as appropriate, the person is not convicted of or placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for any offense other than an offense under the Transportation Code punishable by fine only. A person is not entitled to petition the court under Subsection (d) if the person has been previously convicted or placed on deferred adjudication for:

(1) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;

(2) an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;

(3) an offense under Section 19.02, 19.03, 22.04, 22.041, 25.07, or 42.072, Penal Code; ~~or~~

(4) any other offense involving family violence, as defined by Section 71.004, Family Code; or

(5) an offense under Chapter 49, Penal Code, other than an offense that is punishable as a Class C misdemeanor.

SECTION 4. Sections 49.09(a), (b), (d), and (g), Penal Code, are amended to read as follows:

(a) Except as provided by Subsection (b), an offense under Section 49.04, 49.05, 49.06, or 49.065 is a Class A misdemeanor, with a minimum term of confinement of 30 days, if it is shown on the trial of the offense that the person has been one time previously [~~been~~] convicted of or placed on deferred adjudication for [~~one time of~~] an offense relating to the operating of a motor

vehicle while intoxicated, an offense of operating an aircraft while intoxicated, an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated.

(b) An offense under Section 49.04, 49.045, 49.05, 49.06, or 49.065 is a felony of the third degree if it is shown on the trial of the offense that the person has been previously convicted:

(1) one time previously convicted of or placed on deferred adjudication for an offense under Section 49.08 or an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense under Section 49.08; or

(2) two times previously convicted of or placed on deferred adjudication for any other offense relating to the operating of a motor vehicle while intoxicated, operating an aircraft while intoxicated, operating a watercraft while intoxicated, or operating or assembling an amusement ride while intoxicated.

(d) For the purposes of this section, a conviction for an offense listed in Subsection (c) [under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08] that occurs on or after September 1, 1994, is a final conviction, whether the sentence for the conviction is imposed or probated.

(g) A conviction or deferred adjudication may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and Subchapter D.

SECTION 5. Section 524.001(5), Transportation Code, is amended to read as follows:

(5) "Conviction" includes an adjudication under Title 3, Family Code, or a deferred adjudication under Article 42.12, Section 5, Code of Criminal Procedure.

On Page 2, Line 1 of the bill, "SECTION 2" is amended to read "SECTION 6".

On Page 2, Line 8 of the bill, "SECTION 3" is amended to read "SECTION 7".

Amendment No. 1 - Point of Order

Representative Talton raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 1.

HB 2115 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: Latham recorded voting no.)

HB 2108 ON SECOND READING**(by Puente)**

HB 2108, A bill to be entitled An Act relating to the deadline for the Parks and Wildlife Department, the Texas Commission on Environmental Quality, and the Texas Water Development Board to complete priority instream flow studies of the state's rivers and streams.

HB 2108 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: Latham recorded voting no.)

CSHB 1557 ON SECOND READING**(by Gattis)**

CSHB 1557, A bill to be entitled An Act relating to the billing of anatomic pathology services.

Representative Geren moved to postpone consideration of **CSHB 1557** until 9 a.m. Thursday, May 3.

The motion prevailed.

CSHB 1467 ON SECOND READING**(by Deshotel)**

CSHB 1467, A bill to be entitled An Act relating to reservations of the state ceiling and priority carryforward classifications for certain projects under the private activity bond allocation program.

CSHB 1467 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 1467** under Rule 4, Section 18(c) of the House Rules on the grounds that the committee minutes are incorrect.

The point of order was withdrawn.

Representative Deshotel moved to postpone consideration of **CSHB 1467** until the end of today's calendar.

The motion prevailed.

CSHB 3900 ON SECOND READING**(by Morrison, Villarreal, McCall, Otto, et al.)**

CSHB 3900, A bill to be entitled An Act relating to the Texas tomorrow fund II prepaid tuition unit undergraduate education program.

Amendment No. 1

Representative Morrison offered the following amendment to **CSHB 3900**:

Amend **CSHB 3900** (house committee report) as follows:

(1) On page 18, line 15, strike "comply with Section 54.704." and substitute the following:

⋮

(1) select a person who has served as a professional investment manager for at least 10 years;

(2) evaluate each person considered for the position based on the historical net returns of the person's professional investments and the consistency of the person's professional investment returns over a period of at least five years; and

(3) comply with Section 54.704.

(c)

(2) On page 18, line 19, strike "The board shall pay the plan manager a".

(3) Strike lines 20-22.

(4) On page 18, line 23, strike "(c)" and substitute "(d)".

(5) On page 18, line 27, strike "(d)" and substitute "(e)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Otto offered the following amendment to **CSHB 3900**:

Amend **CSHB 3900** (house committee report) on page 19, between lines 14 and 15, by inserting the following:

Sec. 54.7671. TRANSFERS AMONG 529 PLANS. (a) The board by rule shall provide for a purchaser to transfer money between an account under this subchapter and an account under another plan established by this state or by another state or other authorized entity in accordance with Section 529, Internal Revenue Code of 1986, to the extent and in the manner authorized by that section.

(b) For purposes of a transfer of money from an account under this subchapter, the value of the account at the time of transfer is the lesser of:

(1) an amount equal to the cost, at the time of the transfer, of the tuition and required fees that would be covered by redemption of the number and type of tuition units to be transferred from the account if the beneficiary were redeeming the units at a general academic teaching institution or two-year institution of higher education as follows:

(A) for a Type I unit, at the general academic teaching institution that, in the sales year in which the unit was purchased, had the highest tuition and required fee cost;

(B) for a Type II unit, at a general academic teaching institution that, in the sales year in which the unit was purchased, had tuition and required fee cost at the weighted average; and

(C) for a Type III unit, at a two-year institution of higher education that, in the sales year in which the unit was purchased, had tuition and required fee cost at the weighted average; or

(2) an amount equal to the total purchase price of the tuition units to be transferred from the account, plus the portion of the total return on assets of the fund attributable to that amount.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Villarreal offered the following amendment to **CSHB 3900**:

Amend **CSHB 3900** (house committee report) on page 24, between lines 18 and 19, by inserting the following:

Sec. 54.778. AUDIT. The fiscal transactions of the board under this subchapter, including the administration of the fund, are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

Amendment No. 3 was adopted.

CSHB 3900, 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 2950 ON SECOND READING
(by Mallory Caraway)

CSHB 2950, A bill to be entitled An Act relating to the punishment of the offense of burglary committed by entering a building with intent to commit a theft involving an automated teller machine or safe.

(Speaker in the chair)

CSHB 2950 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 568 ON SECOND READING
(by Puente)

HB 568, A bill to be entitled An Act relating to the requirements for an affidavit of voluntary relinquishment of parental rights.

HB 568 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 75 ON SECOND READING
(by Naishtat, Turner, Hartnett, et al.)

HB 75, A bill to be entitled An Act relating to administrative and judicial review of certain decisions about public assistance benefits.

HB 75 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Aycock and Christian 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. 4).

CSHB 155 ON SECOND READING
(by Pickett, Quintanilla, et al.)

CSHB 155, A bill to be entitled An Act relating to correcting errors in the distribution of benefits by a public retirement system.

Amendment No. 1

Representative Pickett offered the following amendment to **CSHB 155**:

Amend **CSHB 155** (House Committee Printing) as follows:

(1) On page 2, strike lines 15 through 18 and substitute the following:
delivered by certified mail, return receipt requested. If the system does not receive a signed receipt evidencing delivery of the notice on or before the 30th day after the date the notice is mailed, the system shall mail

(2) On page 3, line 10, between "Subsection (a-2)" and the period, insert "or Section 802.1025".

(3) On page 4, line 4, strike "If" and substitute "Subject to Subsection (d), if".

(4) On page 4, between lines 12 and 13, insert the following:

(d) If the retirement system has begun the adjustment of future payments or the recovery of an overpayment under Section 802.1024(a-2), the system shall discontinue the adjustment of future payments or the recovery of the overpayment beginning with the first pay cycle occurring after the date the complaint is received by the system. The system may not recommence the adjustment of future payments or the recovery of an overpayment until the date described by Subsection (c)(1) or (2), as applicable. If a complaint is resolved in favor of the person filing the complaint, not later than the 30th day after the date of the resolution, the system shall pay the person the appropriate amount.

(5) On page 4, line 13, strike "(d)" and substitute "(e)".

Amendment No. 1 was adopted.

CSHB 155, 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 1079 ON SECOND READING
(by Naishtat, Dukes, Rodriguez, Strama, D. Howard, et al.)

HB 1079, A bill to be entitled An Act relating to the conditions of employment for emergency medical services personnel employed by certain municipalities.

Representative Naishtat moved to postpone consideration of **HB 1079** until 9 a.m. Tuesday, May 8.

The motion prevailed.

HB 429 ON SECOND READING
(by Madden)

HB 429, A bill to be entitled An Act relating to a study of the expenses of health care for certain elderly inmates.

HB 429 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 755 ON SECOND READING
(by Dutton)

CSHB 755, A bill to be entitled An Act relating to disciplinary action taken against a person required to file a death certificate.

CSHB 755 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 462 ON SECOND READING
(by Miller)

CSHB 462, A bill to be entitled An Act relating to the authority of certain municipalities to collect an infrastructure fee from certain governmental entities.

CSHB 462 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: Laubenberg recorded voting no.)

SB 584 ON SECOND READING
(Peña - House Sponsor)

SB 584, A bill to be entitled An Act relating to the issuance or violation of an order for emergency protection on the basis of the offense of sexual assault or aggravated sexual assault.

SB 584 was considered in lieu of **HB 1907**.

SB 584 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 1907 - LAID ON THE TABLE SUBJECT TO CALL

Representative Peña moved to lay **HB 1907** on the table subject to call.

The motion prevailed.

CSHB 489 ON SECOND READING**(by Berman)**

CSHB 489, A bill to be entitled An Act relating to the duty of a passenger involved in certain accidents to render aid.

CSHB 489 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: Flores, Hartnett, and Peña recorded voting no.)

(Berman in the chair)

CSHB 526 ON SECOND READING**(by Goolsby)**

CSHB 526, A bill to be entitled An Act relating to the denial of vehicle registration for failure to pay parking tickets.

CSHB 526 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 526** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order.

CSHB 526 was returned to the Committee on Transportation.

(Speaker in the chair)

HB 567 ON SECOND READING**(by Puente)**

HB 567, A bill to be entitled An Act relating to the time requirements for registering with the state registry of paternity.

HB 567 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 772 ON SECOND READING**(by Dutton)**

CSHB 772, A bill to be entitled An Act relating to social studies conducted in certain suits affecting the parent-child relationship.

CSHB 772 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 1031 ON SECOND READING**(by Chisum, B. Brown, et al.)**

CSHB 1031, A bill to be entitled An Act relating to the use of certain voting equipment in certain elections that do not involve a federal office.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 1031**:

Amend **CSHB 1031** on page 1, line 8, strike "5,000" and substitute "7,500".

Representative Berman moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 805): 77 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Bailey; Berman; Bohac; Bolton; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Corte; Crabb; Delisi; Dukes; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Flores; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hancock; Harless; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Isett; Jackson; Keffer; King, S.; King, T.; Kuempel; Latham; Laubenberg; Leibowitz; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Miles; Naishtat; Olivo; Ortiz; Parker; Paxton; Puente; Raymond; Riddle; Rodriguez; Smith, T.; Solomons; Straus; Swinford; Turner; Veasey; Villarreal; Vo; Woolley; Zedler.

Nays — Bonnen; Branch; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Creighton; Darby; Deshotel; Driver; England; Flynn; Frost; Hardcastle; Hartnett; Heflin; Hilderbran; Howard, C.; Jones; King, P.; Kolkhorst; Krusee; Macias; McReynolds; Merritt; Miller; Murphy; Orr; Otto; Patrick; Peña; Phillips; Pitts; Quintanilla; Ritter; Rose; Smith, W.; Smithee; Vaught; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Gattis; Moreno; Mowery.

Absent — Anchia; Aycock; Crownover; Davis, J.; Davis, Y.; Dunnam; Geren; Giddings; Goolsby; Hamilton; Harper-Brown; Hughes; Lucio; Menendez; Morrison; Noriega; O'Day; Oliveira; Pickett; Pierson; Strama; Talton; Taylor; Thompson; Truitt; Van Arsdale; Zerwas.

STATEMENTS OF VOTE

When Record No. 805 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

I was shown voting yes on Record No. 805. I intended to vote no.

Keffer

When Record No. 805 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 1031**:

Amend **CSHB 1031** on page 1, line 7 between the words "city" and "with" insert "or special districts".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Chisum offered the following amendment to **CSHB 1031**:

Amend **CSHB 1031** (House Committee Report) as follows:

(1) On page 1, between lines 12 and 13, insert the following:

"(e) For an election of a school district located wholly or partially within the boundaries of a city described by Subsection (d), other than an election of that school district that is held jointly with another election in which a federal office appears on the ballot, this section does not require the use of a voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3)."

Amendment No. 3 was adopted.

CSHB 1031, 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: Burnam, Herrero, Leibowitz, and Naishtat recorded voting no.)

HB 1759 ON SECOND READING

(by Deshotel)

HB 1759, A bill to be entitled An Act relating to the transfer of certain state property from the Health and Human Services Commission, the Department of State Health Services, or the Department of Aging and Disability Services to Spindletop MHMR Services.

HB 1759 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 922 ON SECOND READING

(by Truitt)

CSHB 922, A bill to be entitled An Act relating to the power of a municipality to enforce compliance with speed limits by an automated traffic control system.

CSHB 922 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: Riddle recorded voting no.)

CSHB 1090 ON SECOND READING
(by Swinford, McReynolds, Christian, and R. Cook)

CSHB 1090, A bill to be entitled An Act relating to the establishment of a program by the Department of Agriculture to make grants to encourage the construction of facilities that generate electric energy with certain types of agricultural residues, waste, debris, or crops.

Amendment No. 1

Representative Swinford offered the following amendment to **CSHB 1090**:

Amend **CSHB 1090** (House Committee Printing) as follows:

(1) In SECTION 1 of the bill, following proposed Section 22.002(5)(A)(ii), Agriculture Code (page 3, line 2), strike "and".

(2) In SECTION 1 of the bill, in proposed Subdivision (5), Section 22.022, Agriculture Code, between Paragraphs (A) and (B) of the subdivision (page 3, between lines 4 and 5), insert the following:

(iv) agricultural livestock waste nutrients; and

Amendment No. 1 was adopted.

Amendment No. 2

Representative Swinford offered the following amendment to **CSHB 1090**:

Amend **CSHB 1090** (House Committee Printing) as follows:

(1) In SECTION 1 of the bill, proposed Section 22.005, Agriculture Code, between "AMOUNT." and "The" (page 7, line 12), insert "(a)".

(2) In SECTION 1 of the bill, at the end of proposed Section 22.005, Agriculture Code (page 7, between lines 15 and 16), insert the following:

(b) During each state fiscal year, the department may not pay to an operator of a facility as reimbursements under Section 22.003 or grants under Section 22.006 an amount that exceeds 20 percent of the total amount of the reimbursements or grants to operators of facilities under those sections during that state fiscal year.

Amendment No. 2 was adopted.

CSHB 1090, 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 1086 ON SECOND READING
(by Hughes)

HB 1086, A bill to be entitled An Act relating to the discharge of an alternate juror in a criminal case.

HB 1086 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.)

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to House Rule 4, Section 9, Representative Madden 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.

HB 9 - RECOMMITTED

Representative Giddings moved to recommit **HB 9** to the Committee on Business and Industry.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **HB 9** during bill referral today at Desk 103.

The motion prevailed.

MOTION TO SUSPEND FIVE DAY POSTING RULE

Representative Flores moved to suspend the five day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 3326**, **HB 3335**, **HB 3351**, **HJR 98**, **HJR 99**, and **HJR 100** at 8 a.m. Thursday, May 3 in E2.036.

A record vote was requested.

The motion to suspend the five day posting rule was lost (not receiving the necessary two-thirds vote) by (Record 806): 73 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Bailey; Bolton; Callegari; Castro; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Eiland; England; Escobar; Farabee; Farias; Flores; Frost; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Haggerty; Hamilton; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, P.; King, S.; Kolkhorst; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Morrison; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Swinford; Turner; Veasey; Villarreal; Vo.

Nays — Anderson; Aycok; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Christian; Crabb; Creighton; Crownover; Darby; Delisi; Eissler; Elkins; Flynn; Gallego; Hancock; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Hughes; Isett; Latham; Laubenberg; Macias; Madden; McReynolds; Miller; O'Day; Orr; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; West; Woolley; Zedler.

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

Absent, Excused — Farrar; Gattis; Moreno; Mowery.

Absent — Alonzo; Chisum; Davis, J.; Dutton; Geren; Goolsby; Guillen; Hardcastle; Hernandez; Jackson; Keffer; King, T.; Krusee; Murphy; Otto; Straus; Thompson; Van Arsdale; Vaught; Zerwas.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 806. I intended to vote no.

Farabee

I was shown voting no on Record No. 806. I intended to vote yes.

Gallego

When Record No. 806 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, during bill referral today, 3N.3, for a formal meeting.

FIVE DAY POSTING RULE SUSPENDED

Representative B. Cook moved to suspend the five day posting rule to allow the Committee on Civil Practices to consider **SB 1309** and **SB 1781** upon adjournment today at Desk 26.

The motion prevailed.

Representative Peña moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 2838** at 2 p.m. or upon final recess tomorrow in E2.016.

The motion prevailed.

Representative Rose moved to suspend the five day posting rule to allow the Committee on Human Services to consider **SB 261**, **SB 723**, **SB 871**, **SB 1457**, **SB 1734**, **SB 1865**, **SB 1870**, and **SCR 1** at 10:30 a.m. or upon final adjournment/recess Thursday, May 3 in E2.026.

The motion prevailed.

Representative Madden moved to suspend the five day posting rule to allow the Joint Select Committee on the Operation and Management of the Texas Youth Commission to consider invited testimony at 8 a.m. Wednesday, May 2 in E1.036.

The motion prevailed.

(Crownover in the chair)

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **SB 600** during bill referral today in E2.028.

The motion prevailed.

Representative Keffer moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider **SB 1816** and pending business at 8 a.m. tomorrow in E1.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Civil Practices, upon adjournment today, Desk 26, for a formal meeting, to consider **SB 1309**, **SB 1781** and pending business.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

Ways and Means, 8 a.m. tomorrow, E1.014, for a public hearing, to consider **SB 1816** and pending business.

Public Health, upon adjournment today, 3N.4, for a formal meeting, to consider pending business.

Defense Affairs and State-Federal Relations, upon adjournment today, Desk 76, for a formal meeting, to consider **HB 3396**.

Law Enforcement, during bill referral today, E1.014, for a public hearing, to consider pending bills.

Business and Industry, upon adjournment today, Desk 103, for a formal meeting, to consider **HB 9** and pending business.

Corrections, upon adjournment today, Desk 50, for a formal meeting, to consider **SB 1580**.

PROVIDING FOR ADJOURNMENT

Representative Dutton moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Leonard Llorenz of Houston.

The motion prevailed.

(Creighton in the chair)

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.)

ADJOURNMENT

In accordance with a previous motion, the house, at 7:55 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

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 212 (By Talton), Directing that the state flag be displayed at half-staff on Peace Officers' Memorial Day and calling for the observance of National Police Week in Texas.

To Culture, Recreation, and Tourism.

SB 21 to Human Services.

SB 22 to Public Health.

SB 29 to Public Health.

SB 53 to Civil Practices.

SB 308 to Public Health.

SB 338 to Business and Industry.

SB 513 to Transportation.

SB 516 to Defense Affairs and State-Federal Relations.

SB 596 to Land and Resource Management.

SB 685 to Defense Affairs and State-Federal Relations.

SB 692 to Public Health.

SB 697 to Public Education.

SB 785 to State Affairs.

SB 786 to Land and Resource Management.

SB 825 to Culture, Recreation, and Tourism.

SB 833 to County Affairs.

SB 853 to Natural Resources.

SB 903 to Defense Affairs and State-Federal Relations.

SB 909 to Corrections.

SB 999 to Juvenile Justice and Family Issues.

- SB 1007 to Higher Education.
- SB 1033 to Public Health.
- SB 1037 to Natural Resources.
- SB 1041 to Natural Resources.
- SB 1069 to Natural Resources.
- SB 1091 to Natural Resources.
- SB 1092 to Natural Resources.
- SB 1167 to Civil Practices.
- SB 1169 to Business and Industry.
- SB 1196 to County Affairs.
- SB 1205 to Natural Resources.
- SB 1237 to Defense Affairs and State-Federal Relations.
- SB 1244 to Judiciary.
- SB 1260 to Transportation.
- SB 1269 to Civil Practices.
- SB 1311 to Juvenile Justice and Family Issues.
- SB 1312 to Culture, Recreation, and Tourism.
- SB 1318 to Human Services.
- SB 1343 to Natural Resources.
- SB 1383 to Natural Resources.
- SB 1392 to Judiciary.
- SB 1396 to Transportation.
- SB 1407 to Natural Resources.
- SB 1408 to Natural Resources.
- SB 1409 to Natural Resources.
- SB 1420 to Public Education.
- SB 1427 to Higher Education.
- SB 1430 to Regulated Industries.
- SB 1458 to Energy Resources.
- SB 1459 to Energy Resources.
- SB 1461 to Energy Resources.
- SB 1463 to Local Government Ways and Means.
- SB 1494 to Public Education.
- SB 1509 to Land and Resource Management.

SB 1557 to Corrections.
SB 1580 to Corrections.
SB 1630 to County Affairs.
SB 1634 to Licensing and Administrative Procedures.
SB 1659 to Culture, Recreation, and Tourism.
SB 1660 to Natural Resources.
SB 1661 to Natural Resources.
SB 1680 to Insurance.
SB 1732 to House Administration.
SB 1743 to Defense Affairs and State-Federal Relations.
SB 1766 to Human Services.
SB 1769 to County Affairs.
SB 1867 to Land and Resource Management.
SB 1932 to Natural Resources.
SB 1946 to Natural Resources.
SB 1954 to Natural Resources.
SB 1955 to Natural Resources.
SB 1961 to Natural Resources.
SB 1963 to Natural Resources.
SB 1964 to Natural Resources.
SB 1965 to Natural Resources.
SB 1966 to Natural Resources.
SB 1967 to Natural Resources.
SB 1974 to Natural Resources.
SB 1984 to County Affairs.
SB 1994 to Natural Resources.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

SB 448 to State Affairs.
SCR 57 to Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 28**HB 92, HB 385, HB 566, HB 708, HB 978, HB 1064, HCR 6, HCR 211****Senate List No. 30****SB 271, SB 526, SB 673, SB 849, SB 884, SB 1340, SB 1375, SB 1405, SB 1672, SCR 44****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 30, 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:

SB 380 Van de Putte
Relating to required disclosures to health benefit plan enrollees regarding professional services provided by certain non-network health care providers; providing administrative penalties.**SB 689** Shapleigh
Relating to the sale or transport of certain desert plants; providing a penalty.**SB 772** Van de Putte
Relating to conditions of employment for certain peace officers.**SB 828** West, Royce
Relating to the collection and use of certain information by certain insurers.**SB 947** Duncan
Relating to delivery of certain unclaimed money to a rural scholarship fund.**SB 997** Watson
Relating to the regulation of commercially operated party boats on public water of this state.**SB 1013** Jackson, Mike
Relating to the authority of the Railroad Commission of Texas to regulate warning signs appurtenant to certain pipeline facilities; providing an administrative penalty.**SB 1098** Patrick, Dan
Relating to a subsidy for health benefits coverage for certain adopted children.

SB 1336

Estes

Relating to the authority of a municipality with a population of less than 10,000 to enter into an agreement with an owner of real property in or adjacent to an area in the municipality that has been approved for funding under certain revitalization or redevelopment programs to prohibit ad valorem tax increases on the owner's property for a limited period.

SB 1463

Seliger

Relating to the authority of certain counties to impose a hotel occupancy tax.

SB 1587

Shapleigh

Relating to contractors with the Health and Human Services Commission or with a health and human services agency that provide services to persons with limited English proficiency.

SB 1696

Nelson

Relating to eligibility for medical assistance for treatment of breast or cervical cancer.

SB 1699

Shapiro

Relating to financial aid to assist students with paying the costs of higher education.

SB 1762

Shapleigh

Relating to a study by the Texas Water Development Board regarding the impact of climate change on surface water supplies from the portion of the Rio Grande in Texas subject to the Rio Grande Compact.

SB 1782

West, Royce

Relating to arbitration proceedings.

SB 1829

Jackson, Mike

Relating to fees for certain commercial licenses issued by the Parks and Wildlife Department.

SB 1943

Patrick, Dan

Relating to participation by private school students in University Interscholastic League sponsored activities.

SB 1983

Estes

Relating to the creation of the Upper Trinity Groundwater Conservation District; providing authority to issue bonds.

SJR 44

Estes

Proposing a constitutional amendment authorizing the legislature to permit the voters of a municipality with a population of less than 10,000 to authorize the governing body of the municipality to enter into an agreement with an owner of real property in or adjacent to an area in the municipality that has been approved for funding under certain revitalization or redevelopment programs to prohibit ad valorem tax increases on the owner's property for a limited period.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 30, 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:

SCR 69 Williams SPONSOR:
Smith, Wayne

Requesting that the Chief Clerk of the House of Representatives be authorized to return House Bill No. 1892 to the senate for further consideration.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, April 30, 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:

HB 310 Goolsby SPONSOR: Carona
Relating to the transfer of registration and removal of license plates for the sale or transfer of used vehicles.
(AMENDED)

HB 1311 Bonnen SPONSOR: Janek
Relating to requiring certain municipalities to disannex land owned by a navigation district.
(AMENDED)

HB 1312 Bonnen SPONSOR: Janek

Relating to the annexation by certain municipalities of land owned by a navigation district.

(AMENDED)

HB 1892

Smith, Wayne

SPONSOR: Williams

Relating to the authority of certain counties and other entities with respect to certain transportation projects; providing penalties.

(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 30, 2007 - 4

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 114

Van de Putte

Relating to the sale of instructional materials to students of public institutions of higher education.

SB 359

Williams

Relating to a Texas Commission on Environmental Quality water quality protection area pilot program applicable to portions of the San Jacinto River; providing penalties.

SB 453

Ellis

Relating to the testing of certain inmates for HIV or AIDS.

SB 987

Lucio

Relating to requiring counseling before closing certain complex loans.

SB 1032

Uresti

Relating to the issuance of Insure Texas Kids specialty license plates.

SB 1251

Averitt

Relating to the access, use, or retention of certain electronically readable information on a driver's license, commercial driver's license, or personal identification certificate; providing penalties.

SB 1566

Patrick, Dan

Relating to the creation of the Texas Bleeding Disorders Advisory Council.

SCR 67

Fraser

Declaring the City of Lampasas The Saratoga of the South.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 27

Agriculture and Livestock - **HB 2598**

Border and International Affairs - **SB 99, SJR 20**

Business and Industry - **HB 3035, HB 3724, SB 222, SB 287, SB 512, SB 1389, SB 1627**

Corrections - **HB 431, HB 2566, HB 2990, HB 3200, HB 3654**

County Affairs - **HB 408, HB 2917, HB 3954, HB 4013, HB 4036, HB 4047, SB 671, SB 1107**

Criminal Jurisprudence - **HB 1801, SB 584**

Culture, Recreation, and Tourism - **HB 2779**

Defense Affairs and State-Federal Relations - **HB 1275**

Elections - **HB 3619**

Energy Resources - **SB 1666, SB 1667**

Environmental Regulation - **HB 3554**

Government Reform - **HB 1415, HB 1613, HB 2620**

Human Services - **HB 283, HB 2540, HB 3261, SB 870**

Insurance - **HB 2329**

Juvenile Justice and Family Issues - **SB 44, SB 430, SB 432**

Land and Resource Management - **HB 982, HB 2006, HB 2798, HB 3699, HB 3877, HB 4109**

Law Enforcement - **HB 124, HB 1889, HB 1934, SB 548**

Licensing and Administrative Procedures - **HB 2723**

Local Government Ways and Means - **HB 438, HB 3417, HJR 40, SB 765, SB 1752**

Public Education - **HB 277, HB 2237**

Public Health - **HB 882, HB 1786, HB 2644, HB 3184, SB 288**

Regulated Industries - **HB 3693**

State Affairs - **HB 1517, HB 2508, HB 3874**

Transportation - **SB 1209, SB 1536**

Urban Affairs - **HB 1637, SB 1119**

ENGROSSED

April 27 - HB 321, HB 724, HB 890, HB 891, HB 971, HB 1100, HB 1293, HB 1351, HB 1374, HB 1391, HB 1400, HB 1418, HB 1679, HB 1719, HB 1748, HB 1932, HB 2070, HB 2096, HB 2163, HB 2239, HB 2348, HB 2350, HB 2391, HB 2411, HB 2618, HB 2796, HB 2949, HB 3219, HB 3225, HB 3290, HB 3440, HB 3491, HB 3495, HB 3496, HB 3585, HCR 25, HB 3309

April 28 - HB 3325, HB 88

April 29 - HB 433, HB 538, HB 654, HB 820, HB 868, HB 1334, HB 1457, HB 1700, HB 1734, HB 1955, HB 2045, HB 2056, HB 2092, HB 2235, HB 2251, HB 2393, HB 2417, HB 2626, HB 2627, HB 2652, HB 2682, HB 2870, HB 2880, HB 3138, HB 3199, HB 3236, HB 3367, HB 3490, HB 3492, HB 3563, HB 3634, HB 3672, HB 3688

ENROLLED

April 27 - HB 92, HB 385, HB 566, HB 708, HB 978, HB 1064, HCR 6

