

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIRST DAY — THURSDAY, APRIL 7, 2011

The house met at 2:45 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 292).

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; 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; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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; Christian; Johnson.

Absent, Excused, Committee Meeting — Peña.

SB 18 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **SB 18**:

All original amendments to **SB 18** that will be offered during second reading consideration must be filed with the chief clerk not later than 10 a.m. Tuesday, April 12.

The Committee on Calendars rule was adopted by (Record 293): 144 Yeas, 0 Nays, 2 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; 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; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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; Workman; Zedler; Zerwas.

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

Absent, Excused — Allen; Christian; Johnson.

Absent, Excused, Committee Meeting — Peña.

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

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

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

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

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

(Record 294): 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; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; 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; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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(C); Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Christian; Johnson.

Absent, Excused, Committee Meeting — Peña.

Absent — Eiland.

SB 24

HB 42 (Berman - no) (143 - 1 - 1)

HB 118

HB 191 (Harless, Legler, Parker, Simpson, and White - no) (139 - 5 - 1)

HB 205 (Simpson - no) (143 - 1 - 1)

HB 266

HB 282

HB 289

HB 308 (Harless, Phillips, Simpson, and Solomons - no) (140 - 4 - 1)

HB 328

HB 399 (Landtroop, Perry, and White - no) (141 - 3 - 1)

HB 412

HB 413

HB 414

HB 441 (Landtroop, Perry, Solomons, and White - no) (140 - 4 - 1)

HB 460

HB 468 (Beck, Berman, Cain, Flynn, Lavender, Paxton, and Zedler - no)
(137 - 7 - 1)

HB 479

HB 530

HB 534

HB 555

HB 650

HB 679

HB 682

HB 709

HB 734

HB 811 (Berman, S. King, Schwertner, Shelton, and Zerwas - no) (139-5-1)

HB 840 (Berman, S. King, Schwertner, Shelton, and Zerwas - no) (139-5-1)

HB 841 (Berman - no) (143 - 1 - 1)

HB 871 (Beck, S. Davis, Isaac, Kleinschmidt, Landtroop, Lavender, Parker,
Paxton, Perry, Simpson, and Weber - no) (133 - 11 - 1)

HB 886

HB 943

HB 965

HB 994

HB 1010

HB 1028

HB 1032

HB 1060

HB 1091

HB 1116 (White - no) (143 - 1 - 1)

HB 1173 (Simpson - no) (143 - 1 - 1)

HB 1245

HB 1247

HB 1293

HB 1305

HB 1334 (Flynn and Zedler - no) (142 - 2 - 1)

HB 1341

HB 1343

HB 1344

HB 1376 (Cain, Flynn, and Legler - no) (141 - 3 - 1)

HB 1417

SB 582

HB 1473

SB 37

HB 1495

HB 1496 (Beck, Kleinschmidt, Lavender, and Weber - no) (140 - 4 - 1)

HB 1499

HB 1504

HB 1524

HB 1555 (Beck, Isaac, and Lavender - no) (141 - 3 - 1)

HB 1560 (White - no) (143 - 1 - 1)

HB 1567 (Berman, S. King, Schwertner, Shelton, and Zerwas - no)
(139 - 5 - 1)

HB 1570

HB 1573

HB 1638

HB 1753

HB 1756

HB 1757

HB 1758

HB 1770 (Phillips and Solomons - no) (142 - 2 - 1)

HB 1779

HB 1781

HB 1804

HB 1869

HB 1885 (Berman, S. King, Schwertner, Shelton, and Zerwas - no)
(139 - 5 - 1)

HB 1889

HB 1891

HB 1904

HB 1932

HB 1952

HB 1956

HB 1967 (Berman - no) (143 - 1 - 1)

HB 1981 (White - no) (143 - 1 - 1)

HB 2007

HB 2012

HB 2014

HB 2035

HB 2207 (Cain, Flynn, Legler, Parker, and Weber - no) (139 - 5 - 1)

HB 2258 (Cain, Flynn, and Zedler - no) (141 - 3 - 1)

HB 2351 (Berman, S. King, Schwertner, Shelton, and Zerwas - no)
(139 - 5 - 1)

HB 2360

HB 2376

HB 2418

HB 2503

HB 2521

HB 2609

HB 2631

HB 2633

HB 2690 (S. Davis, Landtroop, and Perry - no) (141 - 3 - 1)

HB 2785 (White - no) (143 - 1 - 1)

HB 2909

(Bonnen in the chair)

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 351 ON THIRD 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 passed by (Record 295): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; 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; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Christian; Johnson.

Absent, Excused, Committee Meeting — Peña.

Absent — Eiland.

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 6 ON THIRD READING **(by Eissler, Allen, Strama, Branch, et al.)**

HB 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.

HB 6 was passed by (Record 296): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; 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; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Christian; Johnson.

Absent, Excused, Committee Meeting — Peña.

Absent — Davis, Y.

HB 500 ON THIRD 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.

HB 500 was passed by (Record 297): 138 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Galleo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; 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; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Berman; Carter; Flynn; Hartnett; Smith, T.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Christian; Johnson.

Absent, Excused, Committee Meeting — Peña.

Absent — Davis, Y.; Lavender.

LEAVE OF ABSENCE GRANTED

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

Mallory Caraway on motion of Gonzalez.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1201 ON THIRD READING
(by Kolkhorst, Pitts, Harless, Zerwas, Phillips, et al.)**

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

HB 1201 was passed by (Record 298): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Christian; Johnson; Mallory Caraway.

Absent, Excused, Committee Meeting — Peña.

Absent — Dukes; Farrar; Woolley.

STATEMENTS OF VOTE

When Record No. 298 was taken, I was excused because of important business in the district. I would have voted yes.

Christian

When Record No. 298 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 11 ON SECOND READING
(by Cook, Hilderbran, Kolkhorst, Schwertner, Lozano, et al.)**

HB 11, A bill to be entitled An Act relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

HB 11 was passed to engrossment.

**CSHB 27 ON SECOND READING
(by Guillen)**

CSHB 27, A bill to be entitled An Act relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

Representative Kolkhorst moved to postpone consideration of **CSHB 27** until the end of today's calendar.

The motion prevailed.

**CSHB 125 ON SECOND READING
(by Legler, Chisum, Callegari, et al.)**

CSHB 125, A bill to be entitled An Act relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

CSHB 125 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 125**.

The point of order was withdrawn.

Representative Legler moved to postpone consideration of **CSHB 125** until the end of today's calendar.

The motion prevailed.

**CSHB 175 ON SECOND READING
(by Jackson, Flynn, Creighton, Hochberg, Pitts, et al.)**

CSHB 175, A bill to be entitled An Act relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 175**:

Amend **CSHB 175** (house committee printing) as follows:

(1) On page 3, between lines 20 and 21, insert the following:

Sec. 76.07. CONSUMPTION BY MINOR OR INTOXICATED PERSON.

The commission or administrator may suspend or cancel an on-premises consumption only license after giving the licensee notice and the opportunity to show compliance with all requirements of law for retention of the license if the commission or administrator finds that the licensee permitted a minor or an intoxicated person to consume alcohol on the licensed premises or on premises under the licensee's control.

(2) On page 3, line 21, strike "76.07" and substitute "76.08".

(3) On page 4, line 2, strike "76.08" and substitute "76.09".

(4) On page 4, line 9, strike "76.08" and substitute "76.09".

Amendment No. 1 was adopted.

CSHB 175, as amended, was passed to engrossment.

CSHB 218 ON SECOND READING

(by Gallego)

CSHB 218, A bill to be entitled An Act relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.

CSHB 218 was passed to engrossment. (Berman and Flynn recorded voting no.)

HB 234 ON SECOND READING

(by Otto)

HB 234, A bill to be entitled An Act relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

Representative Otto moved to postpone consideration of **HB 234** until 10 a.m. Thursday, April 14.

The motion prevailed.

CSHB 243 ON SECOND READING

(by Craddick, Martinez Fischer, Brown, Cook, Menendez, et al.)

CSHB 243, A bill to be entitled An Act relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

Amendment No. 1

Representative L. Taylor offered the following amendment to **CSHB 243**:

Amend **CSHB 243**, on page 2, line 11, by striking "read, write," and substituting "write".

Representative Lucio moved to table Amendment No. 1.

The motion to table was lost by (Record 299): 54 Yeas, 85 Nays, 3 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, R.; Berman; Brown; Button; Castro; Coleman; Cook; Craddick; Davis, S.; Davis, Y.; Eiland; Eissler; Farrar; Frullo; Giddings; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hardcastle; Hernandez Luna; Hopson; Howard, D.; Hunter; Jackson; King, S.; Landtroop; Lewis; Lucio; Lyne; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Parker; Patrick; Perry; Pickett; Quintanilla; Reynolds; Ritter; Rodriguez; Shelton; Strama; Turner; Villarreal; Woolley.

Nays — Aliseda; Anderson, C.; Aycock; Bohac; Branch; Burkett; Burnam; Cain; Callegari; Carter; Chisum; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dutton; Elkins; Farias; Fletcher; Flynn; Gallego; Garza; Geren; Gonzales, L.; Guillen; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Huberty; Hughes; Isaac; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lozano; Madden; Margo; Martinez; Miller, S.; Morrison; Murphy; Nash; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Price; Raymond; Riddle; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Veasey; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Allen; Christian; Johnson; Mallory Caraway.

Absent, Excused, Committee Meeting — Peña.

Absent — Beck; Thompson; Torres.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Veasey offered the following amendment to **CSHB 243**:

Amend **CSHB 243** on page 1, line 12, between the period and "The", by inserting "The term does not include a text-based communication that is voice-activated and displayed in a manner that allows the driver to view the material on the dashboard or above the steering wheel.".

Amendment No. 2 was adopted.

CSHB 243 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE V. TAYLOR: Dean Craddick, is it your intent with this legislation to create a relatively easy probable cause for police officers to stop Texans who are driving?

REPRESENTATIVE CRADDICK: No, it is not.

V. TAYLOR: Okay, and is it your intention that with this legislation a police officer will be able to pull a Texan over for looking down at their phone while they're driving?

CRADDICK: No, I think that is going to be up to the police officer.

V. TAYLOR: Is it your intent that a police officer would have to be certain that a person is actually violating this law before the Texan is pulled over?

CRADDICK: I don't think you can say that, Mr. Taylor. There's not a police officer that pulls you over for a DWI that he's certain.

V. TAYLOR: What standard would you give to the police officer? What is your legislative intent, and I—

CRADDICK: My legislative intent is to stop texting while people are driving in a moving vehicle. That's what it is.

V. TAYLOR: But for—

CRADDICK: And make the roads safer in this state.

REMARKS ORDERED PRINTED

Representative V. Taylor moved to print remarks between Representative Craddick and Representative V. Taylor.

The motion prevailed.

CSHB 243, as amended, was passed to engrossment by (Record 300): 124 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Crossover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Eissler; Farias; Farrar; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Creighton; Dutton; Elkins; Flynn; Guillen; Hartnett; Hughes; Keffer; King, T.; Larson; Laubenberg; Miller, S.; Paxton; Simpson; Taylor, V.; Weber.

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

Absent, Excused — Allen; Christian; Johnson; Mallory Caraway.

Absent, Excused, Committee Meeting — Peña.

Absent — Driver; Garza; Torres.

CSHB 336 ON SECOND READING
(by Marquez)

CSHB 336, A bill to be entitled An Act relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.

Amendment No. 1

Representative Gonzalez offered the following amendment to **CSHB 336**:

Amend **CSHB 336** (house committee printing) on page 1 by striking lines 9-12 and substituting the following:

Sec. 254.04011. AVAILABILITY OF REPORTS OF SCHOOL TRUSTEES ON INTERNET. (a) This section applies only to a school district: (1) with a student enrollment of more than 12,000.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn.)

Amendment No. 2

Representative Weber offered the following amendment to **CSHB 336**:

1. Amend **CSHB 336**, on page 1, line 12, after "500,000" by inserting the following:
", and in a county located on the Texas Mexico Border with a population of 800,000 or more."

Amendment No. 3

Representative Martinez Fischer offered the following amendment to Amendment No. 2:

Amend the Weber amendment to **CSHB 336** by striking "a county located on the Texas Mexico Border with a population of 800,000 or more" and substituting "Brazoria County".

Representative Weber moved to table Amendment No. 3.

The motion to table was lost.

Amendment No. 3 was withdrawn.

Amendment No. 2 was withdrawn.

Amendment No. 4

Representative Castro offered the following amendment to **CSHB 336**:

Amend **CSHB 336** (house committee printing) as follows:

(1) On page 1, line 8, strike "Section 254.04011" and substitute "Sections 254.04011 and 254.04012".

(2) On page 2, between lines 8 and 9 insert the following:

Sec. 254.04011. AVAILABILITY OF REPORTS OF BOARD OF TRUSTEES OF PUBLIC JUNIOR COLLEGE ON INTERNET. (a) A report filed under this chapter by a member of the governing board of a public junior

college district, a candidate for membership on the governing board of a public junior college district, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of the governing board of a public junior college district must be posted on the Internet website of the junior college district.

(b) A report to which Subsection (a) applies must be available to the public on the Internet website not later than the fifth business day after the date the report is filed with the junior college district.

(c) The access allowed by this section to reports is in addition to the public's access to the information through other electronic or print distribution of the information.

(d) Before making a report available on the Internet under this section, the junior college district may remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. If the address information is removed as permitted by this subsection, the information must remain available on the report maintained in the administrative office of the junior college district.

Amendment No. 4 was withdrawn.

Amendment No. 1 - Vote Reconsidered

Representative Gonzalez moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

CSHB 336 was passed to engrossment by (Record 301): 108 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Bonnen(C); Branch; Burkett; Burnam; Button; Cain; Carter; Castro; Coleman; Cook; Craddick; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zedler.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Brown; Callegari; Chisum; Creighton; Crownover; Darby; Fletcher; Hamilton; Hartnett; Hilderbran; Hopson; Keffer; Kleinschmidt; Kuempel; Miller, D.; Miller, S.; Orr; Price; Riddle; Ritter; Sheffield; Smithee; Weber; White; Zerwas.

Present, not voting — Mr. Speaker; Solomons.

Absent, Excused — Allen; Christian; Johnson; Mallory Caraway.

Absent, Excused, Committee Meeting — Peña.

Absent — Garza; Harless; Schwertner; Torres.

STATEMENTS OF VOTE

When Record No. 301 was taken, I was in the house but away from my desk. I would have voted no.

Harless

When Record No. 301 was taken, my vote failed to register. I would have voted no.

Schwertner

HB 341 ON SECOND READING (by Fletcher)

HB 341, A bill to be entitled An Act relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.

HB 341 was passed to engrossment.

POSTPONED BUSINESS

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

CSHB 27 ON SECOND READING (by Guillen)

CSHB 27, A bill to be entitled An Act relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

CSHB 27 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Guillen offered the following amendment to **CSHB 27**:

Amend **CSHB 27** (house committee printing) as follows:

- (1) On page 1, line 20, between "to" and "pay", insert "immediately".
- (2) On page 2, line 18, between "to" and "pay", insert "immediately".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Alonzo offered the following amendment to **CSHB 27**:

Amend **CSHB 27** (house committee report) as follows:

- (1) On page 1, line 23, strike "or".
- (2) On page 2, line 1, strike "costs." and substitute "costs; or".
- (3) On page 2, between lines 1 and 2, insert the following:

"(3) donate an amount equivalent to the amount of the fine to an appropriate food bank to discharge all or part of the final costs."

(4) On page 2, line 21, strike "or".

(5) On page 2, line 23, strike "costs." and substitute "costs; or".

(6) On page 2, between lines 23 and 24, insert the following:

"(3) donate an amount equivalent to the amount of the fine to an appropriate food bank to discharge all or part of the final costs."

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

Amendment No. 3

Representative Carter offered the following amendment to **CSHB 27**:

Amend **CSHB 27** (house committee printing) as follows:

(1) On page 1, line 21, through page 2, line 1, strike the text and substitute the following:

and costs, the court shall allow the defendant to pay the fine and costs in specified portions at designated intervals.

(2) On page 2, lines 19-23, strike the text and substitute the following:
costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals.

(3) Strike SECTION 4 of the bill and renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 3 was adopted.

CSHB 27, as amended, was passed to engrossment. (Laubenberg and Phillips recorded voting no.)

CSHB 125 ON SECOND READING (by Legler, Chisum, and Callegari)

CSHB 125, A bill to be entitled An Act relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

CSHB 125 was read second time earlier today and was postponed until this time.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Defense and Veterans' Affairs meeting will reconvene today.

HB 500 - ENGROSSED RIDERS

Pursuant to Rule 2, Section 1(a)(9) of the House Rules, Representative Hunter moved to send **HB 500** to the senate in the form of engrossed riders in lieu of a full engrossment.

The motion prevailed.

HB 6 - ENGROSSED RIDERS

Pursuant to Rule 2, Section 1(a)(9) of the House Rules, Representative Hunter moved to send **HB 6** to the senate in the form of engrossed riders in lieu of a full engrossment.

The motion prevailed.

CSHB 125 - (consideration continued)**Amendment No. 1**

Representative Castro offered the following amendment to **CSHB 125**:

Amend **CSHB 125** (house committee printing) as follows:

(1) On page 1, line 10, between "impact" and the underlined period, insert ", including the anticipated loss of federal funding or the anticipated loss of eligibility to receive federal funding as a result of the adoption of a rule or the failure to adopt or amend a rule".

(2) On page 1, between lines 16 and 17, insert the following:

(4) "Savings" means a reasonably identifiable, significant, direct or indirect avoidance of expenditure or cost, including the anticipated receipt of federal funding as a result of the adoption or amendment of a rule.

(3) On page 1, line 17, strike "(4)" and substitute "(5)".

(4) On page 1, line 20, strike "costs" and substitute "costs, savings,".

(5) On page 2, line 10, between "costs" and "that", insert "or savings".

(6) On page 2, line 13, between "incur" and "from", insert "or realize".

(7) On page 2, line 15, between "costs" and "that", insert "or savings".

(8) On page 2, line 16, between "incur" and "from", insert "or realize".

Representative Legler moved to table Amendment No. 1.

The motion to table prevailed.

CSHB 125 was passed to engrossment by (Record 302): 113 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Lucio; Marquez; Martinez Fischer; McClendon; Naishtat; Oliveira; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker; Reynolds.

Absent, Excused — Allen; Christian; Johnson; Mallory Caraway.

Absent, Excused, Committee Meeting — Peña.

Absent — Deshotel; Dukes; Howard, D.

STATEMENTS OF VOTE

When Record No. 302 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 302 was taken, I was temporarily out of the house chamber. I would have voted no.

D. Howard

RULES SUSPENDED

Representative L. Taylor moved to suspend all necessary rules to take up and consider **HB 1808** and **HB 2271** at 9 a.m. tomorrow.

The motion prevailed by (Record 303): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen; Christian; Johnson; Mallory Caraway.

Absent, Excused, Committee Meeting — Peña.

Absent — Phillips.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, 4 p.m. or upon final adjournment today, Agricultural Museum (1W.14), for a formal meeting, to consider **SB 433**, **SB 475**, **SB 512**, **SB 525**, **SB 564**, **SB 569**, **SB 629**, **SB 684**, **SB 691**, **SB 727**, **SB 737**, **SB 813**, **SB 832**, and pending business.

Higher Education, upon final adjournment today, Desk 94, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon final adjournment today, Desk 122, for a formal meeting, to consider pending business.

Pensions, Investments, and Financial Services, upon final adjournment today, 1W.14, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Marquez moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **HB 2116** and **HB 3788** upon final adjournment today in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, upon final adjournment today, E2.016, for a public hearing, to consider **HB 2116**, **HB 3788**, and the posted agenda.

ADJOURNMENT

Representative Ritter moved that the house adjourn until 9 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 5:36 p.m., adjourned until 9 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 6

Agriculture and Livestock - **HB 1324**, **HB 1527**, **HB 1993**, **HB 2335**

Corrections - **HB 1907**

County Affairs - **HB 1012, HB 1174, HB 1327, HB 1400, HB 1426, HB 1500, HB 1525, HB 1649, HB 2266, HB 2716, HB 3588**

Economic and Small Business Development - **HB 2463, HB 2538, HB 2654, HB 2831, SB 309**

Elections - **HB 360, HB 2058, HB 2595**

Government Efficiency and Reform - **HB 611, HB 1067, HB 1812**

Homeland Security and Public Safety - **HB 343, HB 442, HB 812, HB 1083, HB 1137, HB 1379, HB 1861**

House Administration - **HB 2131, HCR 63, HR 557, HR 735**

Human Services - **SB 37**

Judiciary and Civil Jurisprudence - **SB 24, SB 582**

Licensing and Administrative Procedures - **HB 1401, HB 1469, HB 1955**

Natural Resources - **SB 333, SB 370**

Public Health - **HB 655, HB 1264, HB 1380, HB 1829, HB 3336**

Technology - **HB 1147**

Transportation - **HB 423**

Urban Affairs - **HB 342, HB 554, HB 564, HB 707, HB 782, HB 844, HB 902, HB 956, HB 1089**

Ways and Means - **HB 270**

ENGROSSED

April 6 - HB 444, HB 571, HB 610, HB 645, HB 675, HB 755, HB 942, HB 989, HB 1300, HB 1405, HB 1732, HB 2124, HB 2154

