

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FIFTIETH DAY — WEDNESDAY, APRIL 6, 2011

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 272).

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

Absent, Excused — Allen; Driver; Landtroop.

The invocation was offered by Dr. David L. Wilson, pastor, Southcrest Baptist Church, Lubbock, as follows:

Heavenly Father, we are so grateful for your many blessings. We acknowledge your holiness and righteousness and thank you for your grace and mercy that falls on us. We thank you for life itself and for the health that we need to fulfill our responsibilities. We are mindful of your provision and your personal presence in our lives. Thank you for the ability to be involved in useful work and for the honor of bearing responsibility.

Your holy word has told us that you have established governing authorities to promote peace and order and justice. You have allowed these men and women to bear the responsibility of making policies and establishing laws and regulations. We ask that you give them wisdom that comes from you and understanding to deal with the pressing issues of our day. We ask that you give

them courage to do what is right, moral, and in keeping with your intent for our lives. Guide them clearly amid the conflicting interests and issues of our times. With your sovereign and righteous hand, direct the decisions that will be made by these men and women that represent so many. Give them a strong desire to make the right decisions and to trust in your wisdom. Help them to work together even when there is honest disagreement. Please let them sense your presence and give them personal peace.

We lift up the agenda set before this chamber today. Please give each member an assurance of what would please you and what would benefit those who live and work in our great state. In Jesus' name, I pray. Amen.

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

#### **LEAVES OF ABSENCE GRANTED**

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

Driver on motion of Branch.

Landtroop on motion of Perry.

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

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

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Naishtat who presented Dr. Mark Chassay of Austin as the "Doctor for the Day."

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

#### **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).

(Gonzalez in the chair)

#### **HCR 128 - ADOPTED**

**(by Aliseda, Sheets, V. Taylor, and Garza)**

Representative Aliseda moved to suspend all necessary rules to take up and consider at this time **HCR 128**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 128**, In memory of U.S. Marine Corps Sergeant Jose Luis Saenz III of Pleasanton.

**HCR 128** was read and was unanimously adopted by a rising vote.

On motion of Representative Sheets, the names of all the members of the house were added to **HCR 128** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Aliseda who introduced family members and friends of U.S. Marine Corps Sergeant Jose Luis Saenz III.

#### **HR 1033 - ADOPTED**

**(by Aycock)**

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 1033**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1033**, Recognizing April 6, 2011, as Burnet County Day at the State Capitol.

**HR 1033** was adopted.

#### **HR 1190 - ADOPTED**

**(by Martinez)**

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 1190**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1190**, Welcoming Leadership Mid Valley to the State Capitol.

**HR 1190** was adopted.

#### **HR 1194 - ADOPTED**

**(by Price)**

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 1194**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1194**, Commemorating April 9, 2011, as Former POW Recognition Day.

**HR 1194** was adopted.

#### **HR 1125 - ADOPTED**

**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1125**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1125**, Commemorating the centennial of the Elisabet Ney Museum in Austin.

**HR 1125** was adopted.

**HR 1182 - ADOPTED**  
**(by Lucio)**

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 1182**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1182**, Recognizing April 6, 2011, as National Start! Walking Day.

**HR 1182** was adopted.

**HR 1193 - ADOPTED**  
**(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1193**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1193**, Commemorating April 6, 2011, as Catholic Faith in Action Advocacy Day, sponsored by the Texas Catholic Conference.

**HR 1193** was read and was adopted.

On motion of Representative Madden, the names of all the members of the house were added to **HR 1193** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Madden who introduced representatives of the Texas Catholic Conference.

**HR 1026 - ADOPTED**  
**(by Kleinschmidt, S. Miller, and D. Miller)**

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 1026**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1026**, Commemorating the 2011 Masonic Oak ceremony.

**HR 1026** was read and was adopted.

On motion of Representative D. Miller, the names of all the members of the house were added to **HR 1026** as signers thereof.

**HR 1133 - ADOPTED**  
**(by Farrar, et al.)**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 1133**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1133**, Congratulating the Honorable William M. Hatten of Houston on his birthday.

**HR 1133** was adopted.

**HR 1196 - ADOPTED**  
**(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 1196**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1196**, Honoring Evelyn Fife of Terrell on the occasion of her 100th birthday.

**HR 1196** was adopted.

**HR 1197 - ADOPTED**  
**(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 1197**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1197**, In memory of Jerry Quitman Kidd of Chandler.

**HR 1197** was unanimously adopted by a rising vote.

**HR 485 - PREVIOUSLY ADOPTED**  
**(by S. Davis, Miles, and Hochberg)**

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

**HR 485**, In memory of Joseph W. Samuels of Houston.

On motion of Representative S. Davis, the names of all the members of the house were added to **HR 485** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Miles who introduced family members of Joseph W. Samuels.

**HR 928 - ADOPTED**  
**(by C. Howard)**

Representative C. Howard moved to suspend all necessary rules to take up and consider at this time **HR 928**.

The motion prevailed.

The following resolution was laid before the house:

**HR 928**, In memory of Houston businessman and community leader Gilbert Manly Turner.

**HR 928** was unanimously adopted by a rising vote.

On motion of Representative C. Howard, the names of all the members of the house were added to **HR 928** as signers thereof.

**LEAVE OF ABSENCE GRANTED**

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

Villarreal on motion of Gallego.

**HR 1129 - ADOPTED**  
**(by Strama)**

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HR 1129**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1129**, Honoring actress Holland Taylor on the occasion of her visit to the State Capitol.

**HR 1129** was read and was adopted.

**INTRODUCTION OF GUEST**

The chair recognized Representative Strama who introduced Holland Taylor.  
(Speaker in the chair)

**HR 963 - ADOPTED**  
**(by Kuempel)**

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 963**.

The motion prevailed.

The following resolution was laid before the house:

**HR 963**, Commemorating the launching of Not Even Past, the interactive website of The University of Texas at Austin Department of History.

**HR 963** was read and was adopted.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Kuempel who introduced representatives of The University of Texas.

**HR 581 - PREVIOUSLY ADOPTED**

(by Aliseda)

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

**HR 581**, Recognizing April 6, 2011, as Atascosa County Day at the State Capitol.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Aliseda who introduced a delegation from Atascosa County.

**HR 814 - PREVIOUSLY ADOPTED**

(by Aliseda)

The chair laid out the following previously adopted resolution:

**HR 814**, In memory of Mark Lynn Cude of Pleasanton.

**HR 971 - ADOPTED**

(by Eiland)

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 971**.

The motion prevailed.

The following resolution was laid before the house:

**HR 971**, In memory of Elinor Steinhagen Burrus.

**HR 971** was read and was unanimously adopted by a rising vote.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Eiland who introduced family members of Elinor Steinhagen Burrus.

**GENERAL STATE CALENDAR****HOUSE BILLS****THIRD READING**

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

**HB 444 ON THIRD READING**

(by Creighton)

**HB 444**, A bill to be entitled An Act relating to notification of applications for permits for certain injection wells.

**HB 444** was passed by (Record 273): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Villarreal.

Absent — Davis, J.; Hochberg; Nash.

#### STATEMENTS OF VOTE

When Record No. 273 was taken, I was in the house but away from my desk. I would have voted yes.

Hochberg

When Record No. 273 was taken, I was excused because of important business. I would have voted yes.

Landtroop

#### HB 571 ON THIRD READING

(by Huberty, Eissler, et al.)

**HB 571**, A bill to be entitled An Act relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

#### HB 571 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE EISSLER: In **HB 571** there's a new Water Code Section 28A.001(1)(c) that provides an exemption for uses at the same or contiguous site. Is it your intent that under this section properties are contiguous if they are only separated by a public road?

REPRESENTATIVE HUBERTY: Yes, Mr. Eissler, I consider the properties that are only separated by a public road to be contiguous.

EISSLER: Thank you, and is proposed Section 28A.001(1)(d) intended to exempt all excavation activities that are already authorized by the state in some other permit?

HUBERTY: Yes, Mr. Chairman. For example, the TCEQ already has permitted a landfill that would not have to seek another authorization under this bill.

### REMARKS ORDERED PRINTED

Representative Eissler moved to print remarks between Representative Huberty and Representative Eissler.

The motion prevailed.

**HB 571** was passed by (Record 274): 139 Yeas, 5 Nays, 1 Present, not voting.

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

Nays — Garza; Hughes; Laubenberg; Paxton; Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Villarreal.

Absent — Nash.

### STATEMENT OF VOTE

When Record No. 274 was taken, I was excused because of important business. I would have voted yes.

Landtroop

### LEAVE OF ABSENCE GRANTED

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

Nash on motion of Price.

**HB 610 ON THIRD READING**  
(by Zerwas, Murphy, Callegari, et al.)

**HB 610**, A bill to be entitled An Act relating to the method of delivery of certain notices sent by the Texas Commission on Environmental Quality.

**HB 610** was passed by (Record 275): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

**STATEMENT OF VOTE**

When Record No. 275 was taken, I was excused because of important business. I would have voted yes.

Landtroop

**HB 645 ON THIRD READING**  
(by Orr, et al.)

**HB 645**, A bill to be entitled An Act relating to the information required to be included on a form for an application for an exemption from ad valorem taxation of property owned by a charitable organization.

**HB 645** was passed by (Record 276): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn;

Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

### STATEMENT OF VOTE

When Record No. 276 was taken, I was excused because of important business. I would have voted yes.

Landtroop

### HB 675 ON THIRD READING

(by Lucio, et al.)

**HB 675**, A bill to be entitled An Act relating to football helmet safety requirements in public schools.

**HB 675** was passed by (Record 277): 117 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman.

Nays — Aycock; Bonnen; Callegari; Craddick; Creighton; Darby; Fletcher; Garza; Hamilton; Harper-Brown; Hilderbran; Hughes; King, P.; King, S.; Kolkhorst; Laubenberg; Miller, S.; Parker; Paxton; Phillips; Riddle; Simpson; Taylor, V.; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Jackson; Torres.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 277. I intended to vote no.

Cain

I was shown voting yes on Record No. 277. I intended to vote no.

Hancock

I was shown voting yes on Record No. 277. I intended to vote no.

Harless

When Record No. 277 was taken, I was excused because of important business. I would have voted no.

Landtroop

I was shown voting yes on Record No. 277. I intended to vote no.

Truitt

### HB 690 ON THIRD READING

(by **Martinez Fischer, Hartnett, Bohac, and Farias**)

**HB 690**, A bill to be entitled An Act relating to the punishment for the offense of graffiti.

#### Amendment No. 1

Representative Martinez Fischer offered the following amendment to **HB 690**:

Amend **HB 690** on third reading, in the transition provision that appeared in the house committee printing, by striking "The change in law made by this Act applies" and substituting "The changes in law made by this Act to Sections 28.08(d) and (e), Penal Code, apply".

Amendment No. 1 was adopted.

**HB 690**, as amended, was passed by (Record 278): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender;

Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Bohac; Taylor, L.; Torres.

### STATEMENTS OF VOTE

When Record No. 278 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 278 was taken, I was excused because of important business. I would have voted yes.

Landtroop

When Record No. 278 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

### HB 755 ON THIRD READING

(by Cook)

**HB 755**, A bill to be entitled An Act relating to eligibility of certain dependents for coverage under the state employee group benefits program.

**HB 755** was passed by (Record 279): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond;

Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Garza.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Anderson, R.

### STATEMENT OF VOTE

When Record No. 279 was taken, I was excused because of important business. I would have voted yes.

Landtroop

### HB 849 ON THIRD READING

(by S. Miller)

**HB 849**, A bill to be entitled An Act relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

#### Amendment No. 1

Representative S. Miller offered the following amendment to **HB 849**:

Amend **HB 849** as follows:

(1) On page 2, between lines 26 and 27, insert the following section, appropriately numbered:

SECTION \_\_\_\_\_. Section 27.034(a-1), Water Code, as added by this Act, applies only to an application for a permit to dispose of oil and gas waste in a commercial disposal well, as defined by the Railroad Commission of Texas.

(2) Renumber the subsequent sections of the bill accordingly.

#### AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: Chairman Miller, does this bill deal with notification for saltwater injection wells?

REPRESENTATIVE S. MILLER: Only the commercial injection wells.

P. KING: And, I'm sorry for asking this a day late, but who does it require notice to go to?

S. MILLER: Okay, it would require notice to go to the commissioners court, the county commissioner, the water district, landowners, and tenants of the landowners. It would also require publication in a newspaper of local circulation.

P. KING: Would it also require notice to go to groundwater conservation districts?

S. MILLER: Yes, it does.

P. KING: Am I correct that it is not your intent for this to create any standing for a groundwater conservation district to enter into a contested case regarding a permit for a groundwater conservation district?

S. MILLER: I don't believe it would change current law. Any affected party could ask to protest the permit after a hearing. It does allow for multiple hearings, though.

P. KING: The reason I'm asking is that currently, groundwater conservation districts, as I understand it, don't have standing under the law to intervene into those. There's concerns that that might become something of a lawyer's paradise if they did. And so I like your bill, but I just wanted to clarify for the record that it's not your intent to create standing. I don't want anybody to misinterpret the legislation. It's not your intent to create standing for groundwater conservation districts to be able to enter into the—as a party to the permitting process with TCEQ.

S. MILLER: It's requiring that the owner give notice to the groundwater conservation district along with the others that I mentioned. I don't believe it gives standing.

P. KING: I don't think it does either, I just want to make sure someone reading it a year down the line doesn't think it does, and I think it's a very good bill.

#### REMARKS ORDERED PRINTED

Representative P. King moved to print remarks between Representative S. Miller and Representative P. King.

The motion prevailed.

Amendment No. 1 was adopted.

**HB 849**, as amended, was passed by (Record 280): 139 Yeas, 2 Nays, 1 Present, not voting.

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

Nays — Gonzalez; Mallory Caraway.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Davis, Y.; Hughes; Reynolds.

### STATEMENTS OF VOTE

When Record No. 280 was taken, I was excused because of important business. I would have voted yes.

Landtroop

I was shown voting yes on Record No. 280. I intended to vote no.

Marquez

When Record No. 280 was taken, I was in the house but away from my desk. I would have voted yes.

Reynolds

### HB 942 ON THIRD READING

(by Dukes, et al.)

**HB 942**, A bill to be entitled An Act relating to an exemption for school districts from security for court costs and appeal bond.

**HB 942** was passed by (Record 281): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Bohac; Creighton; Davis, Y.

**STATEMENTS OF VOTE**

When Record No. 281 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 281 was taken, I was excused because of important business. I would have voted yes.

Landtroop

**HB 989 ON THIRD READING  
(by Kolkhorst)**

**HB 989**, A bill to be entitled An Act relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.

**HB 989** was passed by (Record 282): 142 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Garza.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Aycock.

**STATEMENTS OF VOTE**

When Record No. 282 was taken, my vote failed to register. I would have voted yes.

Aycock

When Record No. 282 was taken, I was excused because of important business. I would have voted yes.

Landtroop

I was shown voting yes on Record No. 282. I intended to vote no.

White

**HB 1300 ON THIRD READING**  
**(by Guillen, Frullo, and Farias)**

**HB 1300**, A bill to be entitled An Act relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.

**HB 1300** was passed by (Record 283): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Burnam; Hughes.

**STATEMENT OF VOTE**

When Record No. 283 was taken, I was excused because of important business. I would have voted yes.

Landtroop

**HB 1405 ON THIRD READING**  
**(by Smithee, Hardcastle, Eiland, and Nash)**

**HB 1405**, A bill to be entitled An Act relating to provision by a health benefit plan of prescription drug coverage specified by formulary.

**HB 1405** was passed by (Record 284): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Mallory Caraway.

### STATEMENTS OF VOTE

When Record No. 284 was taken, I was excused because of important business. I would have voted yes.

Landtroop

I was shown voting yes on Record No. 284. I intended to vote no.

White

### HB 1732 ON THIRD READING (by Ritter)

**HB 1732**, A bill to be entitled An Act relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.

**HB 1732** was passed by (Record 285): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden;

Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Gonzalez; Harless; Mallory Caraway; Riddle; Veasey.

### STATEMENT OF VOTE

When Record No. 285 was taken, I was excused because of important business. I would have voted yes.

Landtroop

### HB 2124 ON THIRD READING (by Workman, et al.)

**HB 2124**, A bill to be entitled An Act relating to victim notification regarding the release of a defendant who was acquitted by reason of insanity in a criminal case.

**HB 2124** was passed by (Record 286): 139 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Aliseda; Crownover; Gonzalez; Mallory Caraway; Taylor, L.

### STATEMENT OF VOTE

When Record No. 286 was taken, I was excused because of important business. I would have voted yes.

Landtroop

### HB 2154 ON THIRD READING (by Eiland)

**HB 2154**, A bill to be entitled An Act relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.

**HB 2154** was passed by (Record 287): 142 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Driver; Landtroop; Nash; Villarreal.

Absent — Castro.

### STATEMENT OF VOTE

When Record No. 287 was taken, I was excused because of important business. I would have voted yes.

Landtroop

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Calendars, during lunch recess today, 3W.15, for a formal meeting, to set a calendar.

Defense and Veterans' Affairs, during lunch recess today, Desk 15, for a formal meeting, to consider pending business.

Business and Industry, during lunch recess today, Desk 47, for a formal meeting, to consider pending business.

**RECESS**

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

**AFTERNOON SESSION**

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

(Driver and Landtroop now present)

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 6 ON SECOND READING  
(by Eissler, Allen, Strama, Branch, et al.)**

**CSHB 6**, A bill to be entitled An Act relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.

**Amendment No. 1**

Representative Eissler offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) on page 9, line 27, by striking "(e)" and substituting "(d-1)".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Hancock and Eissler offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) on page 23, line 9, after the period, by inserting "If the commissioner places material on the list adopted under Subsection (a), the State Board of Education may, not later than the 90th day after the date the material is placed on the list, require the commissioner to remove the material from the list."

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Strama offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) as follows:

- (1) On page 11, line 16, between the period and "Each", insert "(a)".
- (2) On page 11, between lines 24 and 25, insert the following:
  - (b) To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills as required by Subsection (a), a school district or open-enrollment charter school may consider:
    - (1) instructional materials adopted by the State Board of Education;
    - (2) materials adopted or purchased by the commissioner under Section 31.0231 or Subchapter B-1;
    - (3) open-source instructional materials submitted by eligible institutions and adopted by the State Board of Education under Section 31.0241;
    - (4) open-source instructional materials made available by other public schools; and
    - (5) instructional materials developed or purchased by the school district or open-enrollment charter school.
- (3) On page 18, line 3, strike "The heading to".
- (4) On page 18, strike lines 7-9.
- (5) On page 19, following line 27, insert the following:
  - (d) At least 12 [24] months before the beginning of the school year for which instructional materials [textbooks] for a particular subject and grade level will be adopted [purchased] under the review and adoption cycle [adopted by the board], the board shall publish notice of the review and adoption cycle for those instructional materials [textbooks]. A request for production must allow submission of open-source instructional materials that are available for use by the state without charge on the same basis as instructional materials offered for sale.
- (6) On page 47, strike lines 4 and 5 and substitute the following:

SECTION 57. Section 31.151, Education Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:
- (7) On page 49, between lines 13 and 14, insert the following:
  - (e) An eligible institution, as defined by Section 31.0241(a), that offers open-source instructional materials under Section 31.0241 is not a publisher or manufacturer for purposes of this section.
- (8) On page 52, strike line 27 and renumber the subsequent subdivisions accordingly.
- (9) Renumber SECTIONS of the bill accordingly.

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Hochberg offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee report) as follows:

- (1) On page 13, line 2, strike "and".
- (2) On page 13, line 5, strike the period and substitute the following:  
; and

(6) fund the technology lending grant program established under Section 32.201.

(3) On page 50, between lines 24 and 25, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Chapter 32, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TECHNOLOGY LENDING PROGRAM GRANTS

Sec. 32.201. ESTABLISHMENT OF PROGRAM. (a) The commissioner may establish a grant program under which grants are awarded to school districts and open-enrollment charter schools to implement a technology lending program to provide students access to equipment necessary to use electronic instructional materials.

(b) A school district or an open-enrollment charter school may apply to the commissioner to participate in the grant program. In awarding grants under this subchapter for each school year, the commissioner shall consider:

(1) the availability of existing equipment to students in the district or charter school; and

(2) other funding available to the district or charter school.

(c) The commissioner may determine the terms of a grant awarded under this section, including limits on the grant amount and approved uses of grant funds.

(d) The commissioner may recover funds not used in accordance with the terms of a grant from any state funds otherwise due to the school district or open-enrollment charter school.

Sec. 32.202. FUNDING. (a) The commissioner may set aside not more than 10 percent of the state instructional materials fund under Section 31.021 or a different amount determined by appropriation to administer a grant program established under this subchapter.

(b) The cost of administering a grant program under this subchapter must be paid from funds set aside under Subsection (a).

Sec. 32.203. USE OF GRANT FUNDS. (a) A school district or open-enrollment charter school may use a grant awarded under Section 32.201 or other local funds to purchase, maintain, and insure equipment for a technology lending program.

(b) Equipment purchased by a school district or open-enrollment charter school with a grant awarded under Section 32.201 is the property of the district or charter school.

(4) On page 53, line 12, strike "and".

(5) On page 53, line 13, strike the period and substitute the following:  
; and

(18) Subchapter H, Chapter 32.

(6) Following existing SECTION 66 of the bill, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Sections 2175.128(a-1) and (b-1), Government Code, are repealed.

(7) Renumber the SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

#### **Amendment No. 5**

Representative Hochberg offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) as follows:

(1) On page 17, line 13, strike "may" and substitute "shall".

(2) On page 17, line 14, following the period, insert "The rules must include a requirement that a school district provide the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials allotment.".

Amendment No. 5 was adopted.

#### **Amendment No. 6**

Representative Hochberg offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee report) as follows:

(1) Strike page 39, line 23, through page 40, line 16, and substitute the following:

Sec. 31.102. TITLE AND CUSTODY. (a) Each instructional material [~~textbook~~] purchased as provided by this chapter for a school district or an open-enrollment charter school is the property of the district or school [~~this state~~].

(b) Subsection (a) applies to [~~an~~] electronic instructional material [~~textbook~~] only to the extent of any applicable licensing agreement.

(c) The board of trustees of a school district or the governing body of an open-enrollment charter school [~~is the legal custodian of textbooks purchased as provided by this chapter for the district or school. The board of trustees~~] shall distribute printed instructional material [~~textbooks~~] to students in the manner that the board or governing body determines is most effective and economical.

(2) Strike page 42, line 24, through page 43, line 6, and substitute the following:

(c) [~~Each textbook must state that the textbook is the property of or is licensed to this state, as appropriate. Each textbook, other than an electronic textbook or a printed copy of an open source textbook, must be covered by the student under the direction of the teacher.~~] Except as provided by Subsection (g), a student must return all instructional materials [~~textbooks~~] to the teacher at the end of the school year or when the student withdraws from school.

Amendment No. 6 was adopted.

#### **Amendment No. 7**

Representative Strama offered the following amendment to **CSHB 6**:

Amend **CSHB 6** (house committee printing) on page 44, line 23, between "returned" and the period, by inserting ", unless the instructional materials or technological equipment is damaged, stolen, misplaced, or not returned due to an intentional act of the employee".

Amendment No. 7 was adopted.

**CSHB 6**, as amended, was passed to engrossment.

**HB 500 ON SECOND READING**  
**(by Eissler, Aycock, Guillen, Shelton, et al.)**

**HB 500**, A bill to be entitled An Act relating to end-of-course assessment instruments administered to public high school students.

(Harper-Brown in the chair)

**Amendment No. 1**

Representative Eissler offered the following amendment to **HB 500**:

Amend **HB 500** (house committee printing) as follows:

(1) On page 2, line 16, strike "(a-2), (b), (b-2)," and substitute "(a-1), (a-2), (a-3), (b), (b-2), (e),".

(2) Strike page 2, line 18, through page 3, line 22, and substitute the following:

(a) The commissioner shall adopt rules requiring a student participating in the recommended or advanced high school program to be administered each end-of-course assessment instrument listed in Section 39.023(c) and requiring a student participating in the minimum high school program to be administered an end-of-course assessment instrument listed in Section 39.023(c) only for a course in which the student is enrolled and for which an end-of-course assessment instrument is administered. ~~[A student is required to achieve, in each subject in the foundation curriculum under Section 28.002(a)(1), a cumulative score that is at least equal to the product of the number of end-of-course assessment instruments administered to the student in that subject and a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a). A student must achieve a minimum score as determined by the commissioner to be within a reasonable range of the scale score under Section 39.0241(a) on an end-of-course assessment instrument for the score to count towards the student's cumulative score. For purposes of this subsection, a student's cumulative score is determined using the student's highest score on each end-of-course assessment instrument administered to the student. A student may not receive a high school diploma until the student has performed satisfactorily on the end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.]~~

(a-1) The commissioner by rule shall determine a method by which a student's satisfactory performance on an advanced placement test, international baccalaureate examination, an SAT Subject Test, or another assessment instrument determined by the commissioner to be at least as rigorous as an end-of-course assessment instrument adopted under Section 39.023(c) may be used as a factor in determining whether the student satisfies the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student[; including the cumulative score requirement of that subsection]. The commissioner by rule may determine a method by which a student's satisfactory performance on a Preliminary Scholastic Assessment Test (PSAT) assessment or

a preliminary American College Test (ACT) assessment may be used as a factor in determining whether the student satisfies the requirements of Subsection (a) and Subsection (a-2), (a-3), or (a-4), as applicable to the student.

(3) On page 3, lines 23-25, strike "In lieu of satisfying ~~[addition to]~~ the cumulative score requirements under Subsection (a), to graduate under the recommended high school program," and substitute "To graduate under the recommended high school program ~~[In addition to the cumulative score requirements under Subsection (a)],~~".

(4) On page 4, between lines 7 and 8, insert the following:

(a-3) To graduate under the advanced high school program ~~[In addition to the cumulative score requirements under Subsection (a)],~~ a student must:

(1) achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a-1) on end-of-course assessment instruments for the following:

(A) English III; and

(B) Algebra II; and

(2) achieve a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

(A) biology, chemistry, or physics; and

(B) world geography, world history, or United States history ~~[in order to graduate under the advanced high school program].~~

(5) On page 4, lines 8 and 9, strike "In lieu of satisfying the cumulative score requirements under Subsection (a), to graduate" and substitute "To graduate".

(6) On page 4, lines 20 and 21, strike "a minimum score under Subsection (a) may ~~[shall]~~" and substitute "the ~~[a minimum]~~ score requirement under this section may ~~[Subsection (a) shall]~~".

(7) On page 5, strike lines 2-20 and substitute the following:

(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the ~~[cumulative]~~ score requirement under this section ~~[requirements]~~ for one or more end-of-course assessment instruments as necessary ~~[subjects prescribed by Subsection (a)]~~ for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner ~~[not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)].~~ A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the ~~[cumulative]~~ score requirement under this section ~~[requirements prescribed by Subsection (a)].~~

(e) The commissioner shall establish a required performance level for an assessment instrument adopted under Subsection (d) that is at least as rigorous as the performance level required to be met under Subsection (a-2), (a-3), or (a-4), as applicable to the student ~~[(a)]~~.

(8) On page 6, line 6, strike "Subdivision (5)" and substitute "Subdivisions (5) and (6)".

(9) On page 7, line 1, between "high school diploma" and "unless", insert "under the recommended high school program".

(10) On page 7, line 14, strike "and".

(11) On page 7, between lines 14 and 15, insert the following:

(6) a student subject to Subdivision (4) may not receive a high school diploma under the minimum high school program unless the student:

(A) achieves a score that meets or exceeds the score determined by the commissioner under Section 39.0241(a) on end-of-course assessment instruments for the following:

(i) English III;

(ii) Algebra I;

(iii) biology, chemistry, or physics; and

(iv) world geography, world history, or United States history;

or

(B) has performed satisfactorily on each required assessment instrument administered under Section 39.023(c), as that section existed before amendment by Chapter 1312 (SB 1031), Acts of the 80th Legislature, Regular Session, 2007; and

(12) On page 7, line 15, strike "(6)" and substitute "(7)".

(13) On page 7, line 18, strike "(a)," and substitute "(a) and Subsection".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Eissler offered the following amendment to **HB 500**:

Amend **HB 500** (house committee report) as follows:

(1) On page 2, line 17, strike "Subsection (a-4)" and substitute "Subsections (a-4) and (a-5)".

(2) On page 2, line 26, between "(a-4)," and "or (d)", insert "(a-5)".

(3) On page 4, between lines 18 and 19, insert the following:

(a-5) The admission, review, and dismissal committee of a student in a special education program under Subchapter A, Chapter 29, shall determine whether, to receive a high school diploma, the student is required to achieve satisfactory performance on end-of-course assessment instruments.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Eissler offered the following amendment to **HB 500**:

Amend **HB 500** (introduced version) on page 7, line 25, between "eighth grade." and "Subsection (f)" by inserting "For a student who entered eighth grade in the 2010-2011 school year, notice under this subsection must also be provided not later than the date the student enters the ninth grade to inform the student of modifications in the requirements applicable to the student."

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative Hochberg offered the following amendment to **HB 500**:

Amend **HB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 39.034, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The agency may use a projection measure only in determining, for purposes of this section, an expected level of annual improvement in student achievement. The agency may not use a projection measure as a representation, for purposes of this section, of an actual level of annual improvement in student achievement.

Amendment No. 4 was adopted by (Record 288): 145 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Allen; Nash; Villarreal.

#### **Amendment No. 5**

Representative Hochberg offered the following amendment to **HB 500**:

Amend **HB 500** (house committee printing) as follows:

(1) On page 1, between lines 4 and 5, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 28.021(c), Education Code, is amended to read as follows:

(c) In determining promotion under Subsection (a), a school district shall consider:

- (1) the recommendation of the student's teacher;
- (2) the student's grade in each subject or course;
- (3) the student's score on an assessment instrument administered under Section 39.023(a), (b), or (l), to the extent applicable; and
- (4) any other necessary academic information, as determined by the district.

SECTION \_\_\_\_\_. Section 28.0211, Education Code, is amended by adding Subsections (o) and (p) to read as follows:

(o) This section does not require the administration of a fifth or eighth grade assessment instrument in a subject under Section 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

(1) is enrolled in a course in the subject for which the student will receive high school academic credit; and

(2) will be administered an end-of-course assessment instrument adopted under Section 39.023(c) for the course.

(p) Notwithstanding any other provision of this section, a student described by Subsection (o) may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student in accordance with that subsection.

(2) On page 1, strike lines 5 and 6 and substitute the following:

SECTION \_\_\_\_\_. Section 39.023, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-2) to read as follows:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all ~~All~~ students, other than ~~except~~ students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight;

(5) science, in grades five and eight; and

(6) any other subject and grade required by federal law.

(a-2) A student is not required to be assessed in a subject otherwise assessed at the student's grade level under Subsection (a) if the student:

(1) is enrolled in a course in the subject for which the student will receive high school academic credit; and

(2) will be administered an end-of-course assessment instrument adopted under Subsection (c) for the course.

(3) On page 2, line 17, strike "Subsection (a-4)" and substitute "Subsections (a-4) and (e-1)".

(4) On page 5, between lines 20 and 21, insert the following:

(e-1) Nothing in this section has the effect of prohibiting the administration of an end-of-course assessment instrument listed in Section 39.023(c) to a student enrolled below the high school level who is enrolled in the course for which the assessment instrument is adopted. The commissioner shall adopt rules necessary to ensure that the student's performance on the assessment instrument is considered in the same manner for purposes of this section as the performance of a student enrolled at the high school level.

(5) On page 7, between lines 26 and 27, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 39.053, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) In aggregating results of assessment instruments across grade levels by subject in accordance with Subsection (c)(1), the performance of a student enrolled below the high school level on an assessment instrument required under Section 39.023(c) is included with results relating to other students enrolled at the same grade level.

SECTION \_\_\_\_\_. Section 39.203, Education Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to the distinction designations otherwise described by this section, the commissioner may award a distinction designation to a campus with a significant number of students below grade nine who perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c).

Amendment No. 5 was adopted.

### **Amendment No. 6**

Representatives Phillips, Kolkhorst, and Menendez offered the following amendment to **HB 500**:

Amend **HB 500** as follows:

(1) On page 6, line 1, strike "2011-2012" and substitute "2013-2014 [2011-2012]".

(2) On page 6, strike lines 3-21, and substitute the following:  
instruments is made, [±

[(±)] for students entering a grade above the ninth grade during the 2011-2012 or 2012-2013 school years [year], the commissioner shall seek a waiver from federal law requirements mandating administration of assessment instruments to public school students in this state. If a waiver is granted, assessment instruments may not be administered under Section 39.023 during the 2011-2012 and 2012-2013 school years. If a waiver is not granted, districts shall administer to district students, during the 2011-2012 and 2012-2013 school years, appropriate assessment instruments in place of exit-level or end-of-course assessment instrument as necessary to comply with federal law [retain,

~~administer, and use for purposes of accreditation and other campus and district accountability measures under this chapter the assessment instruments required by Section 39.023(a) or (c), as that section existed before amendment by Chapter 1312 (SB 1031), Acts of the 80th Legislature, Regular Session, 2007;~~

~~[(2) a student subject to Subdivision (1) may not receive a high school diploma unless the student has performed satisfactorily on each required assessment instrument administered under Section 39.023(e) as that section existed before amendment by Chapter 1312 (SB 1031), Acts of the 80th Legislature, Regular Session, 2007; and~~

~~[(3) the agency may defer releasing assessment instrument questions and answer keys as required by Section 39.023(e) to the extent necessary to develop additional assessment instruments.]~~

(Villarreal now present)

Representative Eissler moved to table Amendment No. 6.

The motion to table prevailed by (Record 289): 94 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Aycock; Beck; Branch; Burkett; Button; Carter; Castro; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eissler; Elkins; Farias; Farrar; Frullo; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Hunter; Isaac; Jackson; Johnson; King, T.; Kleinschmidt; Larson; Laubenberg; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Reynolds; Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Turner; Vo; Walle; Woolley; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Berman; Bohac; Bonnen; Brown; Burnam; Cain; Callegari; Chisum; Christian; Dukes; Eiland; Fletcher; Flynn; Gallego; Geren; Hamilton; Harless; Hopson; Howard, C.; Huberty; Hughes; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Lavender; Legler; Lewis; McClendon; Menendez; Morrison; Phillips; Raymond; Riddle; Ritter; Schwertner; Simpson; Smith, W.; Solomons; Torres; Truitt; Veasey; Villarreal; Weber; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Allen; Nash.

Absent — Landtroop.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 289. I intended to vote no.

Elkins

I was shown voting yes on Record No. 289. I intended to vote no.

Guillen

I was shown voting yes on Record No. 289. I intended to vote no.

Isaac

I was shown voting yes on Record No. 289. I intended to vote no.

T. King

When Record No. 289 was taken, I was in the house but away from my desk. I would have voted no.

Landtroop

I was shown voting no on Record No. 289. I intended to vote yes.

Morrison

I was shown voting yes on Record No. 289. I intended to vote no.

Perry

#### **Amendment No. 7**

Representative Bonnen offered the following amendment to **HB 500**:

Amend **HB 500** by inserting into the bill the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0239 to read as follows:

Sec. 39.0239. STUDENT PERFORMANCE: FUNDING. Notwithstanding Chapter 41, 42, 46 or any other provision of this code, 35 percent of state funding for school districts and open-enrollment charter schools shall be based on successful student performance on assessment instruments as determined in accordance with Section 39.0241.

Amendment No. 7 was withdrawn.

#### **Amendment No. 8**

Representative Hochberg offered the following amendment to **HB 500**:

Amend **HB 500** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0236 to read as follows:

Sec. 39.0236. REDUCED ASSESSMENT REQUIREMENTS PILOT PROGRAM. (a) In this section, "pilot program" means the reduced assessment requirements pilot program established under this section.

(b) The commissioner by rule shall establish a pilot program in which certain students in grades three through eight at a participating campus have reduced assessment requirements, as provided by this section.

(c) A campus may apply to the commissioner to participate in the pilot program.

(d) The commissioner shall select at least 20 campuses to participate in the pilot program. In selecting campuses for participation in the pilot program, the commissioner shall ensure that, to the greatest extent practicable, the diverse demographic, geographic, socioeconomic, and academic characteristics found in this state are represented and that elementary and middle or junior high schools are represented.

(e) Notwithstanding Section 39.023, a student attending a campus participating in the pilot program, other than a student administered assessment instruments under Section 39.023(b) or (l) or granted an exemption from administration of an assessment instrument under Section 39.027, shall be assessed using assessment instruments adopted or developed under Section 39.023(a) in:

(1) mathematics:

(A) in grades three and five without the aid of technology; and

(B) in grade eight with the aid of technology on any assessment

instrument that includes algebra;

(2) reading, in grades three, five, and eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight; and

(5) science, in grades five and eight.

(f) A student shall be assessed in grade four in mathematics or reading using an assessment instrument administered under Subsection (e) in grade three if, on the final assessment instrument in that subject administered to the student in grade three during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(g) A student shall be assessed in grade six in mathematics or reading using an assessment instrument administered under Subsection (e) in grade five if, on the final assessment instrument in that subject administered to the student in grade five during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(h) A student shall be assessed in grade seven in mathematics or reading using an assessment instrument administered under Subsection (g) in grade six if, on the final assessment instrument in that subject administered to the student in grade six during the preceding school year, the student did not achieve a score determined through the analysis of previous years' testing data to predict with a high level of statistical confidence that a student will pass the following year.

(i) A participating campus may, for its own use in determining whether students are performing at a satisfactory level, administer to a student at the appropriate grade level, other than a student required to be assessed under this section, an assessment instrument. At the request of a participating campus, the agency shall provide, allow for the administration of, and score each assessment instrument administered under this subsection in the same manner and at the

same cost as for assessment instruments required to be administered under the applicable subsection. The results of an assessment instrument administered under this subsection may not be included as an indicator of student achievement under Section 39.054 or any other provision.

(j) If there is a conflict between this section and federal law as a result of forgoing under this section certain administration of assessment instruments to students who have recently performed successfully on assessment instruments assessing the same subject, the commissioner shall seek a waiver from the application of conflicting federal law for a campus participating in the pilot program.

(k) The commissioner shall adopt rules as necessary to administer this section.

(l) The commissioner shall conduct a study to determine whether the pilot program has been successful. The study must compare the achievements in mathematics and reading of students at participating and nonparticipating campuses in similar geographic areas that have students of similar demographic, socioeconomic, and academic characteristics. The study must evaluate the differences between mathematics and reading performance of students at campuses participating in the pilot program and those in matched non-participating campuses. Not later than September 1, 2014, the commissioner shall submit the results of the study to the legislature.

(m) The commissioner by rule shall establish the pilot program for the 2012-2013 and 2013-2014 school years.

(n) This section expires December 31, 2014.

Amendment No. 8 was adopted.

(Speaker in the chair)

### **HB 3839 - PERMISSION TO INTRODUCE**

Representative Giddings requested permission to introduce and have placed on first reading **HB 3839**.

Permission to introduce was granted by (Record 290): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy;

Naishtat; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Nash.

Absent — Orr; Torres.

**SCR 40 - ADOPTED**  
**(Hilderbran - House Sponsor)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **SCR 40**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 40**, Recognizing Wayne and Eileen Hurd for their contributions to the Horseshoe Bay community.

**SCR 40** was adopted.

**MAJOR STATE CALENDAR**  
**(consideration continued)**

**HB 500 - (consideration continued)**

**HB 500**, as amended, was passed to engrossment. (Berman, Flynn, and T. Smith recorded voting no.)

**GENERAL STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

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

**CSHB 10 ON SECOND READING**  
**(by Branch, D. Howard, Hunter, Aycock, Villarreal, et al.)**

**CSHB 10**, A bill to be entitled An Act relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.

Representative Branch moved to postpone consideration of **CSHB 10** until 8 a.m. Thursday, April 14.

The motion prevailed.

**SB 351 ON SECOND READING**  
**(Deshotel - House Sponsor)**

**SB 351**, A bill to be entitled An Act relating to the maximum capacity of a container of wine sold to a retail dealer.

**SB 351** was considered in lieu of **HB 510**.

**SB 351** was passed to third reading.

**HB 510 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Deshotel moved to lay **HB 510** on the table subject to call.

The motion prevailed.

**CSHB 1201 ON SECOND READING**

(by Kolkhorst, Pitts, Harless, Zerwas, Phillips, et al.)

**CSHB 1201**, A bill to be entitled An Act relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.

**Amendment No. 1**

Representative Phillips offered the following amendment to **CSHB 1201**:

Amend **CSHB 1201** (house committee printing) as follows:

(1) On page 8, line 12, strike "and".

(2) On page 8, strike lines 13-15, and substitute the following:

(2) the commission determines, after an engineering and traffic investigation conducted after traffic conditions on that part of the highway system have stabilized but not earlier than the first anniversary of the date that part of the highway system opens to traffic, that the established speed limit is reasonable and safe for that part of the highway system; and

(3) construction of that part of the highway system is completed on or after June 1, 2011.

Amendment No. 1 was adopted.

**CSHB 1201**, as amended, was passed to engrossment.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 367** 30 minutes after final recess today in JHR 140.

The motion prevailed.

**COMMITTEES GRANTED PERMISSION TO MEET**

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 9 a.m. tomorrow, in E1.004, to consider previously posted business.

Permission to meet was granted.

Representative W. Smith requested permission for the Committee on Environmental Regulation to meet while the house is in session, during bill referral today, in E2.030, to consider the previously posted agenda.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Urban Affairs, 4:30 p.m. today, E2.016.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in E2.012, to consider the previously posted agenda.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Public Education, Subcommittee on Cyber Bullying, 8 a.m. tomorrow, E2.022, for a work session, to consider cyber bullying.

State Affairs, 30 minutes after final recess today, JHR 140, for a public hearing, to consider **SB 367** and the previously posted agenda.

**PROVIDING FOR RECESS**

Representative Coleman moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10:15 a.m. tomorrow.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES  
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Workman in the chair)

**RECESS**

In accordance with a previous motion, the house, at 4:08 p.m., recessed until 10:15 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 3835** (By Laubenberg), Relating to the Rockwall County Juvenile Board.

To Corrections.

**HB 3836** (By Pitts), Relating to the creation of the Windsor Hills Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.

To Natural Resources.

**HB 3837** (By Isaac), Relating to the designation of a portion of U.S. Highway 183 as the Cpl. Jason K. LaFleur Memorial Highway.

To Transportation.

**HCR 74** (By Landtroop), Honoring pregnancy care centers.

To Rules and Resolutions.

**HCR 110** (By Workman), Urging the president of the United States to defend the Defense of Marriage Act.

To Select State Sovereignty.

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

**HB 1916** (By Callegari), Relating to the regulation of weather modification operations.

To Agriculture and Livestock.

**HB 3101** (By Perry), Relating to the creation of the office of inspector general within the governor's office.

To Government Efficiency and Reform.

**HB 3300** (By Cain), Relating to mechanisms to address the adverse impact of unfunded state mandates on local governments.

To Government Efficiency and Reform.

**HB 3425** (By Zedler), Relating to a continuous improvement process at state agencies.

To Government Efficiency and Reform.

**HB 3676** (By Brown), Relating to procuring contracts for certain professional services by a governmental entity.

To Government Efficiency and Reform.

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 6, 2011

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 27** Zaffirini

Relating to policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.

**SB 73** Nelson

Relating to debt issuance authority of and funding for the Cancer Prevention and Research Institute of Texas.

**SB 142** West

Relating to real property that is subject to restrictive covenants, including the operation of property owners' associations of subdivisions that are subject to restrictive covenants, and to certain foreclosure actions.

**SB 153** Huffman

Relating to the authority of a judge to suspend the imposition of a sentence and place a defendant on community supervision.

**SB 315** Carona

Relating to the agencies and entities responsible for compiling and maintaining information pertaining to criminal combinations and criminal street gangs.

**SB 597** Shapiro

Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.

**SB 626** Carona

Relating to lottery winnings, including assignment of winnings, periodic payments of winnings, and the deduction of child support delinquency amounts from winnings paid to a prize winner.

**SB 656** Huffman

Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

**SB 907** Seliger

Relating to the management, operation, rulemaking authority, and oversight of groundwater conservation districts.

**SB 1097**

Eltife

Relating to single certification in incorporated or annexed areas served by water or sewer utilities.

**SB 1230**

Estes

Relating to the construction and operation of combined heating and power facilities in certain municipalities.

**SB 1308**

Seliger

Relating to the standards for attorneys representing indigent defendants in capital cases.

**SB 1702**

Williams

Relating to the establishment of a task force to enhance the prosecution and tracking of money laundering in this state.

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 14**

Senate Conferees: Fraser - Chair/Birdwell/Huffman/Van de Putte/Williams

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 5**

Business and Industry - **HB 1960**

Culture, Recreation, and Tourism - **HB 596, HB 673, HB 1395**

Elections - **HB 1136, HB 1436, HB 1503, HB 1528, HB 1593, HB 1696, HB 2051, HB 2053, HB 2959, HB 3055, HB 3448**

Environmental Regulation - **HB 240**

Government Efficiency and Reform - **HB 2866**

Higher Education - **HB 33, HB 1206, HB 2433**

Judiciary and Civil Jurisprudence - **HB 908, HB 2047, HB 2330**

Licensing and Administrative Procedures - **HB 2271, SB 351**

Natural Resources - **HB 1814, HB 1832, HB 1852, HB 1901, HB 2893, HB 2983, HB 3002, SB 292, SB 313**

State Affairs - **SB 312**

Ways and Means - **HB 270, HB 316, HB 533, HB 930, HB 975, HB 1263, HB 2582, HJR 63**

**ENGROSSED**

**April 5 - HB 109, HB 252, HB 371, HB 716**