

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — WEDNESDAY, APRIL 20, 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 459).

Present — Mr. Speaker; Aliseda; Allen; 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; 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; 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.

The invocation was offered by Bishop David Reed, suffragan bishop, Diocese of West Texas, as follows:

Almighty God, our Heavenly Father, we ask your blessing upon our state and upon this house today. You have entrusted this good land to our care and for our heritage, and we pray that you may make us a people always mindful of your favor and glad to serve.

We remember before you those whose lives, land, and property have been devastated by the wildfires across Texas, and we give you thanks for those who battle the fires. Assist them in their dangerous work by sending rain, and lots of it, to refresh our parched state.

As this house begins another day in this hard and complicated session, we thank you for the representatives assembled, for their willingness to serve the people of Texas. Guide and govern them all throughout this day. Grant to each member wisdom, clarity of mind, a spirit of perseverance, and a compassionate

heart. Give them courage and confidence to work together for the greatest common good; foresight and vision to avoid narrow self-interest; boldness to resist voices of division and despair; and in all things, charity and respect for one another. Uphold them with a sense of purpose and a renewed zeal for the ideals and principles of our state. May all they do this day be pleasing to you and in accordance with your gracious and merciful will.

We give you thanks also for all those who aid and assist the house in its work, and we pray that they may do their work with patience, diligence, honor, and good humor.

And finally, O Lord, when this day ends and evening comes, and the rush and fever of this work is done, we ask that you give each member satisfaction for things well done, the grace to let go of disappointments, the company of friends, and peaceful rest. All this I pray in Jesus' name. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Schwertner who presented Dr. Daniel Voss of Jarrell as the "Doctor for the Day."

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

(White in the chair)

HB 2294 - RECOMMITTED

Representative Hunter moved to recommit **HB 2294** to the Committee on Judiciary and Civil Jurisprudence.

The motion prevailed.

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).

HR 1439 - ADOPTED

(by Aliseda)

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

The motion prevailed.

The following resolution was laid before the house:

HR 1439, Commemorating the 175th anniversary of the winning of Texas independence and expressing appreciation to K. R. Wood and Jeff Horny for celebrating Texas heroes and pioneers through the Fathers of Texas music series and through a documentary film based on the series.

HR 1439 was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 1439** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Aliseda who introduced K. R. Wood and Jeff Horny.

(D. Howard in the chair)

HR 623 - PREVIOUSLY ADOPTED (by Christian, Landtroop, and White)

The chair laid out the following previously adopted resolution:

HR 623, Recognizing April 20, 2011, as "Retire in Texas Day" and commending the GO TEXAN Certified Retirement Community program and its participants.

(Weber in the chair)

HR 1269 - ADOPTED (by Hunter, Scott, Torres, Lozano, and Aliseda)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 1269**.

The motion prevailed.

The following resolution was laid before the house:

HR 1269, Welcoming the 2011 Feria de las Flores contestants to the State Capitol.

HR 1269 was read and was adopted.

On motion of Representative Scott, the names of all the members of the house were added to **HR 1269** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hunter who introduced 2011 Feria de las Flores contestants.

HR 946 - ADOPTED (by C. Howard)

Representative C. Howard moved to suspend all necessary rules to take up and consider at this time **HR 946**.

The motion prevailed.

The following resolution was laid before the house:

HR 946, In memory of Nicolis "Nico" Terrel Williams of Sugar Land.

HR 946 was read and was unanimously adopted by a rising vote.

On motion of Representative Reynolds, the names of all the members of the house were added to **HR 946** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative C. Howard who introduced family members of Nicolis "Nico" Terrel Williams.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR ADDENDUM

On motion of Representative Thompson and by unanimous consent, the Committee on Local and Consent Calendars was granted permission to add **HB 91, HB 398, HB 602, HB 692, HB 1145, HB 1162, HB 1179, HB 1795, HB 1887, HB 2040, HB 2337, HB 3314, and HB 3726** in an addendum to the local, consent, and resolutions calendar set for tomorrow.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 10:50 a.m. today, 3W.15, for a formal meeting, to set an addendum to the local, consent, and resolutions calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 10:50 a.m. today, in 3W.15, to set an addendum to the local, consent, and resolutions calendar.

Permission to meet was granted.

(Speaker in the chair)

HR 568 - PREVIOUSLY ADOPTED (by Phillips, Hunter, Peña, and Schwertner)

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

HR 568, In memory of Gregory Scott Coleman of Austin.

On motion of Representative Peña, the names of all the members of the house were added to **HR 568** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Phillips who introduced family members of Gregory Scott Coleman.

HB 150 - COMMITTEE ON CALENDARS RULE DEBATE

REPRESENTATIVE HUNTER: On Tuesday, we have set the calendar for house redistricting. I'm going to make a motion for a calendar rule. The calendar rule that was made in the Calendars Committee was for amendments for Thursday, April 21, at 8 p.m. I'm going to make a motion for a calendar rule that makes it 5 p.m. Friday, April 22, for the amendments. That is Good Friday, yes, ma'am.

So, I'm going to make that motion. I'm going to read it into the record, so you hear exactly what the motion is, citing the citations, and then there's some questions that you're going to ask me and Burt Solomons, the author of the bill.

**HB 150 - MOTION TO ADOPT
AMENDED COMMITTEE ON CALENDARS RULE**

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to suspend all necessary rules and to adopt the following amended rule governing floor consideration of **HB 150**:

SECTION 1. During second reading and third reading consideration of the bill:

(a) No proposed amendment, amendment to the amendment, or substitute amendment changing any district is eligible for consideration unless five copies of an amendment packet prepared by the Texas Legislative Council (TLC) has been submitted to the chief clerk. The amendment packet is not required to contain a textual description of the amendment but must include:

(1) maps as prepared by TLC indicating the changes made by the amendment; and

(2) standard reports for the amendment prepared by TLC that indicate population, voter data, and incumbent locations for the districts affected by the amendment.

(b) No proposed amendment, amendment to the amendment, or substitute amendment is eligible for consideration if:

(1) any district in the amendment contains parts that are not contiguous;
or

(2) adoption of the amendment would result in:

(A) any unassigned or overlapping geography in the overall redistricting plan under consideration; or

(B) a number of districts other than 150 in the overall plan.

SECTION 2. An amendment packet for each original amendment changing any district that will be offered during second reading consideration of the bill must be filed with the chief clerk by 5 p.m. on Friday, April 22.

REPRESENTATIVE GALLEGO: The calendar rule that was proposed by the Calendars Committee is not being proposed for a vote on the floor, is that correct?

SPEAKER STRAUS: That is correct.

GALLEGO: And so, the original calendars rule would have required 76 votes for adoption. This calendar rule, because it requires essentially a suspension, requires 100 votes for adoption.

SPEAKER: It requires two-thirds of the members present.

GALLEGO: Two-thirds of the members present. And, as proposed, the original calendars rule would have required amendments to be filed by tomorrow evening with the details, all the maps and so forth required. Mr. Chairman's proposal now to give an additional day is more or less so it would be Friday afternoon at 5 o'clock, is that correct?

SPEAKER: That is correct.

GALLEGO: And, in addition to that, it is my understanding that there will be an opportunity over the weekend to look at and review now these maps, understanding that Easter falls right in between the review period. That's the goal, to give everybody an opportunity now not only to offer the amendment, but to review the entire package.

REPRESENTATIVE MARTINEZ FISCHER: Representative Hunter, thank you for explaining the changes to the calendar rule. Let's talk about the filing of amendments; I understand there's some concern with Lege Council being able to accommodate the membership. I think there's some confusion amongst the body of what constitutes filing for the purposes of meeting the 5 p.m. calendar rule deadline.

HUNTER: You should file it with the chief clerk, but if you file it and get it into the system, it is to be constructive notice that you met the deadline.

MARTINEZ FISCHER: So, in the constructive filing, so long as any member working through the RedAppl system submits a map as a proposed amendment and makes that intention known to Lege Council, and I guess, is there also an obligation to notify the chief clerk in that same e-mail, and that satisfies the rule? Or just letting Lege Council know?

HUNTER: No, the chief clerk will file it.

MARTINEZ FISCHER: Okay, so we just work with Lege Council to submit our map and then we, we the individual member, also contact the chief clerk to let them know what we just did?

HUNTER: I think that yes, that would be good. Now the preference would be that you file it with the chief clerk, but as you and I are discussing—we said we would do this constructive notice—is getting it into the system. But, I do think it would be good just to tell the chief clerk. Let me add to your question. The Texas Legislative Council will provide a list of amendments it is processing as of 5 p.m. Friday to the chief clerk, and for those amendments, they will be treated as if filed by the 5 p.m. Friday deadline.

MARTINEZ FISCHER: I imagine that's 5 p.m. Central Standard Time? In case there's someone filing in El Paso, it'd have to be 4 p.m. Mountain Time, correct?

HUNTER: 5 p.m. Central Texas time.

MARTINEZ FISCHER: One other question, and I believe that the intent of everyone working on this is to file amendments to meet the 5 p.m. deadline. Undoubtedly, there may be amendments to the amendment, and given the requirements of the calendar rule, you understand that could slow down

deliberations and that should not be negatively construed, you know, among the members of the body, that were to take place to meet the printing requirements and all the obligations to file amendments to the amendment. You understand that?

HUNTER: I understand.

MARTINEZ FISCHER: Okay, thank you.

GALLEGO: Mr. Speaker, I actually have a question for Chairman Solomons, just to clarify something.

REPRESENTATIVE SOLOMONS: Sure.

GALLEGO: Chairman Solomons, one of the worries, I guess, is that every author of the bill has the opportunity first to offer perfecting amendments for the legislation, and so the question becomes, would you draft an amendment to the bill as filed? Or do you draft it—if the author's perfecting amendment comes first and changes anything, then obviously that would change all of the amendments down the road. So, it is your intention to essentially go with a map as it came out of committee and as it currently exists, so that members can be assured that their amendments should be tailored to the map as it came out of committee, as opposed to any perfecting amendment that you might offer later.

SOLOMONS: That subject came up about the possibility of needing some sort of perfecting amendment. It was never my intention; in fact, I don't know that I need a perfecting amendment. I may be told by legal or Lege Council or something, we need to make a fix of some sort, but I'd have to get my amendment in by that time as well. It's never been my intention to do it and it's certainly not my intention at all to have an amendment to the amendment somehow change everything, the work product of the committee or myself at this point at all.

GALLEGO: Because that's the other issue, the other concern was, if members work to meet that deadline by 6 p.m. tomorrow and then their amendments are somehow no longer—they have to be re-crafted and redrafted.

SOLOMONS: I understand that, but, you know, the members—for those who don't understand the system, or have not been through a redistricting process—the difficulty of drawing amendments anyway is about legal descriptions. And a lot of members now, I suggest all members, if you've got an amendment, you may want some sort of visual maybe to help. But at the end of the day, from my perspective, I'm not trying to somehow change everything that we have. In my opinion, it's the house's map at this point, if legal or Lege Council tells me, "Oh, we've made a little mistake, we need to fix something here or there," or whatever, that's all I was intending to do. But I didn't even know that I might need a perfecting amendment, although I'm aware that it's often done. Mr. King and I even talked about that because he has a little bit of experience on this process. But at the end, I'm not trying to change the map so everybody would be confused.

GALLEGO: This is important in terms of—we don't want everybody's amendments to be knocked out.

SOLOMONS: Why?

GALLEGO: Because suddenly what they're amending no longer exists.

SOLOMONS: I'm not trying to do that. I'm not trying to do that—

GALLEGO: Their amendments will be given consideration—

SOLOMONS: And besides that, that's why we have Lege Council, basically, to make any adaptations that we need. Just like any other bill, there's a process, and anything that might even be a minor change, if there needs to be an adjustment, you've got all day Monday to do that—Saturday and Monday.

GALLEGO: And so I wonder if you might be willing then to offer the author's perfecting—perfect the final product in the end, so that everybody's amendments are debated and then your amendments come at the end on the map, as opposed to have 149 of us trying to, what you're—

SOLOMONS: I'm not sure what you're asking me.

GALLEGO: Well, if you have a perfecting amendment, you can offer it at the end of the proceedings and perfect the map as it has, at that point, been drawn by the house.

SOLOMONS: You know what, I may need to do that, I don't know that yet. This is the first time I've chaired this committee and had to stand here and listen to how many amendments and amendments to amendments. I don't know what I'm going to need at this point, but I'm pretty sure that if I have to pick something, I'd ask the permission of the body to basically be able to do that. They have to approve it, number one, and for all I know, on third reading, I might need to do something, but it will be up and above board.

GALLEGO: And the critical thing, obviously for me, is the opportunity, and I think for all the members, is to have the opportunity to amend, so their amendments are not knocked out and you've essentially—you have indicated that's not your intent, to offer an amendment that would change everything so that the work that is done by the members on amendments to the current map that exists would be valid on Tuesday.

SOLOMONS: Yes, sir.

REPRESENTATIVE TURNER: Just for an appreciation of the timeline—you laid out the bill on redistricting, I guess, **HB 150**, a week ago on Wednesday. Is that correct?

SOLOMONS: I guess, I forgot the day, the exact time.

TURNER: I believe—

SOLOMONS: I'm sure you—actually, I've been putting out a lot of fires whenever I do that.

TURNER: I believe it was Wednesday, and then there were the meetings on the redistricting bill on Friday and Sunday.

SOLOMONS: Yes, sir.

TURNER: Followed by the committee voting the bill out on—was it Monday? Was it Monday or Tuesday?

SOLOMONS: I think it was Tuesday.

TURNER: Tuesday of this week. And the reason why I raised the concern is that I know that I have looked at a couple of different maps as it relates to the redistricting process and which districts, like mine, and I am an African American.

SOLOMONS: I understand.

TURNER: Representing African Americans in a primarily African American constituency, in which the constituency within my district, and I would venture to say within other African American incumbent districts, have been adversely affected. And my concern is, is that I'm concerned about the limited amount of input that we have had in the drafting of these legislative districts. And I think I've voiced to you, as well as to others, concerns that I have in reference to the drafting of these districts.

SOLOMONS: Oh yeah, you did, in fact, on the first floor this morning you indicated again that you are not pleased with it.

TURNER: Right, and the reason I raise these concerns is that now, with the bill having been voted out on Tuesday, that are adversely affecting the drafting of districts represented by African Americans and the retrogression that I am seeing in some of those districts, we are now being asked to submit amendments on a bill that was voted out on Tuesday, in committee, amendments by Friday of this week, by 5 o'clock. That's the understanding right now. Is that correct?

SOLOMONS: I think whatever we set up until this point is self-explanatory—yes, sir.

TURNER: And we as African Americans representing African American districts that are being adversely affected by the drawing of these maps in a very short period of time are now being asked to respond with amendments in the same week by Friday at 5 o'clock, with Friday being Good Friday, and I will tell you, I will be at church in Houston on Good Friday. I am a Baptist and that is a big deal for me, and my religion and my faith will trump this bill. I will be in church on Sunday. And we are being asked to put forth amendments by 5 o'clock to attempt to correct problems that we see in the drafting of districts that are presently held by African Americans in which there has been very little input by African Americans in the drawing of these districts. And it appears as though that we are now rushing—of the caucus, the African American Legislative Black Caucus, now we're being rushed to draw, try to correct the situation by Friday at 5 o'clock, with Friday being Good Friday. Do you understand the concerns that some of us are having with the process?

SOLOMONS: I understand your concern.

TURNER: And, so, I'm at a loss to understand why the cut-off would be on Friday, rather than on Monday, when the bill was simply laid out a week ago, and now we are being asked to produce amendments to a bill that was voted out of committee this past Tuesday that are adversely affecting many African American districts held by African American legislators, right now. It appears to be, at least to many of us in the caucus, where there has been very little input in the drafting of these districts, and I raise those concerns.

SOLOMONS: Thank you for raising those concerns, Mr. Turner.

TURNER: Chairman Hunter, as chair of the Calendars Committee, I mean, I want to impress on you and the Texas House the abbreviated and expedited timeline under which we are operating. This is a bill that was laid out a week ago Wednesday, there were committee hearings on Friday and Sunday of this past week, a bill that was voted out on Tuesday morning, and now we are being asked to provide amendments to this bill by Friday 5 p.m., with Friday being Good Friday, and with many of us going to participate in Good Friday ceremonies. And I will tell you in the strongest of terms that the Legislative Black Caucus has some serious concerns about the retrogression in **HB 150**, about the impact, the adverse impact that this bill has on our districts, and deeply concerned about the lack of input that we have had in the total process in the drafting of these bills, that we believe that a calendar rule Friday at 5 o'clock on Good Friday is simply—goes counter to an open and fair process.

HUNTER: Noted.

TURNER: And is there any reason we cannot have the rule put forth changed where it would apply on Monday instead of on Friday? Or on Tuesday instead of on Friday?

HUNTER: Representative Turner, the original was going to be tomorrow night. Now, because of suggestions by certain members in discussion—proposed tomorrow. It was actually set for 8 p.m. Thursday night.

TURNER: And the reason I'm raising it, I know there have been other discussions and other meetings with people in reference to the timeline or when or what the initial calendar rules might be, what have you. But, as members of the Texas Legislative Black Caucus, we are concerned that we have not been a part of this process and the product speaks for itself. And our districts are adversely affected and there is no more important bill as it relates to our representation of the districts that we represent than **HB 150**, which will impact us for the next 10 years.

HUNTER: I understand.

TURNER: And so, again, I would respectfully request, Chairman Hunter, that a calendar ruling not take effect on Friday at 5 o'clock, Friday being Good Friday. And I would respectfully request on behalf of the Texas Legislative Black Caucus and those of us who are deeply concerned about the impact of this, **HB 150**, on our respected districts, that no calendar rule take effect until next week.

HUNTER: I understand, and noted.

TURNER: Now I recognize that we are only 17 out of 150 and that the numbers may not be there, but the process is so important and the process is so critical. And I am concerned, and I want to raise these concerns before we even vote, that the process will lead to a result that denies equitable and fair representation as codified by the Civil Rights Act and raises serious concerns as to whether the end product can be reflective.

HUNTER: I understand.

REMARKS ORDERED PRINTED

Representative Turner moved to print remarks between Representative Hunter and Representative Turner and between Representative Solomons and Representative Turner.

The motion prevailed.

REPRESENTATIVE P. KING: I wanted to make sure I understood the mechanics, make sure all the members understood all the mechanics of filing an amendment. So it probably is a parliamentary inquiry. And I appreciate Mr. Solomons' commitment to go with the bill as filed so that we know what to create amendments to, anyone who wished to create an amendment. What is the minimum that's going to be required by a member? He's sitting in his office trying to draft up an amendment—what's the minimum to be required to be filed with Lege Council to constitute an amendment in the works? Would it simply be, do they need to draw their own map on RedAppl and take that to Lege Council, or do they need to simply send an e-mail to Lege Council in the normal format saying, "I want to adjust my district." I mean, what is the minimum that will be acceptable as a filed amendment? Or an amendment being prepared for filing?

SPEAKER: You're going to have to go to Lege Council and have them draw the map you're interested in proposing.

P. KING: I guess I'm trying to find out, since we're kind of on a short timetable, what constitutes us getting the proper document? I mean, if someone just fills out an e-mail request and sends it to Lege Council saying, "I want to amend Parker County," what's the level of specificity that's going to be necessary to get me on the list as they try to work it out over the weekend? I mean normally, you kind of have to sit down with Lege Council for quite a bit. Normally, what you do is you draw up your own little map on RedAppl, you take it over to Lege Council, you sit down with them and you work through that, but we're not going to have time to do that, so what's the minimum to get us on the list so we know we're on the list with an amendment?

SPEAKER: You're going to have to call Lege Council and tell them the plan you want drafted into an amendment, the plan that you've drawn.

P. KING: And so, any type of acknowledgement that we would receive from Lege Council that they are working on the amendment is sufficient to get us on the list, if timely filed? In other words, all we need is an acknowledgement from

Lege Council—I think this is a simple thing—all we need is an acknowledgement from Lege Council that they are working on our amendment and we know we are sufficiently in the process for Tuesday?

SPEAKER: At 5 p.m. on Friday, Lege Council will send a list of all the amendments they are drafting. If they're in process, they will be included on the list.

P. KING: I just want to make sure, if we get some acknowledgement from them that ours is in process, that means it's in process. What I'm worried about is the list coming out at 5 o'clock, everybody being home, ours not on it, and there's nobody to talk to and no way to fix that. So I'm presuming that if we got some type of e-mail acknowledgement or something similar from Lege Council that ours is filed with them, and they're working on it, that that's sufficient to hold our place.

SPEAKER: Lege Council will send you an e-mail before the 5 o'clock deadline that acknowledges they're drafting yours.

P. KING: That's perfect, thank you. And, just one more question, an inquiry to make sure that everybody—maybe you hadn't been here for redistricting, which is most of the body. Am I correct that if we are doing amendments to the amendment that members should not expect that Lege Council is going to be printing out a map that shows that amendment; that Lege Council instead will be presenting what is in effect a legal description—the census tracts, the county lines, or whatever. And that if members want a demonstrative aid that is actually a map for people on the floor to look at they're going to frankly have to be responsible for preparing that themselves and distributing it. Is that correct?

SPEAKER: Amendments to the amendment will be handled in the same way as amendments. You'll be handed maps and reports.

P. KING: So, Lege Council would be providing the legal description, as it were, as well as a printed map?

SPEAKER: The map and the report.

P. KING: Am I correct that the map will not be visible on the system, or will it be, for each amendment?

SPEAKER: It should be visible on the system.

P. KING: So a legal description, and the map itself for amendments, and amendments to the amendment, will be visible on the system.

SPEAKER: The maps and the reports will be visible on the system.

REPRESENTATIVE V. GONZALES: Chairman Hunter, does the tag rule that applies in Calendars to every other bill not apply to redistricting?

HUNTER: There isn't a formal process, but at the beginning of the session I announced to my committee that redistricting and appropriations would be set as soon as possible.

V. GONZALES: Okay, does that mean—

HUNTER: It is. To answer your question quickly, I made the decision.

V. GONZALES: Was that decision made known to the body?

HUNTER: No, that's the committee's decision, and I made it as the chairman.

V. GONZALES: With regard to the amendment, can you just draw a map of your county, and not do a statewide map, but a map of your county, as long as the net effect is to not change the number of districts in the state?

SPEAKER: All districts that are to be affected must be represented in the map.

V. GONZALES: Okay, so just the districts that are affected are to be represented in the map, is that correct, Mr. Speaker?

SPEAKER: Yes, that's correct.

REPRESENTATIVE AYCOCK: Can we be advised, as the best guess, as amendments come forward in the process and amendments to the amendments come forward, do we know the timeline for how that will be logged on the—on our screens—or will it be moving in real time, pretty quickly?

SPEAKER: The plans will be shown as they're entered into the system, just as they were on the SBOE map.

AYCOCK: And as soon as they're entered, they'll come up on our screen? And the amendments that will be filed by Friday, do we know—do we have an anticipated time of when they will viewable on the screens?

SPEAKER: I recognize Chairman Hunter to respond.

HUNTER: Mr. Aycock, as soon as they've been placed in with the clerk's office, they're going to make it viewable by the screen.

HB 150 - MOTION TO ADOPT SUBSTITUTE COMMITTEE ON CALENDARS RULE

Representative Dutton offered the following substitute rule governing floor consideration of **HB 150**:

SECTION 1. During second reading and third reading consideration of the bill:

(a) No proposed amendment, amendment to the amendment, or substitute amendment changing any district is eligible for consideration unless five copies of an amendment packet prepared by the Texas Legislative Council (TLC) has been submitted to the chief clerk. The amendment packet is not required to contain a textual description of the amendment but must include:

(1) maps as prepared by TLC indicating the changes made by the amendment; and

(2) standard reports for the amendment prepared by TLC that indicate population, voter data, and incumbent locations for the districts affected by the amendment.

(b) No proposed amendment, amendment to the amendment, or substitute amendment is eligible for consideration if:

(1) any district in the amendment contains parts that are not contiguous;
or

(2) adoption of the amendment would result in:

(A) any unassigned or overlapping geography in the overall redistricting plan under consideration; or

(B) a number of districts other than 150 in the overall plan.

SECTION 2. An amendment packet for each original amendment changing any district that will be offered during second reading consideration of the bill must be filed with the chief clerk by 5 p.m. on Monday, April 25.

REPRESENTATIVE DUTTON: Members, one of the things—if you've been through redistricting—you have to recognize that there are going to be court challenges to whatever we do here. One of the first challenges, though, comes, or aims, or targets the process by which we accomplish, whatever the end result was, before you ever get to the substantive challenges, based on the law. My motion—my substitute motion—is, rather than have the deadline be 5 o'clock on Friday, my motion is to make that 5 o'clock on Monday, and that's really all it does. It just says that we won't deny or we won't restrict or limit the ability of members to get their amendments done by having, forcing them to choose between working on what is going to be a holiday versus just changing it over to Monday. Now, I know the chairman has indicated they want to have this on Tuesday, but there's nothing magic about Tuesday. They could have this on Wednesday, which would be just as acceptable to everybody, so I don't know why—but that's the essence of my substitute motion, is to change the deadline so that you don't have to stay here beyond Friday to get it done. You can change it to 5 o'clock Monday and that's the essence of my substitute motion, members, and I'll be happy to answer any questions if someone had them.

HUNTER: Mr. Speaker, members, I move to table. We have discussed this, I'm going to keep with the motion. After the motion to table, I want you to stick with me, 5 p.m. Friday, and I respectfully move to table.

P. KING: So the amendment by Mr. Dutton is to delay final amendment filing until 5 p.m. Monday afternoon? Is that correct?

HUNTER: That's what I heard.

P. KING: And so—honest question, I'm not fighting anything—what would be the downside to doing that?

HUNTER: I think that the more the members have time to look at any of the amendments, the better. I mean, the longer you take, the harder it is for them to review. This original calendar rule was for Thursday—talked to members, I extended it a day, that was my decision. And if you make it for Monday, that's just less time you get to review the process. The one thing I disagree with is this is not an overnight. The members that were elected have been in this process a while. Some chose to be in it, some chose not to be in it. So when we say "surprise"—there have been hearings, there has been involvement, there's been

drawings since at least the last year. So I can understand new members, but members who have been here or been through the redistricting process have some knowledge of this.

P. KING: If amendments are filed by the deadline on Friday, recognizing that Saturday and Sunday are holidays, when would be the first time that those amendments would be printed and available for the members to view them? I assume it's going to be some time Monday?

SPEAKER: Mr. King, they should be available in the clerk's office as soon as they are filed and available on DistrictViewer and on RedAppl.

P. KING: Does that—so that—does that mean that when we get here at 8 o'clock Monday morning that all the amendments that were filed by the Friday deadline are going to be up and available for view by that time?

SPEAKER: Mr. King, they should be viewable by Friday.

P. KING: If there was a 5 p.m. deadline on Monday, when would the amendments be available to be viewed in preparation for Tuesday?

SPEAKER: Some time after 5 p.m. on Monday.

P. KING: Mr. Hunter, then, if I understand it right, although I very much like the idea of having until Monday to file, if we delay it until 5 p.m. Monday, we would still be on the floor Tuesday. It's your intent that we go on the floor Tuesday for the bill.

HUNTER: That's correct.

P. KING: Would there be an objection to an agreement to move hearing of the bill from Tuesday until Wednesday morning to give everyone a full business day Monday to prepare for the debate?

HUNTER: An objection from whom?

P. KING: From the chair of calendars.

HUNTER: I have set it for Tuesday, and that's the schedule.

P. KING: Would the chair consider an amendment—

HUNTER: Not at this time.

TURNER: Chairman Hunter, my friend, what is wrong with having the amendments filed on Monday at 5, hearing the bill on Wednesday, when we are talking about a redistricting bill that will impact the State of Texas for the next 10 years?

HUNTER: My friend, Mr. Turner—you and I have been through this before.

TURNER: Yes.

HUNTER: We can keep delaying and delaying. We have set a schedule, let the membership decide. If they like Mr. Dutton's amendment, fine, if not, go with mine. We have got to set a schedule.

TURNER: I understand, Chairman Hunter, but the bill was just laid out a week ago Wednesday. It was just laid out a week ago Wednesday, Friday is Good Friday, Sunday is Easter. And typically, let me just say, in the past, as you and I very well know, for the Easter break—for the Easter break, we have paused on a Thursday and come back on a Tuesday. For the Easter break, as far as I can recall, we have paused on a Thursday for the Easter break—for the Easter holiday—paused on a Thursday, come back on a Tuesday. We have done that in honor of the Easter holiday. And so my question is—this time, what is the rush? Why? Why the rush?

HUNTER: I understand your position.

TURNER: I would propose that we stay with Representative Dutton's amendment—come on Monday, have the amendments filed at 5—

HUNTER: I understand.

TURNER:—pick the bill up on Wednesday.

HUNTER: I understand.

TURNER: And your support of the amendment helps to solidify the body.

HUNTER: I appreciate your comments, and move to table.

DUTTON: Mr. Speaker and members, there are two things I've learned being in this house that have to be respected. One is the people in this house, and the other one is the process in this house. What I'm talking about today is having the process be respected, because if we are going to change—not going to change it, I can guarantee you that the first challenge to any map that comes under this house in court is going to be on the basis of the process. This particular procedure and the way we're doing it now puts a huge bull's-eye on this redistricting plan. That's basically all it does and I should—I started to think, well maybe I should let you go ahead and do it because it makes it fairly easier for me as a lawyer and some of the other lawyers to challenge this plan, but I think that I have at least a duty to not only the people in my district but to all of you all to make sure that when this process is being disrespected, I have a duty and an obligation to stand up here and see if I can't change it. So that's the reason I'm here. That's the reason I'm offering this substitute motion.

REPRESENTATIVE WORKMAN: Mr. Dutton, your motion is suggested on the basis of process. If we were to grant this until Monday, would you defend the process in any court challenge?

DUTTON: Well, I will defend the process if the process is defensible.

WORKMAN: My question was—you indicated that if we move it to Monday, that would fix the process. I'm asking you if you will defend it if we give you that.

DUTTON: If the process is defensible, I will do everything in my power to defend it, is what I'm telling you.

WORKMAN: Okay, thank you.

DUTTON: And I just want to—I want to let the membership know this is the start of the process, this is the first start of it. Whether or not members had adequate time in which to participate in the process of developing a map—that's going to be the first question. That's not the whole process, that's just one part of it, but I can tell you if you start out violating what I believe to be—or at least setting it up for the legal challenges, you won't ever get to the rest of the process. You will never get through the end of it, because, as I said a moment ago, what you've done is put a huge bull's-eye on this process by suggesting that somehow or another members who have an opportunity to have the same opportunity as everybody else, but it's limited because we have decided that the house is going to shut down on Thursday, we're not coming back until Monday, and somehow or another for the members who want to offer at least some amendments to this, you have to do it by 5 o'clock on Friday. I don't believe that two days or three days in which to change this is going to make one difference to the people advancing this plan. But it will make a difference to all of us who would like to find some basis in which to support it, and that's what I'm arguing, is that we ought to start with this, by just simply changing it to 5 o'clock on Monday. And I would ask you to vote "no"—and I'd be happy to answer any questions, Mr. Speaker.

REPRESENTATIVE C. HOWARD: Representative Dutton, would you just remind us again what your amendment does?

DUTTON: My amendment just—right now, Charlie, the motion from Chairman Hunter is to—we have to have the amendment filed by 5 o'clock on Friday. That is Good Friday as you well know, a Christian holiday for most of us—all of us who are Catholic—we will be at church on Friday, we will also be at church on Sunday. What my amend—what my substitute motion does is changes that so that it's not 5 o'clock on Friday, but 5 o'clock on Monday.

C. HOWARD: Okay. Representative Dutton, you've been here longer than I have—I've only been here 17 years, but I don't ever recall us not having a four-day holiday for Easter honoring the resurrection of Jesus Christ.

DUTTON: That's one of the challenges that's going to be made too, Charlie, is that first of all, it shortened the time period in which members had. The second one is, within that same time frame, what you did was you limited the ability of certain members to participate by offering amendments to the whole redistricting process bill. So that's what my amendment does, and I don't think it's unfair. I think it's reasonable, I think it has all of the merit that are necessary to at least begin this process and to make it appear fair.

C. HOWARD: Representative Dutton, do you realize that under this current process that all of our staff and everybody else are going to miss their Easter holidays?

DUTTON: Well, if we leave it like it is, you'll have a choice to make, and I suspect it's probably one of those choices where no matter what you do, you're probably making the wrong choice. Okay, he says my time is up, I couldn't even

hear him say that, but I hope that time is not up for debating and making sure this process is fair and that's what this amendment—that's what my motion does. It makes it fair by moving the deadline from 5 o'clock Friday to 5 o'clock Monday.

C. HOWARD: I think we've got to honor God and take that four-day holiday.

DUTTON: And I think if you vote with me, Charlie, that's what we are going to do.

The substitute rule was withdrawn.

The Committee on Calendars amended rule was withdrawn.

HB 150 - RULES SUSPENDED AMENDED 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 suspend all necessary rules and to adopt the following amended rule governing floor consideration of **HB 150** and to suspend all necessary rules to take up and consider **HB 150** scheduled on the Daily Calendar set for Tuesday, April 26 on Wednesday, April 27:

SECTION 1. During second reading and third reading consideration of the bill:

(a) No proposed amendment, amendment to the amendment, or substitute amendment changing any district is eligible for consideration unless five copies of an amendment packet prepared by the Texas Legislative Council (TLC) has been submitted to the chief clerk. The amendment packet is not required to contain a textual description of the amendment but must include:

(1) maps as prepared by TLC indicating the changes made by the amendment; and

(2) standard reports for the amendment prepared by TLC that indicate population, voter data, and incumbent locations for the districts affected by the amendment.

(b) No proposed amendment, amendment to the amendment, or substitute amendment is eligible for consideration if:

(1) any district in the amendment contains parts that are not contiguous; or

(2) adoption of the amendment would result in:

(A) any unassigned or overlapping geography in the overall redistricting plan under consideration; or

(B) a number of districts other than 150 in the overall plan.

SECTION 2. An amendment packet for each original amendment changing any district that will be offered during second reading consideration of the bill must be filed with the chief clerk by 5 p.m. on Monday, April 25.

HUNTER: I move to suspend all necessary rules to change the calendar that has already been set for Tuesday to handle the redistricting bill, **HB 150**, to Wednesday. In addition, the motion is pursuant to House Rule 3, Section 5(2) and House Rule 6, Section 16(f). We propose the rule governing floor consideration of **HB 150** to Monday at 5 p.m. for all amendments. So, basically,

the amendment calendar rule will be Monday, 5 p.m.—everything that we've talked about remains. And then we are moving to suspend, with my 100 percent agreement, the calendar redistricting to Wednesday. Mr. Speaker, I move, Wednesday of this next week—Central Standard Time applies to all times, the Trey Martinez Fischer rule.

GALLEGO: Mr. Hunter, we can scratch all of the conversations that we've had. The rule that you are proposing—and you are proposing a rule that didn't go through the Calendars Committee, so it requires a two-thirds vote because you are suspending—so the rule would be, amendments are due by 5 p.m. on Monday.

HUNTER: Correct.

GALLEGO: And the bill that had previously been set for debate on Tuesday will now be set for debate on Wednesday.

HUNTER: Correct.

GALLEGO: And does that require any additional meetings of the Calendars Committee, or are we doing that—are we setting the calendar as a body?

HUNTER: I am allowing you to do this through my motion, but it takes two-thirds and I'm requesting that you do so.

GALLEGO: So the house will set a calendar rule that has not been previously agreed to by the Calendars Committee, and the house will actually set a bill on the calendar that was not set by the Calendars Committee, so Wednesday will be totally, solely, and completely devoted to the redistricting bill for the house—the house districts?

HUNTER: Well, I can only say that right now I haven't set the Wednesday calendar, but there could be other things set. This is only setting redistricting for that day, it could take the full day.

GALLEGO: And do you still have time to set additional bills on the Tuesday calendar, or will you have to suspend any rules to set additional bills on the Tuesday calendar?

HUNTER: No, we're fine.

GALLEGO: So you can still set a calendar for Tuesday—

HUNTER: Yes, I'll check the list to see where your name is.

GALLEGO: Thank you. That would be great.

REPRESENTATIVE HOCHBERG: Chairman Hunter, just to make sure that we all understand the motion, or that I understand the motion—I believe there is a second bill on the calendar for Tuesday, as set. You are moving just **HB 150**, not moving the entire calendar?

HUNTER: That is correct.

HOCHBERG: So that other bill that was set—I don't remember what it is—will remain set for Tuesday, plus anything you may choose to add?

HUNTER: That's correct. The plan will be the Calendars Committee will meet again and we will make sure that there's a calendar set, I believe for Monday and Tuesday. The bill that was set is a Sunset bill—I believe the Forestry Bill—on Tuesday, and it remains. The motion is only dealing with the redistricting bill, and what I'm doing is allowing the body to set redistricting bill for Wednesday and then have the amendment deadline 5 p.m. Monday.

REPRESENTATIVE BRANCH: Mr. Chairman, thank you, and I appreciate your flexibility and latitude in allowing the members to give you their requests for more time, but is it your understanding, as we spoke earlier, that in 1981, in 1991, in 2001, that the—that this legislature ultimately did not draw the maps in this state?

HUNTER: I don't know which years, but I know there were some years or some decades we did not.

BRANCH: And that under our—it is correct that under our system that the Legislative Redistricting Board, if we don't get this resolved in this chamber and in the other chamber and to the governor, that a different board—body—will draw the maps in the state?

HUNTER: That's possibly correct.

BRANCH: And so there is reason to move with all promptness while also giving members plenty of opportunity.

HUNTER: Correct.

BRANCH: Because I for one wasn't a member of those legislatures, but I'd like this legislature—would be now the fourth decennial—where we actually do draw the map, which is our constitutional duty.

REMARKS ORDERED PRINTED

Representative Walle moved to print all remarks regarding the adoption of the Committee on Calendars rule.

The motion prevailed.

REPRESENTATIVE WALLE: Just a clarification—Chairman Hunter, you mentioned earlier that you all have been drawing maps for a year already?

HUNTER: No, what I said was I'm sure people had a year to draw maps if they want.

WALLE: Okay, just want to clarify.

HUNTER: No, there hadn't been any hidden map-drawing that I know about.

The motion to suspend all necessary rules and to adopt the Committee on Calendars amended rule for **HB 150** prevailed by (Record 460): 145 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; 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; Craddock; 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.; 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; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent — Johnson; Taylor, V.

STATEMENT OF VOTE

When Record No. 460 was taken, I was in the house but away from my desk. I would have voted yes.

V. Taylor

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Technology, during lunch recess today, 3W.9, for a formal meeting, to consider pending business.

Ways and Means, during lunch recess today, Desk 9, for a formal meeting, to consider pending business.

Land and Resource Management, during lunch recess today, 3W.15, for a formal meeting, to consider pending business.

Criminal Jurisprudence, during lunch recess today, Desk 92, for a formal meeting, to consider pending business.

Agriculture and Livestock, during lunch recess today, Desk 25, 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 1 p.m., the speaker announced that the house would stand recessed until 2 p.m. today.

AFTERNOON SESSION

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 17).

HB 2853 - RECOMMITTED

Representative J. Davis moved to recommit **HB 2853** to the Committee on Economic and Small Business Development.

The motion prevailed.

HJR 158 - PERMISSION TO INTRODUCE

Representative Kleinschmidt requested permission to introduce and have placed on first reading **HJR 158**.

Permission to introduce was granted by (Record 461): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Fletcher; Flynn; Frullo; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; 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, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Branch; Farrar; Gallego; Harper-Brown; Johnson; Laubenberg; Lyne; Martinez; Taylor, L.; Turner.

FIVE-DAY POSTING RULE SUSPENDED

Representative J. Davis moved to suspend the five-day posting rule to allow the Committee on Economic and Small Business Development to consider **HB 2853** at 8 a.m. tomorrow in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Economic and Small Business Development, 8 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 2853** and the previously posted agenda.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 85 ON THIRD READING
(Solomons - House Sponsor)**

SB 85, A bill to be entitled An Act relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

SB 85 was passed by (Record 462): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; 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.

Present, not voting — Mr. Speaker(C).

Absent — Johnson; Lozano; Miller, D.; Miller, S.

STATEMENTS OF VOTE

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

Lozano

When Record No. 462 was taken, my vote failed to register. I would have voted yes.

D. Miller

When Record No. 462 was taken, I was temporarily out of the house chamber meeting with the governor's staff. I would have voted yes.

S. Miller

SB 323 ON THIRD READING
(Elkins - House Sponsor)

SB 323, A bill to be entitled An Act relating to the applicability of certain laws governing corporations to limited liability companies.

SB 323 was passed by (Record 463): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; 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; 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; 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; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Cain; Johnson; Zedler.

STATEMENTS OF VOTE

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

Cain

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

Zedler

SB 539 ON THIRD READING
(Kleinschmidt - House Sponsor)

SB 539, A bill to be entitled An Act relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

SB 539 was passed by (Record 464): 141 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; 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; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; 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, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; 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.

Nays — Creighton; Sheffield; Simpson.

Present, not voting — Mr. Speaker(C).

Absent — Elkins; Fletcher; Johnson; Miller, D.; Riddle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 464. I intended to vote no.

Callegari

When Record No. 464 was taken, I was temporarily out of the house chamber. I would have voted no.

Fletcher

I was shown voting yes on Record No. 464. I intended to vote no.

Legler

I was shown voting yes on Record No. 464. I intended to vote no.

Madden

I was shown voting yes on Record No. 464. I intended to vote no.

S. Miller

When Record No. 464 was taken, I was in the house but away from my desk. I would have voted yes.

Riddle

I was shown voting yes on Record No. 464. I intended to vote no.

Weber

SB 782 ON THIRD READING
(Deshotel - House Sponsor)

SB 782, A bill to be entitled An Act relating to uniform law on secured transactions.

Amendment No. 1

Representative Deshotel offered the following amendment to **SB 782**:

Amend **SB 782** on third reading in SECTION 9 of the bill, in added Section 9.406(k), Business & Commerce Code (House committee printing, page 9, line 21), between "Government Code" and the underscored period, by inserting "except to the extent that Section 466.410(a), Government Code, prohibits the assignment of installment prize payments due within the final two years of the prize payment schedule, in which case this section shall prevail over Section 466.410 solely to the extent necessary to permit such assignment".

Amendment No. 1 was adopted.

SB 782, as amended, was passed by (Record 465): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; 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; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent — Johnson.

SB 313 ON THIRD READING
(Price - House Sponsor)

SB 313, A bill to be entitled An Act relating to priority groundwater management areas.

SB 313 was passed by (Record 466): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; 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; Gonzales, L.; Gonzales, V.; Gonzalez; 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; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Giddings; Gooden; Lozano; Turner.

STATEMENTS OF VOTE

When Record No. 466 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 466 was taken, I was in the house but away from my desk. I would have voted yes.

Gooden

When Record No. 466 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

SB 638 ON THIRD READING (Murphy - House Sponsor)

SB 638, A bill to be entitled An Act relating to the computation of a surplus credit for certain successor employing units.

SB 638 was passed by (Record 467): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent — Lavender.

STATEMENT OF VOTE

When Record No. 467 was taken, my vote failed to register. I would have voted yes.

Lavender

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 2694 ON THIRD READING (by W. Smith)

HB 2694, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

Amendment No. 1

Representative Zerwas offered the following amendment to **HB 2694**:

Amend **HB 2694** on third reading by adding the following appropriately numbered SECTION to the ARTICLE of the bill on water rights and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION __.__. Section 11.002(12), Water Code, is amended to read as follows:

(12) "Agriculture" means any of the following activities:

(A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, by a nursery grower;

(C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(D) raising or keeping equine animals;

(E) wildlife management; ~~and~~

(F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure; and

(G) aquaculture, as defined by Section 134.001, Agriculture Code.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Anchia offered the following amendment to **HB 2694**:

Amend **HB 2694** (second reading engrossment) on third reading by striking Article 10 of the bill (page 46, line 12 through page 49, line 16).

AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ANCHIA: I hope ya'll paid attention to this amendment—it's a third reading amendment—because Representative Chisum put one of his bills on the TCEQ Sunset bill yesterday as Amendment No. 40, and I was unable to analyze, at the time of the debate, this amendment. I want to give members of the house the opportunity, with this third reading amendment, to confirm if you really want to own that vote.

In a meeting this morning with the sunset staff, I was able to confirm that the Chisum amendment is just a burden of proof, not only for contested permit hearings under the Clean Air Act, but also for water quality, injection wells, sewage and toxic chemicals, under Chapters 26 and 27 of the Water Code and Chapter 361 of the Health and Safety Code. So let's think about this members—the burden of proof is being shifted to the community from the applicant. If the applicant desires to have a toxic chemical permit, by way of example, or a water permit for example, he's coming to the community and saying, "I have the technology to do this." But in the case of a contested case hearing, Mr. Chisum is saying, "No, no, the burden is on the community" to prove that the applicant does not, rather than the applicant having the burden of proof that they do.

I think this is a major policy change, ladies and gentlemen, and I don't know that the members of the house realize, when they voted, what they were doing. So members, I have the third reading amendment that will require 100 votes. It simply strips out that one Chisum amendment. It doesn't deal with any of the other Chisum amendments, just this one, which was Amendment No. 40. He has a stand-alone bill and he's able to work this bill through committee in Calendars and everything else.

REPRESENTATIVE CHRISTIAN: I was just wondering, with Mr. Chisum being an author of the bill, has he been advised to this amendment?

ANCHIA: I posted this amendment early in the morning. It's been on the FAS.

CHRISTIAN: We have not received his opinion, since this is his bill. I see he has arrived so I'll reserve a question maybe for him. Thank you.

ANCHIA: Okay, okay. So members, I just want to let you know, what you were voting on yesterday applies not only to the Texas Clean Air Act, which I think was clear from the amendment, but also impacts the burden of proof for water quality, injection wells, sewage, and toxic chemicals. So I think it's important—you need to evaluate whether you go home and say you shifted the burden of proof in a contested case hearing to the community rather than the applicant. Okay, I'm not comfortable doing that, so that's why I'm bringing this third reading amendment so that we can strip this off. And Mr. Chisum, if he has a bill, in committee, or maybe out of committee on the way to Calendars, if he works that bill through the process, that's one thing. I just don't think that we had a requisite amount of time to review it and analyze it, but I did last night, on this Sunset bill. So with that members, I move adoption.

REPRESENTATIVE CHISUM: Mr. Speaker, members, what's happening here is that he's trying to reverse what we did on the floor yesterday on a third reading amendment. The mere fact of having someone have to say their reasons of why they oppose a permit—that is not an imposition, that is done in several courts all the time—just the fact that they have to say why they are opposing a permit. All that the permit is going through is the technical and all of the legal ramifications for a permit, and it's open to the public so that they can look at it and if they're going to oppose it, they need to oppose it on the basis of it.

There was also some language in that amendment that allowed for the executive director to participate in the contested case hearing. That is very important. You know, we take the executive director completely out of the hearings when they are contested case hearings. That amendment did more than just make someone state what the purpose of them objecting to a permit was. So I encourage you to not let him take this out on a third reading amendment.

ANCHIA: So in your layout, you said this would undo all of our work on the bill yesterday. This doesn't affect your amendment on storage tanks, does it?

CHISUM: No, it doesn't.

ANCHIA: So that would stay on the bill. Does it affect any of your other amendments other than—

CHISUM: The storage tank amendment was not in this amendment.

ANCHIA: Correct. So this only impacts your amendment related to the burden of proof—

CHISUM: That's right.

ANCHIA: Okay. And related to discovery, where you limit the amount of discovery in contested case hearings, correct? And then you also, I failed to mention this earlier, you also prohibit state agencies from weighing in as interveners. For example, when Texas Parks and Wildlife wanted to weigh in, because a permit on water may impact water flows downstream that would impact wildlife, you say, in your amendment, that they could not do it.

CHISUM: They had a chance to comment on the amendment on the permit.

ANCHIA: But they can't intervene.

CHISUM: We don't want state agencies fighting state agencies. That's the reason that's in there.

ANCHIA: Even though they have a different jurisdiction and may be looking at wildlife—

CHISUM: And we exempted water authorities and river authorities from doing that.

ANCHIA: I know. You had a couple of narrow exceptions, but you're essentially saying, "No, other state agencies, we don't want you involved in contested case hearings." Is that not right?

CHISUM: That's exactly right. They need to be involved in the permit, but not involved in going to court against one another. That's not what you need to do. So anyway, I move to vote no on the amendment. I move to table.

ANCHIA: Again, members, let's not get confused about what's happening here. A major policy change for water quality, for injection wells, for sewage, for toxic chemicals, the amendments under Chapters 26 and 27 of the Water Code and Chapter 361 of the Health and Safety Code also impacts the Clean Air Act, and it says that the community now has to hire the experts, hire the lawyers, undertake the modeling, undertake significant expense if they don't want one of these permits in their backyard, okay? In my view, it should be the applicant—the people that are coming to the community and requesting the application—that should make that case. But not—the burden of proof in SOAH hearings and contested cases should not be shifted to the community, to those who are affected persons, as it says under the law, Section 115 of the Water Code.

REPRESENTATIVE SOLOMONS: Let me try to put this—you know, I'm a country lawyer, a suburban lawyer, I understand what burden of proof is and so forth, but for the members of this body, for them to understand—and I know you're being technical on all the various things. This really does boil down about 40 years worth of change, the burden of how they process this. And does this not mean that if you make an application now, all you can do—you can apply with anything and the entire burden of proof, the idea that it's unsafe, is on somebody wanting to contest this versus someone making an application saying, "We believe it is safe," and being able to prove that up. Is that correct?

ANCHIA: And of course—

SOLOMONS: Wait a minute, is that correct?

ANCHIA: Yes, it is correct. Once you get to a contested case, it is correct.

SOLOMONS: You're right, in a contested case. And at the end of the day, it affects every member in this body, and their constituents, and everybody that may have concerns that the person making the application doesn't really have to prove it's safe, it's up to you to prove it's unsafe.

ANCHIA: At the SOAH hearing, that would be absolutely correct. That's what's going on.

SOLOMONS: And just so the body knows, you are trying to undo Mr. Chisum's amendment, and I'm sure it's with all due respect and in good faith about what he thinks is necessary to do in this process, but it affects every member, that when your constituents call you and say, "What can we do about it?" It's not that the party has to prove it's safe and say, "We made this application, it's contested, and we have some burden of proof here." It's the idea that we have shifted that burden to your constituents and other groups to come in and prove that somehow it is unsafe. Is that right?

ANCHIA: That's right. In the Texas Administrative Code currently, and Section 30, TAC 80.17(a)—I'm just telling you where the cite is—the TCEQ has made, through their rules, a judgment that the burden of proof is on the applicant, on the move in. Okay? This changes that TCEQ rule and last I checked, TCEQ has not been an enemy of industry. I think they're very fair with industry. So, I don't think that this would create an undue burden on industry. I think it creates an undue burden on the people who are contesting these cases.

SOLOMONS: Let me tell you something. I don't know that some of the members here—and I know I don't have a sterling record on environmental issues like you do, Mr. Anchia, but at the end of the day, this is a pretty darn big change. Is it not?

ANCHIA: It's a big change, Burt.

SOLOMONS: And quite frankly, when you're shifting the burden of proof like this, members need to know whether they are for it or against it—what exactly they're doing when they get contacted by their constituents.

ANCHIA: I agree with you, and frankly, I think this merits a little more discussion than just putting a bill on a Sunset bill.

SOLOMONS: Well, it seems to me that that's one of those things the Sunset Commission basically said—we don't want a bunch of policy. We think that certain issues should be bills and stand on their own.

ANCHIA: I agree.

SOLOMONS: And you're on the commission. Didn't you—haven't you even said we'd like to keep these things generally as clean as possible and not have very controversial issues that aren't handled separately?

ANCHIA: There's a bill on this that's moving through the process. I think we should let that bill move through the process. I think this is not the place for it. But, in addition, I think this policy is not right.

REPRESENTATIVE LEGLER: I sat on the TCEQ board a long time and I sat on the—but, when an application is filed, the TCEQ actually reviews the application. Is that not correct?

ANCHIA: That's correct.

LEGLER: And they determine whether it is safe or not by the current law, is that correct?

ANCHIA: Yes, the executive director makes the determination, that's right, before it goes to contested case.

LEGLER: And the only way it becomes contested is how?

ANCHIA: Well, the contested case has to be granted, first of all. Then the TCEQ narrows the issues in the contested case, and there's typically a movement for the contested case hearing, typically members of the community.

LEGLER: So, in other words, what you're saying is the company applies or the individual applies or whatever for the permit, TCEQ has the rules and regulations to go by and if they guess you are meeting all these rules and regulations, we agree with you. Then someone may come up and say, well, I disagree with you. And since I disagree with you, you then have to prove to me why instead of me proving to you why. You're asking the person who's already been approved by an agency that's following the rules to improve it. I don't understand the problem here. The agency has approved it, but now all we're doing is asking the person who says, well, Mr. Agency, you're not right. And so you're not right, I don't have to prove why you're not right. They're going to have to prove why they're right. And it just seems—

ANCHIA: So then under your analysis, we don't have a contested case process at all. Then the agency just says it's just whatever the agency says, and there's no more due process. And you don't give the community the ability to give a contested case hearing. What this amendment says is that in the contested case hearing, we're going to reverse TCEQ rule related to contested case hearings where the movement for a contested case, excuse me, the applicant has the burden of proof. Here it's shifted, it says, no. The people who want to take this to SOAH, then automatically—the community has a contested case and just says the agency is wrong. We just think it's wrong. It may be technically wrong in a small way, it may be a big wrong, but they're going to have a contested case and they're going to go to SOAH.

LEGLER: I agree with you.

ANCHIA: Good.

LEGLER: But what I'm saying, I'm agreeing with you on that, is they should come to me, come to them and say this is why, Mr. Agency, you are wrong. All they're coming and saying is, you're wrong.

ANCHIA: Well, just to give you a scope of magnitude, there were, in 2010, there were 1,921 permit applications filed. There were only 72 contested case hearings requested and only 33 were granted. And in all of those cases there were some

modification made. Okay, so if you're just saying the final arbiter should be the executive director, then let's get rid of the SOAH hearings. Let's not have it at all. I think it's important that the community is able to weigh in because they're the ones who are impacted, they're able to weigh in and say, hey look, we're not satisfied with the executive director's decision and we want to contest the case. Okay?

LEGLER: I'm not disagreeing.

Representative Chisum moved to table Amendment No. 2.

(Bohac in the chair)

The motion to table prevailed by (Record 468): 92 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Creighton; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent — Bonnen.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 468. I intended to vote no.

Eissler

I was shown voting yes on Record No. 468. I intended to vote no.

Hilderbran

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks on Amendment No. 2.

The motion prevailed.

HB 2694, as amended, was passed by (Record 469): 109 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac(C); Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; 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; Margo; Martinez; McClendon; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Madden; Mallory Caraway; Marquez; Martinez Fischer; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Truitt; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 469. I intended to vote no.

Creighton

I was shown voting no on Record No. 469. I intended to vote yes.

Madden

I was shown voting yes on Record No. 469. I intended to vote no.

Peña

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

HB 1633 ON THIRD READING
(by Bonnen, et al.)

HB 1633, A bill to be entitled An Act relating to a person's ability to read and write in English as a qualification for service as a petit juror.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 1633**:

Amend **HB 1633** on third reading as follows:

(1) On page 3, line 2, strike "read or write" and substitute "read, ~~[or]~~ write, or understand".

(2) On page 3, line 23, strike "read and write" and substitute "read and write, or understand".

(3) On page 4, line 7, strike "read and write" and substitute "read and write, or understand".

(4) On page 4, line 9, strike "read and write" and substitute "read and write, or understand".

Amendment No. 1 failed of adoption by (Record 470): 48 Yeas, 100 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

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

STATEMENT OF VOTE

I was shown voting no on Record No. 470. I intended to vote yes.

Quintanilla

HB 1633 was passed by (Record 471): 110 Yeas, 39 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

STATEMENT OF VOTE

I was shown voting no on Record No. 471. I intended to vote yes.

Villarreal

FIVE-DAY POSTING RULE SUSPENDED

Representative S. Miller moved to suspend the five-day posting rule to allow the Committee on Homeland Security and Public Safety, Subcommittee on Law Enforcement Issues, to consider **HB 2178** and **HB 3376** at 8:30 a.m. tomorrow in E2.028.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, Subcommittee on Law Enforcement Issues, 8:30 a.m. tomorrow, E2.028, for a public hearing, to consider **HB 2178**, **HB 3376**, and the posted schedule.

HB 268 ON THIRD READING
(by Hilderbran)

HB 268, A bill to be entitled An Act relating to the exemption from sales and use taxes, including the motor vehicle sales and use tax, for timber and certain items used on a farm, ranch, or timber operation.

Amendment No. 1

Representative Y. Davis offered the following amendment to **HB 268**:

Amend **HB 268** (house committee report) by inserting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 325, Government Code, is amended by adding Section 325.023 to read as follows:

Sec. 325.023. EVALUATION OF EXEMPTIONS FROM CERTAIN STATE TAXES. (a) In this section, "exemption" includes an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151, Tax Code.

(b) The commission shall periodically evaluate the exemptions provided by Sections 151.316, 151.3162, and 152.091 from the taxes imposed by Chapters 151 and 152.

(c) The commission shall conduct the evaluation required by Subsection (b) according to a schedule that the commission adopts. The schedule must provide for the commission to evaluate each tax exemption at an interval not to exceed six years. The commission shall provide the schedule to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the senate finance committee and the house ways and means committee.

(d) The commission's evaluation of the tax exemption must:

(1) include an evaluation of the exemption's effect on:

(A) revenue received from taxes imposed by the chapter providing the exemption;

(B) the entities that receive the exemption;

(C) sales of property, goods, and services made in this state, where applicable; and

(D) economic investment and growth in this state;

(2) take into account any other factors the commission considers relevant in evaluating the exemption;

(3) consider whether retaining the exemption is in the best interest of the public; and

(4) make recommendations for retaining or repealing the exemption, or for amending a provision related to the exemption.

(e) At each regular legislative session, the commission shall present to the legislature and the governor a report on the evaluation and recommendations it makes under Subsection (d). The report must include drafts of any legislation needed to carry out the commission's recommendations under that subsection.

(f) The evaluation described by this section does not apply to a tax exemption that is:

(1) explicitly provided by the constitution of this state; or

(2) for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION _____. Subchapter C, Chapter 11, Tax Code, is amended by adding Section 11.49 to read as follows:

Sec. 11.49. SUNSET PROVISION FOR CERTAIN EXEMPTIONS FROM STATE TAXES. (a) In this section, "exemption" means an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151.

(b) The exemptions provided by Section 151.316, 151.3162, and 152.091 from the taxes imposed by Chapters 151 and 152 are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(c) A tax exemption that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(d) This section does not prohibit the legislature from repealing an exemption provided by Section 151.316, 151.3162, or 152.091 at a date earlier than the date provided by this section.

(e) The evaluation described by Subsection (b) and the repeal described by Subsection (c) do not apply to a tax exemption for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION _____. The Sunset Advisory Commission shall adopt a schedule for evaluating exemptions from state taxes as provided by Section 325.023, Government Code, as added by this Act, on or before January 1, 2012.

Amendment No. 1 was withdrawn.

HB 268 was passed by (Record 472): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; 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; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; 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; 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; Woolley; Workman; Zedler; Zerwas.

Nays — White.

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

Absent — Darby; Fletcher.

STATEMENT OF VOTE

I was shown voting yes on Record No. 472. I intended to vote no.

Flynn

HB 470 ON THIRD READING

(by C. Anderson, Martinez, Schwertner, Shelton, Zerwas, et al.)

HB 470, A bill to be entitled An Act relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.

HB 470 was passed by (Record 473): 147 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; Beck; Berman; Bohac(C); 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; 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; 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.

Nays — Lyne; Simpson.

Present, not voting — Mr. Speaker.

HB 663 ON THIRD READING

(by Kleinschmidt)

HB 663, A bill to be entitled An Act relating to procedures for amending restrictions governing certain residential subdivisions.

HB 663 was passed by (Record 474): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac(C); 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; 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.

Present, not voting — Mr. Speaker.

Absent — Nash.

(Bonnen in the chair)

HB 896 ON THIRD READING (by C. Howard)

HB 896, A bill to be entitled An Act relating to auxiliary members of an appraisal review board.

HB 896 was passed by (Record 475): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Orr; Otto; Parker; Patrick; Paxton; 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; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson.

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

Absent — Nash; White.

STATEMENT OF VOTE

When Record No. 475 was taken, I was in the house but away from my desk. I would have voted yes.

Nash

HB 1137 ON THIRD READING

(by Darby, Flynn, Driver, and Berman)

HB 1137, A bill to be entitled An Act relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

HB 1137 was passed by (Record 476): 130 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Lewis; Lozano; Lucio; 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; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Davis, S.; Gooden; Harper-Brown; Hughes; Landtroop; Laubenberg; Legler; Lyne; Paxton; Simpson; Weber; White.

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

Absent — Anchia; Darby; Garza; Strama; Zedler.

STATEMENTS OF VOTE

When Record No. 476 was taken, my vote failed to register. I would have voted yes.

Anchia

When Record No. 476 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

I was shown voting yes on Record No. 476. I intended to vote no.

T. Smith

When Record No. 476 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

HB 1601 ON THIRD READING

(by Price, Gallego, Carter, Burkett, Geren, et al.)

HB 1601, A bill to be entitled An Act relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

HB 1601 was passed by (Record 477): 148 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; 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.

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

HB 1682 ON THIRD READING
(by Weber)

HB 1682, A bill to be entitled An Act relating to prohibiting school districts from requiring or coercing school district employees to make charitable contributions.

HB 1682 was passed by (Record 478): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; 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; 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.

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

Absent — Gallego.

HB 1862 ON THIRD READING
(by Anchia)

HB 1862, A bill to be entitled An Act relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.

HB 1862 was passed by (Record 479): 132 Yeas, 9 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac;

Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Davis, S.; Hughes; King, P.; Legler; Morrison; Paxton; Riddle; Weber.

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

Absent — Deshotel; Guillen; Peña; Raymond; Smith, W.; Torres.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 479. I intended to vote yes.

Hochberg

I was shown voting yes on Record No. 479. I intended to vote no.

Truitt

HB 1907 ON THIRD READING (by Madden)

HB 1907, A bill to be entitled An Act relating to notification requirements concerning offenses committed by students and school district discretion over admission or placement of certain students.

HB 1907 was passed by (Record 480): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; 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; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez;

Schwertner; Scott; 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; Bonnen(C).

Absent — Eiland; Muñoz; Peña; Sheets; Villarreal.

STATEMENT OF VOTE

When Record No. 480 was taken, my vote failed to register. I would have voted yes.

Muñoz

HB 1964 ON THIRD READING (by Villarreal)

HB 1964, A bill to be entitled An Act relating to discharging fines and costs assessed against certain juvenile defendants through community service.

HB 1964 was passed by (Record 481): 139 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; 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.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; 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.

Nays — Fletcher; Miller, S.; Price; Riddle; Schwertner.

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

Absent — Button; Eiland; Geren; Naishtat.

STATEMENTS OF VOTE

When Record No. 481 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

I was shown voting yes on Record No. 481. I intended to vote no.

Weber

HB 2017 ON THIRD READING
(by McClendon, Pickett, and Harper-Brown)

HB 2017, A bill to be entitled An Act relating to the organization, governance, duties, and functions of the Texas Department of Motor Vehicles.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 2017**:

Amend **HB 2017** (house committee printing) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 502.401, Transportation Code, is amended to read as follows:

Sec. 504.401. STATE OFFICIALS: EXECUTIVE AND LEGISLATIVE BRANCHES.

SECTION _____. Sections 504.401(b) and (d), Transportation Code, are amended to read as follows:

(b) A state official may be issued four [~~three~~] sets of license plates under this section.

(d) In this section, "state official" means:

- (1) a member of the legislature;
- (2) the governor;
- (3) the lieutenant governor;
- (4) ~~[a justice of the supreme court;~~
- ~~[(5) a judge of the court of criminal appeals;~~
- ~~[(6) the attorney general;~~
- (5) ~~[(7)]~~ the commissioner of the General Land Office;
- (6) ~~[(8)]~~ the comptroller;
- (7) ~~[(9)]~~ a member of the Railroad Commission of Texas;
- (8) ~~[(10)]~~ the commissioner of agriculture;
- (9) ~~[(11)]~~ the secretary of state; or
- (10) ~~[(12)]~~ a member of the State Board of Education.

SECTION _____. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4015 to read as follows:

Sec. 504.4015. STATE OFFICIALS: JUDICIAL BRANCH. (a) The department shall issue without charge specialty license plates to a current state judge. The license plates must include the words "State Judge."

(b) A state judge may be issued three sets of license plates under this section.

(c) The license plates remain valid until December 31 of each year.

(d) In this section, "state judge" means:

- (1) a justice of the supreme court;
- (2) a judge of the court of criminal appeals;
- (3) a judge of a court of appeals;
- (4) a district court judge;

- (5) a presiding judge of an administrative judicial district; or
(6) a statutory county court judge.

SECTION _____. The heading to Section 504.402, Transportation Code, is amended to read as follows:

Sec. 504.402. FEDERAL OFFICIALS: MEMBERS OF CONGRESS.

SECTION _____. Section 504.402(b), Transportation Code, is amended to read as follows:

(b) A person may be issued four [~~three~~] sets of license plates under this section.

SECTION _____. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4025 to read as follows:

Sec. 504.4025. FEDERAL OFFICIALS: JUDICIAL BRANCH. (a) The department shall issue without charge specialty license plates for a federal judge. The license plates must include the words "U.S. Judge."

(b) A federal judge may be issued three sets of license plates under this section.

(c) The license plates remain valid until December 31 of each year.

(d) In this section, "federal judge" means:

(1) a justice of the United States Supreme Court whose primary residence is in this state;

(2) a judge of the Fifth Circuit Court of Appeals; or

(3) a judge of a United States district court.

SECTION _____. The heading to Section 504.405, Transportation Code, is amended to read as follows:

Sec. 504.405. COUNTY OFFICIALS: COUNTY JUDGES.

SECTION _____. Section 504.405, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A person may be issued two [~~three~~] sets of license plates under this section.

(b-1) The license plates remain valid until December 31 of each year.

SECTION _____. Sections 504.403, 504.404, and 504.406, Transportation Code, are repealed.

Amendment No. 1 was adopted. (Hartnett recorded voting no.)

HB 2017, as amended, was passed by (Record 482): 144 Yeas, 0 Nays, 2 Present, not voting.

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

Absent — Deshotel; Farrar; Parker; Peña.

STATEMENT OF VOTE

When Record No. 482 was taken, my vote failed to register. I would have voted yes.

Parker

HB 2468 ON THIRD READING

(by Phillips)

HB 2468, A bill to be entitled An Act relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

HB 2468 was passed by (Record 483): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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; Truitt; Turner; Veasey; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson; White.

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

Absent — Eiland; Torres; Villarreal.

STATEMENT OF VOTE

When Record No. 483 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

HB 2561 ON THIRD READING

(by Eissler)

HB 2561, A bill to be entitled An Act relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.

HB 2561 was passed by (Record 484): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; 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, 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; 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.

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

Absent — Creighton; Gonzales, L.; Naishtat.

STATEMENT OF VOTE

When Record No. 484 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

HB 2619 ON THIRD READING

(by Callegari)

HB 2619, A bill to be entitled An Act relating to emergency preparedness information about water facilities.

HB 2619 was passed by (Record 485): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; 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.

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

Absent — McClendon.

STATEMENT OF VOTE

When Record No. 485 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 2632 ON THIRD READING (by Driver)

HB 2632, A bill to be entitled An Act relating to access to the criminal history record information of certain persons by the Texas Facilities Commission.

HB 2632 was passed by (Record 486): 145 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; 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; Paxton; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Johnson; Simpson.

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

Absent — Patrick.

HB 2680 ON THIRD READING

(by T. King)

HB 2680, A bill to be entitled An Act relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.

HB 2680 was passed by (Record 487): 101 Yeas, 36 Nays, 3 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Castro; Chisum; Christian; Coleman; Cook; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White; Workman.

Nays — Allen; Anderson, C.; Berman; Button; Callegari; Carter; Craddick; Creighton; Crownover; Fletcher; Flynn; Geren; Hamilton; Harless; Harper-Brown; Huberty; Hughes; King, P.; Landtroop; Laubenberg; Lavender; Legler; Madden; Miller, S.; Parker; Paxton; Perry; Riddle; Sheets; Shelton; Simpson; Smith, T.; Truitt; Weber; Zedler; Zerwas.

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

Absent — Alonzo; Anchia; Burnam; Cain; Deshotel; Miller, D.; Morrison; Peña; Strama; Woolley.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 487. I intended to vote no.

Bohac

When Record No. 487 was taken, I was in the house but away from my desk. I would have voted no.

Cain

When Record No. 487 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

I was shown voting yes on Record No. 487. I intended to vote no.

Schwertner

I was shown voting yes on Record No. 487. I intended to vote no.

L. Taylor

HB 2779 ON THIRD READING

(by Bohac, Fletcher, Deshotel, Chisum, Harless, et al.)

HB 2779, A bill to be entitled An Act relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

Amendment No. 1

Representative Farrar offered the following amendment to **HB 2779**:

Amend **HB 2779** (house committee printing) as follows:

(1) On page 1, line 13, strike "or".

(2) On page 1, line 14, between "(3)" and "an", insert "a flag of a political subdivision of this state; or".

(3) Renumber subsequent subdivisions of proposed Section 202.011(a), Property Code, accordingly.

Amendment No. 1 was adopted.

HB 2779, as amended, was passed by (Record 488): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson.

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

Absent — Alonzo; Deshotel; Driver; Peña.

STATEMENT OF VOTE

When Record No. 488 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

HB 2991 ON THIRD READING

(by Deshotel)

HB 2991, A bill to be entitled An Act relating to a determination of the reasonable relation of certain transactions to particular jurisdictions.

HB 2991 was passed by (Record 489): 148 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; 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.

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

HB 3004 ON THIRD READING

(by Nash)

HB 3004, A bill to be entitled An Act relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.

HB 3004 was passed by (Record 490): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; 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; 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.

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

Absent — Bohac.

HB 3234 ON THIRD READING
(by Hernandez Luna, Naishtat, and Rodriguez)

HB 3234, A bill to be entitled An Act relating to the prioritization of requests to release certain case records maintained by the Department of Family and Protective Services.

HB 3234 was passed by (Record 491): 141 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Bohac; 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; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; 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; Shelton; Simpson; Smith,

T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Aycock; Berman; Legler; Miller, S.; Sheffield; Weber.

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

STATEMENT OF VOTE

I was shown voting yes on Record No. 491. I intended to vote no.

T. Smith

HB 3372 ON THIRD READING (by T. King)

HB 3372, A bill to be entitled An Act relating to standards for a structure that is connected to a public water supply system and has a rainwater harvesting system.

HB 3372 was passed by (Record 492): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); 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; 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; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent — Workman.

HB 3389 ON THIRD READING (by Workman)

HB 3389, A bill to be entitled An Act relating to a seller's disclosure of natural or liquid propane gas on residential real property.

HB 3389 was passed by (Record 493): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Bonnen(C).

Absent — Price.

POSTPONED BUSINESS

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

CSHB 1825 ON SECOND READING (by Price)

CSHB 1825, A bill to be entitled An Act relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

CSHB 1825 was read second time on April 13 and was postponed until 9 a.m. today.

Representative Price moved to postpone consideration of **CSHB 1825** until 8 a.m. Thursday, April 28.

The motion prevailed.

SB 28 ON SECOND READING (Branch, Villarreal, Aycock, D. Howard, and Hunter - House Sponsors)

SB 28, A bill to be entitled An Act relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.

SB 28 was considered in lieu of **CSHB 10**.

SB 28 was read second time.

SB 28 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BERMAN: Dan, are you familiar with an HBCU?

REPRESENTATIVE BRANCH: Yes.

BERMAN: Historic black colleges and universities? Do you know that I've served on the board of an HBCU in Tyler for eight years now?

BRANCH: Texas College, I believe. I recall you telling me that.

BERMAN: Yes. Also, in our area we have another HBCU by the name of Wylie College in Marshall, and we have Jarvis Christian College in Hawkins. We have HBCUs around the entire state.

BRANCH: Even Texas Southern University is one.

BERMAN: Even Texas Southern, exactly. Were you in the legislature when Dr. Jesse Jones was a member in the legislature?

BRANCH: I was. I was privileged to overlap one term with Dr. Jones from Dallas.

BERMAN: He was a great guy, and Jesse as a democrat and I as a republican both served on the board of an HBCU. In fact, Texas College was the only college in the state that had two board members who were actually members of the house of representatives. Jesse and I worked together for many years to get money for TEGs, for HBCUs, and for other private colleges and now, when we had **HB 1** on the floor, Dan, there were a number of amendments that I was going to amend to take \$48 million away from the supplement for illegal aliens which would take them from out-of-state tuition to in-state tuition and move that into TEGs so that U.S. black, Hispanic, white, and Asian students can go to school. Now, with the cut we made in TEGs, what we're doing this year with this dramatic cut, we are allowing people who are illegally in this state to go to school while black children who need to be in school in Texas College, Jarvis Christian College, are not getting their TEGs and that's the discussion that we had last week. I'm trying to find out how I can get more TEGs in honor of Dr. Jesse Jones into our college and into other HBCUs around the state and other private colleges. Can you answer that?

BRANCH: Well, that's a laudable goal, Representative Berman, and I understand your case that you're trying to make. This particular piece of legislation does not deal with Tuition Equalization Grants, it only deals with TEXAS grants.

BERMAN: Right, I understand that.

BRANCH: That's a different program.

BERMAN: When we spoke last week, though, you mentioned something about getting Tuition Equalization Grant money for HBCUs and other private colleges.

BRANCH: I know that as the budget has moved to the senate, they have focused on the amount of financial aid, including TEXAS grants, including TEGs as you mentioned, and also the TEOG program, the one that we fully funded, and the

work study program, so that whole toolbox of financial aid will be on the table, and I'm sure it will be discussed in conference committee. And I know there will be an effort, and I'd be one to advocate for more TEXAS grant funding and more TEG funding.

BERMAN: Not only TEXAS grant funding and TEG funding, but also there is teacher grant funding that comes from the state that we were getting at Texas College. And I want to make sure that we continue to do that because right now we're operating backwards. We're allowing kids who are in the state illegally to go to school on in-state tuition. We are doing that while black kids and Hispanic kids and white kids and Asian kids who go to HBCUs and other private colleges are not getting the money to go to college. Something's wrong with that picture, and I hope that you will take it up with Senator Zaffirini when you see her.

BRANCH: I absolutely will do that.

REMARKS ORDERED PRINTED

Representative Berman moved to print remarks between Representative Branch and Representative Berman.

The motion prevailed.

Amendment No. 1

Representative Castro offered the following amendment to **SB 28**:

Amend **SB 28** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 56.311, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Not later than September 1 of each year, the coordinating board shall provide a report to the committee regarding the operation of the TEXAS grant program, including information from the three preceding state fiscal years as follows:

(1) allocations of TEXAS grants by eligible institution, disaggregated by initial and subsequent awards;

(2) the number of TEXAS grants awarded to students disaggregated by race, ethnicity, and expected family contribution;

(3) disaggregated as required by Subdivision (2) and reported both on a statewide basis and for each eligible institution, the number of TEXAS grants awarded to students who meet:

(A) only the eligibility criteria described by Section 56.304; or

(B) the eligibility criteria described by Section 56.3041(2)(A); and

(4) the persistence, retention, and graduation rates of students receiving TEXAS grants.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Castro offered the following amendment to **SB 28**:

Amend **SB 28** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter M, Chapter 56, Education Code, is amended by adding Section 56.3045 to read as follows:

Sec. 56.3045. TOLLING OF ELIGIBILITY FOR INITIAL AWARD. (a) This section applies only to a person who:

(1) was eligible to receive an initial TEXAS grant in an academic year for which sufficient money was not available through legislative appropriations to allow the coordinating board to award initial TEXAS grants to at least 10 percent of the persons eligible for initial TEXAS grants in that year, as determined by the coordinating board;

(2) has not previously been awarded a TEXAS grant; and

(3) has not received a baccalaureate degree.

(b) Provided that the person meets the requirements described by Section 56.305(a), a person to whom this section applies is eligible to receive an initial TEXAS grant in any academic year in which funding is sufficient to award initial TEXAS grants to eligible applicants for that year. The person's eligibility for an initial TEXAS grant under this section is not affected by:

(1) the period for which the person has been enrolled at an eligible institution; or

(2) any statutory changes to the eligibility requirements for initial TEXAS grants that are enacted after the person first established eligibility for an initial TEXAS grant as described by Subsection (a)(1).

(c) A person who is eligible for an initial TEXAS grant under this section is entitled to the highest priority as described by Section 56.303(f) if the person was entitled to that priority when the person first established eligibility for an initial TEXAS grant as described by Subsection (a)(1).

(d) A person who receives an initial TEXAS grant under this section:

(1) may receive subsequent TEXAS grants as provided by Section 56.305; and

(2) is not entitled to TEXAS grants for any previously completed academic year.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Gallego offered the following amendment to **SB 28**:

Amend **SB 28** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter M, Chapter 56, Education Code, is amended by adding Section 56.3011 to read as follows:

Sec. 56.3011. PILOT PROJECT TO PROVIDE INCENTIVES FOR ATTENDANCE AT UNDERUTILIZED PUBLIC INSTITUTIONS. (a) The coordinating board shall establish a TEXAS grant pilot project as provided by this section to encourage students to attend eligible institutions that offer extensive baccalaureate degree program options and that have sufficient facilities,

administrative infrastructure, and faculty to serve additional students in order to reduce the need for this state to construct additional facilities or hire additional faculty at other institutions of higher education.

(b) For the purposes of Subsection (a), an eligible institution has sufficient facilities as described by that subsection if:

(1) according to the most recent space usage efficiency report prepared by the coordinating board, the institution has an overall score of less than 100, indicating the availability for greater utilization of classroom and classroom laboratory facilities; or

(2) the coordinating board determines that the institution has sufficient facilities based on criteria the coordinating board considers appropriate.

(c) A person awarded a grant under this section is also eligible for financial aid under a federal program or other state program or a program of an eligible institution to the extent authorized under that program.

(d) The coordinating board shall develop criteria for evaluating the TEXAS grant pilot project and, based on that evaluation, not later than February 1, 2013, shall report to the 83rd Legislature the coordinating board's recommendations concerning whether to continue, expand to other underutilized eligible institutions, or discontinue the TEXAS grant pilot project.

(e) Not more than 1,000 students may receive a grant awarded under the TEXAS grant pilot project.

(f) The coordinating board shall include in any board publication concerning financial aid on the board's Internet website information concerning the TEXAS grant pilot project established under this section.

(g) The coordinating board shall implement this section from available funds that may be used for that purpose.

SECTION _____. (a) The Texas Higher Education Coordinating Board shall award grants under Section 56.3011, Education Code, as added by this Act, beginning with the 2012-2013 academic year.

(b) The Texas Higher Education Coordinating Board shall adopt rules to administer Section 56.3011, Education Code, as added by this Act, as soon as practicable after the date this Act takes effect. For that purpose, the board may adopt the initial rules in the manner provided by law for adoption of emergency rules.

Representative Branch moved to table Amendment No. 3.

The motion to table prevailed by (Record 494): 90 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr;

Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Keffer; King, T.; Lewis; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Strama; Thompson; Turner; Veasey; Vo; Walle.

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

Absent — Bohac; Darby; Isaac; Lyne; Weber.

STATEMENTS OF VOTE

When Record No. 494 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 494 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

Amendment No. 4

Representative Coleman offered the following amendment to **SB 28**:

Amend **SB 28** (house committee printing) in SECTION 4 of the bill as follows:

(1) In added Section 56.3041(2)(A)(iii), Education Code (page 4, line 22), strike "or".

(2) Immediately following added Section 56.3041(2)(A)(iv), Education Code (page 4, line 27), insert the following:

or

(v) on the completion of an interview with and the submission of a personal statement to authorized representatives of the general academic teaching institution, receipt of a recommendation from an authorized representative of that institution;

Representative Branch moved to table Amendment No. 4.

The motion to table prevailed by (Record 495): 88 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Aycock; Bohac; Branch; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crossover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac;

Jackson; Keffer; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Beck; Berman; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, P.; King, T.; Kolkhorst; Lavender; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent — Callegari; Miller, S.; Morrison.

STATEMENT OF VOTE

I was shown voting no on Record No. 495. I intended to vote yes.

P. King

Amendment No. 5

Representative Villarreal offered the following amendment to **SB 28**:

Amend **SB 28** (house committee printing) in SECTION 2 of the bill, by striking added Section 56.303(d-1), Education Code (page 1, line 15, through page 2, line 1) and substituting the following:

(d-1) The coordinating board shall allocate money available for initial TEXAS grants for an academic year among general academic teaching institutions solely in proportion to the number of first-year students of each institution whose expected family contribution, as determined according to the methodology used for federal student financial aid, is \$4,000 or less, based on information from the most recent academic year for which information is available for the purpose.

Amendment No. 5 was adopted.

MESSAGE FROM THE SENATE

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

SB 28 - (consideration continued)

SB 28, as amended, was passed to third reading by (Record 496): 124 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.;

Davis, S.; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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.; Torres; Truitt; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Giddings; Guillen; Gutierrez; Hochberg; King, T.; Mallory Caraway; Martinez Fischer; McClendon; Miles; Reynolds; Thompson; Turner; Veasey; Walle.

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

SB 1226 ON SECOND READING
(Callegari and Bohac - House Sponsors)

SB 1226, A bill to be entitled An Act relating to the ballot language for junior college district annexation elections.

SB 1226 was considered in lieu of **HB 2433**.

SB 1226 was read second time and was passed to third reading.

CSHB 115 ON SECOND READING
(by McClendon, Gallego, Johnson, Dukes, et al.)

CSHB 115, A bill to be entitled An Act relating to the creation of a commission to investigate convictions after exoneration and to prevent wrongful convictions.

CSHB 115 was read second time on April 14, postponed until April 19, postponed until later that day, and was again postponed until 10 a.m. today.

(Lucio in the chair)

Amendment No. 1

Representative McClendon offered the following amendment to **CSHB 115**:

Amend **CSHB 115** (house committee printing) as follows:

(1) On page 1, line 7, strike "TEXAS INNOCENCE COMMISSION" and substitute "TIMOTHY COLE INNOCENCE COMMISSION".

(2) On page 1, line 8, page 3, line 27, and page 4, line 3, strike "Texas Innocence Commission" and substitute "Timothy Cole Innocence Commission" each place that it appears.

(3) On page 7, lines 22-23 and 26-27, strike "Texas Innocence Commission" and substitute "Timothy Cole Innocence Commission" each place that it appears.

(Bonnen in the chair)

Amendment No. 1 was adopted.

Amendment No. 2

Representative McClendon offered the following amendment to **CSHB 115**:

Amend **CSHB 115** (house committee printing) as follows:

(1) On page 4, line 23, strike "and resulting executions".

(2) On page 4, between lines 23 and 24, insert the following:

(b) In carrying out the commission's duties under Subsection (a), the commission shall not review the validity or constitutionality of practices and procedures for sentencing following final conviction, including the death penalty.

(3) On page 4, line 24, strike "(b)" and substitute "(c)".

(4) On page 4, line 27, strike "(c)" and substitute "(d)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Zedler offered the following amendment to **CSHB 115**:

Amend **CSHB 115** (house committee printing) as follows:

(1) On page 7, between lines 19 and 20, insert the following:

Sec. 15. APPLICATION OF OPEN MEETINGS LAW. The commission created under this section is subject to Chapter 551, Government Code.

(2) On page 7, line 20, strike "Sec. 15" and substitute "Sec. 16".

Amendment No. 3 was adopted.

CSHB 115, as amended, was passed to engrossment by (Record 497): 82 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, R.; Beck; Bohac; Brown; Burnam; Castro; Christian; Coleman; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hartnett; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Jackson; Johnson; King, S.; King, T.; Kolkhorst; Kuempel; Legler; Lozano; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Parker; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Sheets; Sheffield; Smith, T.; Smithee; Strama; Thompson; Torres; Turner; Veasey; Vo; Walle; Woolley; Zerwas.

Nays — Anderson, C.; Aycock; Berman; Burkett; Button; Cain; Callegari; Carter; Chisum; Craddick; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Hancock; Hardcastle; Harper-Brown; Isaac; Keffer; King, P.; Kleinschmidt; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Margo; Miller, D.; Miller, S.; Morrison; Orr; Otto; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Shelton; Simpson; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; Workman; Zedler.

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

Absent — Alonzo; Branch; Cook; Harless; Hernandez Luna; Howard, C.; Lucio; Murphy; Peña; Smith, W.; Villarreal; White.

STATEMENTS OF VOTE

When Record No. 497 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

I was shown voting yes on Record No. 497. I intended to vote no.

Bohac

When Record No. 497 was taken, I was in the house but away from my desk. I would have voted no.

Branch

I was shown voting yes on Record No. 497. I intended to vote no.

Brown

I was shown voting no on Record No. 497. I intended to vote yes.

Chisum

I was shown voting yes on Record No. 497. I intended to vote no.

Christian

I was shown voting yes on Record No. 497. I intended to vote no.

Creighton

I was shown voting yes on Record No. 497. I intended to vote no.

Geren

When Record No. 497 was taken, I was in the house but away from my desk. I would have voted no.

Harless

When Record No. 497 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez Luna

I was shown voting yes on Record No. 497. I intended to vote no.

Hopson

I was shown voting yes on Record No. 497. I intended to vote no.

Huberty

I was shown voting yes on Record No. 497. I intended to vote no.

Hunter

I was shown voting yes on Record No. 497. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 497. I intended to vote no.

Legler

When Record No. 497 was taken, I was in the house but away from my desk. I would have voted no.

Murphy

I was shown voting yes on Record No. 497. I intended to vote no.

Patrick

I was shown voting yes on Record No. 497. I intended to vote no.

Sheffield

I was shown voting yes on Record No. 497. I intended to vote no.

T. Smith

When Record No. 497 was taken, I was in the house but away from my desk. I would have voted no.

White

CSHB 10 - LAID ON THE TABLE SUBJECT TO CALL

Representative Branch moved to lay **CSHB 10** on the table subject to call.

The motion prevailed.

HB 2433 - LAID ON THE TABLE SUBJECT TO CALL

Representative Callegari moved to lay **HB 2433** on the table subject to call.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

CSHB 3 ON SECOND READING

(by Thompson, Woolley, Button, Alvarado, Truitt, et al.)

CSHB 3, A bill to be entitled An Act relating to the imposition of a sentence of life without parole on certain defendants who commit certain sexual offenses.

CSHB 3 was passed to engrossment.

CSHB 5 ON SECOND READING

(by Kolkhorst, Creighton, Zerwas, Schwertner, Bonnen, et al.)

CSHB 5, A bill to be entitled An Act relating to the Interstate Health Care Compact.

CSHB 5 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KOLKHORST: Although I think this is a pretty big bill, I wanted to say to Mr. Branch, I don't have any placards to put up, my budget doesn't allow for that. So, I just want to hit the highlights of this. I've had a lot of

members ask me questions about what a compact is. A compact is an agreement that we pass here where you have to have two or more states come together. Texas is a part of 24 compacts, currently. The most recent compact passed on this house floor includes one that was carried by Craig Eiland, and then—I think that was in 2007—and then another one by Pat Haggerty in 2005, which had to do with the interstate compact for juveniles. So, through the years, we've gone together with other states to try to take care of some of the problems, utilize our resources better.

The health care compact is an idea, probably the ultimate block grant from the United States Congress. So what it does is, it asks for our funding, for both Medicaid and Medicare, to flow down from the federal government. It uses 2010 as the base rate. Some of the people in this room worked very hard for our FMAP to be 72 percent, and within that the compact is formed. Another state has passed it already, which is Georgia, and their governor has signed it today, and we go to Congress, we have to have congressional approval, you then form a compact, but it does not—

The number one question I am asked by members is, "Does that tie us to another state and what they're doing?" Absolutely not, it is we take our money and we look at how we spend those monies in both Medicaid and Medicare. So, with that, I know there's a lot of questions from the back mic, and I'm happy to yield.

REPRESENTATIVE VEASEY: Are you familiar—I know that you said that you only need congressional approval in order for a compact to become law, but did you know that under the Roosevelt Administration at least, and I went back pretty far, that he actually vetoed two compacts?

KOLKHORST: Sure. Yep.

VEASEY: So, what would make it different—why don't you need the presidential approval this time around?

KOLKHORST: So, Article I, Section 10 of the United States Constitution allows for compacts to be formed, and it's expressed that Congress has to approve it. It doesn't speak to the executive branch signing the agreement. But, traditionally, we have had, Mr. Veasey, we have had compacts that have been approved. So, you know, for the most part, and there will be some debate and obviously President Obama, with all due respect, has said he doesn't like block grants, you know, he may, even if Congress gives its approval, he may try to veto it. That's not my job today to say what he is or isn't going to do. I'm going to stay to the strict constitutional powers given to us, which is we can form a compact with one or more—with two or more states and it says it has to have congressional approval.

VEASEY: Now, you know that, you say that that's constitutional language, but you know that the Supreme Court disagrees with you? That there was a 1983 ruling the *INS v. Chadha* that specifically says that you cannot have legislation

vetoed by Congress, that in order to veto legislation that has to do with the legal rights and duties in relations to a person that it is required to be presented to the president. It was a 7 to 2 opinion.

KOLKHORST: Right. So, I think the Supreme Court doesn't agree with me often at all. I'm not a constitutional lawyer—

VEASEY: And neither am I.

KOLKHORST: Obviously, that would be heavily debated. I would suspect that by the time these get passed, at different times throughout the United States; different legislatures meet at different times. I don't know if ya'll know this, but Sine Die yesterday in Arizona and Georgia, so I'm a little envious of that, it will take awhile for this to pass. And Marc, I know you have an amendment that I'm going to have to oppose just because we're trying to keep the language very similar in every state, but in my personal and humble opinion, I think that the best thing to do is have the president sign it.

VEASEY: Right, and the only reason I have an amendment is because I want to make it constitutional, because I don't believe that the compact, or the legislatures that are working on the compact, are interpreting the constitution correctly. But, I know that we'll disagree on that, so let me go ahead and move on because Mr. Eiland has a question that he'd like to ask you. On the first page of your bill on line 19, you say that there are strains being placed on state budgets in relation to health care. Which—can you tell me which programs are placing a strain on state budgets?

KOLKHORST: Well, certainly, we have understood the strain as we have already passed **HB 1** and we're \$23 billion in all funds lower than we were last biennium. And so, what I think that language talks about is the trajectory that we're on in health care, all health care, we've talked about it in our committee, not just government funded health care, Medicaid or Medicare, you can go to private insurance, you can go to private pay and say the cost of health care is rising at a rate that is pretty astronomical, in fact, it is often quoted in many of the publications as saying, being one of the culprits of why we have a \$14 to \$15 trillion deficit.

So, the strain is, and the idea of the compact that I get excited about, Representative Veasey, is that if the compact would come our way, first dollar in is the fed dollar. So, if you take this budget year and you say we don't have enough general revenue to put up to be able to draw down the dollars; actually if you had the compact in place the federal dollars would be coming to us, and the first dollar in is the federal dollar, the last dollar in is the state dollar. And so, it wouldn't put, that all-funds number wouldn't be as inflated to be bad, as you and I might agree, the \$23 billion number. So I think that's what that line talks to, whether you're a red state or a blue state, you're feeling the pinch in providing health care and it's squeezing out the rest of our budget.

I have some statistics here about how much Medicaid has grown, which is growing like the rest of health care costs. And so, in it's inception in 1967 the Texas Medicaid program has grown from serving fewer than 1 million Texans to

servicing over 3 million Texans, and it operated 20 years before its budget reached the \$2 billion mark, but the total Medicaid budget for fiscal—federal fiscal year 2009 including dish and upper payment limit funds were over \$24 billion. So one in four dollars that you're spending in your state budget is going toward health care.

VEASEY: Okay. Are you familiar with the part of your bill that defines health care? It says "health care means care services, supplies, or plans related to the health of an individual," it's—

KOLKHORST: I'm sorry.

VEASEY: It's the part of your bill that defines "health care."

KOLKHORST: Yes, yes. What page are you on?

VEASEY: I'm on page number 3, but I know that—

KOLKHORST: Yep, yep. I've got it. Sure.

VEASEY: "Health care" means care services, supplies, or plans related to the health of an individual, and includes, but is not, and/or, is not limited to plans provided by the—if you go a little bit further down, the United States Department of Defense, the United States Department of Veterans Affairs, and services provided to Native Americans. And so, my next question to you would be—it also says that to secure the rights of member states to regulate health care. So, what sort of regulation would these member states then have over the United States Department of Defense, the United States Department of Veterans Affairs, and to services currently being provided to Native Americans? Because it sounds like if you have a naval air station, like we have in Fort Worth or Davis Air Force Base, or in San Antonio, where there are many facilities that that section right there we definitely want to know more about that.

KOLKHORST: Right, so Article I, Section 8 of the United States Constitution talks about the military, and I think, Marc, and I'm going to—Mr. Veasey, I was saying that the first hospital that the United States government actually formed, I believe, was in the late 1770s for the military, so the Department of Defense actually owns and operates hospitals, it's an enumerated power in the constitution, that's why they're not included. If you'll look on line 13 it says except any care services, supplies, or plans provided by the United States Department of Defense, the United States Department of Veterans Affairs, or provided to Native Americans, so when you look at the operations that you have in Fort Worth, and throughout the State of Texas, when it comes to the Department of Defense and the United States Department of Veterans Affairs, those will not be affected by the compact because it is an enumerated power in the constitution.

VEASEY: Okay, and then my last question. You're not trying to circumvent or go around the Affordable Health Care Act?

KOLKHORST: No, I'm not. This is, you know, a block grant, there has been lots of talk—Marc, I'm coming to the floor, hopefully, with the help of some of the colleagues on Public Health with another bill, it's a different way. What this

does, Representative Veasey, is it asks permission from Congress to give us flexibility. The way that we have normally done that is through 1115 waivers, we've done it through 1915b and 1915c waivers which amend, or ask for certain parts of the Social Security Act of 1965, which has been modified many times most vigorously in the 1980s, and it asks CMS, these centers for Medicare and Medicaid, permission to change certain stipulations. I'll be coming to the floor—hopefully we can get it to the floor—with that permission to go to CMS and ask for that, so this is a different task, if you will, and when we're talking about President Obama, Secretary Sebelius, and other people, no matter what side of the aisle that you're on or the coin that you're on, everyone is talking about flexibility. Paul Ryan is talking about it, I think that President Obama has sped up his state initiative plan from 2017 to 2014, so it's really interesting that we all know that we need flexibility, we need to be able to become innovative on the way that we deliver health care.

One of the things that I like about this bill—you know, it even mentions that, you know, we can do counseling, we can do mental health and things that we really aren't able to do today, and I'll give you an example. We have to ask for a waiver to keep people out of nursing homes. That's a waiver—we have to ask CMS's permission to do that. Now, we all know that community-based services is where we probably get the biggest bang for our buck, although we don't want to hurt nursing homes, because their institution of care—my mother just died in a nursing home in October and they did a marvelous job because she could no longer stay at home. So there's this balance that we're trying to work out with CMS and we're always asking permission. And it's not that the Obama Administration is saying no—look, we had **SB 10** and a waiver up with President Bush, and we absolutely got nowhere with that in his CMS administration, so now we're going to Congress to ask permission.

REPRESENTATIVE EILAND: Madam Chair, I've got a couple of questions—I'm going to vote for the bill, but I do have several concerns. First, just a quick search online found that Tennessee, Missouri, and Georgia apparently have introduced similar compact proposals—

KOLKHORST: They have.

EILAND: What other states?

KOLKHORST: So, there's 10 states. I know Montana is in a stage, Colorado—there are 10 states that have introduced bills—and Missouri—and, I'm sorry, somewhere in this morass of paper I have all of those, but there's 10 states that have introduced that, and another probably 15 that are looking at it.

EILAND: Okay, and one reason I ask that is because the compacting states and who we compact with, to me, might make a great difference on how good the compact is. For example, if you go over to page 7—no, I'm sorry, go to page 4. We have the member states' current year funding level defined and I certainly understand that the member state-based funding level use of 2010 is to our benefit if our state allotment is to go down, because the FMAP changed because of our—

KOLKHORST: There was some great work done, and one of the colleagues that worked on that was to extend the FMAP to 72 percent, which is unheard of, and so that is the base-level funding.

EILAND: But then we grow by population and inflation, no matter what the makeup of our population growth is.

KOLKHORST: That is correct.

EILAND: Where—and it seems to me like Montana—their population growth is going to be a whole lot different type of people than our population growth, and I'm wondering how that might impact—

KOLKHORST: So, you know, their population growth may not be at all in Montana. We have been this vibrant state that has grown a lot, and FMAP doesn't really recognize that because it's based, as you well know, off of unemployment, which we're doing better than most states—not as good as we could do, but better than most states. So, we tend to get a little bit penalized on the FMAP, so this goes in population growth, and we're growing faster than most other states. I think that's to our benefit. And one of the things I want to say about a compact is, yes, that has something to do with how much money we get, but it doesn't say that this is the only pot of money. Congress has to recognize that it's not an equalization among the other states. And I also want to follow up with that, Craig, and I know that my—

EILAND: I don't have much time, so, next question. Under member state current year population adjustment factor, it says blah, blah, blah, and then you divide the average population of the member state and federal—of 2010 "plus one." What does "plus one" mean?

KOLKHORST: I think it's an equalization. I've seen it in an algebraic form on a piece of paper and I would be not great if I told you that I was pretty good in algebra in high school, not so good now, but I think that that's the factor that goes to everyone, it's an equalization in an algebra formula.

EILAND: All right. Now, the original bill as introduced had an actual dollar amount in it.

KOLKHORST: Yes.

EILAND: \$64 billion—\$64.4 billion—

KOLKHORST: \$60.4 billion, I think it was.

EILAND:—which was stripped out in the substitute.

KOLKHORST: Why?

EILAND: Why?

KOLKHORST: Yes, sure. So, in working with the speaker's office and some other folks, that was an estimated number. If you'll go back to the original bill, I think there was estimated to be—and because we will not shore up, I think that with CDO and other agencies in the federal government, we really don't shore up that number until the summer. We did not know what that number was going to

be, and working with some of the economists and some of the different people, we thought that was a really low number. We project it to be actually higher, but we won't know that number until the summer. So it's kind of a guess number, and I thought it better to take it out.

EILAND: Okay, and about how many hours of testimony did you all have on this bill?

KOLKHORST: About two-and-a-half to three hours.

EILAND: All right, because this is—this is a huge change, if it happens, so—

KOLKHORST: That's why I felt like I should have some placards, and Representative Burkett said she would have held them for me, but I didn't—

Amendment No. 1

Representative Eiland offered the following amendment to **CSHB 5**:

Amend **CSHB 5** (house committee report) on page 3, line 13, between "provided" and "by", by inserting "under the Medicare program or".

EILAND: Mr. Speaker, members, I'll tell you what my amendment does and then kind of why I have it. First, if you look on page 2, we say that—actually on page 3, line 11—we exempt the U.S. Department of Defense and we exempt Veterans Affairs and we exempt Indians—or Native Americans—and so, this bill, when we get a compact, we're not going to include, you know, the Defense Department, Veterans Affairs, and Native Americans. What my amendment does is simply add Medicare to that list of what we are not going to block grant. And here's why—both parties, it seems to me both parties, and I'm voting for the bill either way—but, both parties always seem to use our senior citizens as a wedge issue. And if we pass this compact, it's going to be, "Oh, they're going to destroy Medicare, they're going to take away health care from seniors, they're going to limit health care to seniors." I would rather get that off the table and let's do Medicaid and whatever else we're going to do—let's get that right and then let's move on to Medicare. I don't get a lot of complaints from constituents about Medicare, I don't get a lot of complaints from doctors and hospitals about Medicare, and about payments and coverage and those types of things. I do about Medicaid, and we deal with Medicaid all the time. If we're going to block grant something, I think we should start with Medicaid. And I agree, we don't start with the military, and I don't think we should start with seniors.

REPRESENTATIVE ZERWAS: Representative Eiland—so I heard you correctly in what you said at first—was that you were going to vote for this bill regardless of whether the amendment was accepted or not, or voted in or not. Is that correct?

EILAND: That is correct.

ZERWAS: So, if the circumstance was the only way we could qualify to get the federal grant, because other states are involved in this, or the block grant if you will, is to accept the federal dollars that would cover Medicare, but what your

amendment would say—cede that back to the federal government for them to continue function of the Medicare program on our behalf. Is that what your amendment would do?

EILAND: That's one way of looking at it, yes.

ZERWAS: You're not saying that we would be denied the grant if in fact we said we are not going to do Medicare. In other words, what I'm trying to get clear is that you're comfortable with the federal government continuing on the Medicare program, and if we needed to have all the federal health care money granted to us, you're saying that's okay also, we're going to cede back the Medicare portion to the federal government to run.

EILAND: Yes.

ZERWAS: Is that correct? Okay. So, in essence, what I think that you're saying is, let's focus on the Medicaid program and let's get that right. That's where we hear most of the problems, and that's certainly where we're seeing our continued growth in terms of state expenditures and so forth, is that correct?

EILAND: That is correct.

ZERWAS: Okay, so if we fast forward and get to this Medicaid program—and I've always made the analogy, this is the dog chasing the car, and now he's got the car so what does he do with it—this compact doesn't do anything with regard to that. It just says, you got this, what do you do with it now? Is that correct?

EILAND: I don't understand the question.

ZERWAS: I think what my question to you is, is that the understanding of the compact is that it simply gives you the right, the privilege, if you will, to go ahead and manage your health care program for the indigent, and the disabled, and the aged as best you see fit with the amount of dollars that you get. Is that correct?

EILAND: Correct.

ZERWAS: So, for there to actually be something to further define what we do with that, there would have to be another bill, or there has to be some other body that would be put together that ultimately would define what that program looks like.

EILAND: All I've got is this runner, right in front of me right now, that says federal government, we want you to send us all the money and we're going to take over the running of these programs; we're going to eliminate all the federal laws, all the federal rules, all the federal regs. We're going to pick and choose which ones we want to apply, and that's fine if you want to try that on Medicaid. I don't want it applied to Medicare because I don't want to scare seniors.

ZERWAS: I'm in full agreement with you on that. I think that we bite off what we're meant to bite off here, and that was the Medicaid program. There was a bill that was passed last session, **HB 497**, that looked at what would the state do if we opted out of Medicaid. Are you familiar with that? That study that was done? And I think that you may recall that there was basically some ideas of what

would need to happen if we ultimately are going to bring the Medicaid program under control. And one of those things, I believe, was that something in the form of a block grant, whether it's through a compact, whether it's through a waiver that would come from the federal government, like Rhode Island got, but something that gave the states the prerogative to say, "This is what our state needs to take care of this group of people." And do you recall that being in that report as one of the basic objectives that needed to be achieved?

EILAND: Yes, basically, yes. Flexibility.

ZERWAS: Okay. And so, in order to ultimately get where we're going to get with this, I think we agree then that there needs to be some additional group put together that helps define what this program is. Would we agree on that?

EILAND: I think that, as I understand it, you have a bill that's coming along later that's for the commission that is referenced in this bill that would be part of the compact with other states, and there's 15 members of the commission. They would get with other states and they would decide what the compact was going to do, what laws it was going to exempt, and then I don't know if that bill would then come back and require the state to adopt additional legislation, or if the state would have to adopt a commission recommendation, or if that's just going to happen automatically. I haven't seen what the details of that are, if there are any details in that subsequent bill.

ZERWAS: I think you bring up some good points, and what I might suggest, and I don't know if you'll agree or not with this—there's probably a portfolio of legislation and various things that would have to happen in order for—ultimately to execute on this. But, for there ever to be a trigger to execute, however, there has to at least be this sense that we can actually achieve this block grant. What we're talking about here today is in the form of a health care compact as a way to get there. I think Chair Kolkhorst mentioned some other things in terms of ways to try to loosen up the reigns a little bit. That lets the states really exercise a little bit more of their understanding, a little bit more of their authority over how we deliver health care to the indigent, the disabled, and the aged and so forth. So, I don't know if you agree with that or not, it seems to me that is the first step, we just need to get a little further along with some of the other things to better define what this program is. Do you agree with that?

EILAND: Yes, I do.

ZERWAS: Great, thank you.

REPRESENTATIVE LEWIS: I have a few questions. First of all, I take it from your response about this bill that you also feel that we are in a tremendous crisis in funding for Medicaid of our state general revenues. Is that correct?

EILAND: That's pretty close to a fair statement.

LEWIS: And because of that, the interest in approaching the federal government through a compact is of interest to you as well, but you're reticent to include Medicare, which is a purely federal program in that discussion, is that correct?

EILAND: That is correct. We don't have anything to do with Medicare right now except on dual eligibles, but I do not want to scare our seniors and so that's why I propose this amendment.

LEWIS: Now, I share your feelings on that, totally. I feel that way, and I feel that way about Medicare. However, here's my concern—for a compact to exist, several states have to join together in the compact, and the states that are considering the compact—

EILAND: Two or more.

LEWIS: Right, and the states that are actually considering a compact are considering, as I understand it, are passing or are about to pass it, is this compact. And so, while I would like it to be different, it seems to me that if we are going to have a compact that passes, that does anything, it's going to have to be a—wouldn't it have to be in this wording and contain it all, so that these matters can be on the table to be discussed by the compact members as they go to Washington? And if we don't do that, don't we bust the compact? You end up without a compact?

EILAND: As Representative Kolkhorst said, this is not going to happen overnight. This is going to be a long-term project and there's two things. One, on page 1, it says, "This state enacts the interstate health care compact and enters into the compact with other states, legally joining in the compact in substantially the following form." And then it goes on, and that's where I believe that we would have a compact because everything else is going to be substantially the same form. We've got a one-word difference—not Medicare. So that's substantially the same form and if it's not, we can come back in two years or special session and add Medicare. Because this would be a big enough bill, if there's some other compacting states, they go up to the feds. The feds say, "We would do this, except Texas needs to add Medicare in." Then we could come back as a body and do that one little fix after we know it's all going to happen, and we can tell our seniors we've got a plan. But, right now it is—we're out there for this compact, you're included, but we have no clue what we're going to do if we get it.

LEWIS: Thank you. My reading of it, I think that unless we pass it including all health care issues, or at least on the table to be discussed, I don't think we can enter into the compact. So, I feel differently about that, but thank you very much.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 5 - (consideration continued)

KOLKHORST: I rise to respectfully oppose my colleague, Representative Eiland, in excluding Medicare as a part of this compact. I think Judge Lewis spoke to the need for the language to be very similar if it passes all of the various states, if it passes more states. One of the things that I've been looking into, and it's going to be a follow-up bill, is one by Dr. Zerwas, **HB 273**. At this forth a

commission, it's five appointees from the lieutenant governor, five from the speaker of the house, and five from the governor. We can, as this compact allows us to say, we do not have to change anything—it gives us permission to change different programs, it says, "you may." But one of the things we can do is we can contract with CMS to continue to do Medicare just as it's done as we move forward. If this were to get congressional approval and executive branch and everybody blessed it and said that we're doing this, we would move in a slow and expeditious manner.

But one of the things that I think we all have to be aware of is that we are already in the business of helping provide services for our elderly, as the Medicaid program has the aged, the disabled, and the blind, which actually cost the most part of the Medicaid program. In fact, according to Kaiser State Health Facts, there's 428,900 people on Medicaid roles that are elderly today. So, if you look at Medicare, it covers about 29.9 million, I'm sorry, 2.9 million people. We spend about \$29 billion in Texas a year from federal dollars that we're actually covering more people on the Medicaid role as a population, which is between 3.5 and 4 million people. We can make those decisions here closer to home. I think that Texas can do it best. As we move forward, smart people like Craig Eiland can help us figure out if we want to go into the Medicare business or not. So, I respectfully oppose his amendment.

Representative Kolkhorst moved to table Amendment No. 1.

EILAND: Mr. Speaker, members, it's real simple, so I won't belabor the point. I don't want to scare our seniors. I'm going to vote for the compact, I'll vote for the commission, but I think we should do it one step at a time. There is absolutely no guarantee that all 10 states that have introduced this bill are going to come out with the exact word-for-word end product. That's why the definition, substantially the same, is in here. If we need to come back and fix it to make it all work in another 18 months we can do so, and we would not have scared our seniors. And so please vote no on the motion to table. Let's leave the Medicare system alone until we can reform the Medicaid system. Vote no on the motion to table for our seniors.

The motion to table prevailed by (Record 498): 95 Yeas, 45 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent — Anderson, C.; Burnam; Darby; Gutierrez; Johnson; King, S.; Lyne; Martinez Fischer; Pickett.

STATEMENTS OF VOTE

When Record No. 498 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 498 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

Amendment No. 2

Representative Veasey offered the following amendment to **CSHB 5**:

Amend **CSHB 5** (house committee printing) on page 7, lines 17-18 by striking "and consent of the United States Congress" and substituting "consent of the United States Congress, and approval of the United States Executive Branch".

REMARKS ORDERED PRINTED

Representative Eiland moved to print remarks by Representative Kolkhorst, Representative Lewis, Representative Veasey, Representative Zerwas, and Representative Eiland.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Pickett on motion of Menendez.

CSHB 5 - (consideration continued)

Representative Kolkhorst moved to table Amendment No. 2.

The motion to table prevailed by (Record 499): 102 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown;

Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; McClendon; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Pickett.

Absent — Burnam; Gutierrez; King, T.

CSHB 5 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **CSHB 5** under Rule 4, Section 20(a)(2) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The chair overruled the point of order.

CSHB 5 - POINT OF ORDER

Representative Gallego raised a point of order against further consideration of **CSHB 5** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

CSHB 5 was passed to engrossment by (Record 500): 102 Yeas, 46 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 500. I intended to vote no.

Carter

REASON FOR VOTE

I voted no because this bill lets Texas high school students fail up to two-thirds of their high school exit exams, and I believe it lowers standards for high school graduation.

Carter

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hancock requested permission for the Committee on Insurance to meet while the house is in session, at 8:45 a.m. tomorrow, in 3W.15, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Callegari moved to suspend the five-day posting rule to allow the Committee on Government Efficiency and Reform to consider **HB 1875** at 10:30 a.m. or upon final adjournment/recess tomorrow in E1.014.

The motion prevailed.

Representative Dutton moved to suspend the five-day posting rule to allow the Committee on Urban Affairs to consider **HB 3857** upon final recess today in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Technology, upon final recess today, Desk 37, for a formal meeting, to consider pending business.

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

Criminal Jurisprudence, upon final recess today, 3W.9, for a formal meeting, to consider pending business.

Insurance, 8:45 a.m. tomorrow, 3W.15, for a formal meeting, to consider pending business.

Government Efficiency and Reform, 10:30 a.m. or upon final adjournment/recess tomorrow, E1.014, for a public hearing, to consider **HB 1875** and previously posted business.

Culture, Recreation, and Tourism will meet upon final recess.

COMMITTEE GRANTED PERMISSION TO MEET

Representative V. Taylor requested permission for the Committee on Human Services, Subcommittee on Human Affairs, to meet while the house is in session, during bill referral today, in E2.026, to consider **HB 3520**.

Permission to meet was granted.

CORRECTIONS IN REFERRAL

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.)

RECESS

Representative Kolkhorst moved that the house recess until 9 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 6:41 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

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

HCR 137 (By Craddick), Designating April 2011 as Parkinson's Awareness Month.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

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

Senate List No. 17

SB 333, SB 691, SCR 42

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 20, 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 15

Fraser

Relating to state energy policy and the planning of energy development and utilization and to certain related electric power generation issues.

SB 49

Zaffirini

Relating to school district requirements regarding parental notification and documentation in connection with disciplinary alternative education programs.

SB 661

Nichols

Relating to the continuation and functions, as applicable, of the Electric Reliability Council of Texas, the Office of Public Utility Counsel, and the Public Utility Commission of Texas and to the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas; imposing administrative penalties.

SB 773

Zaffirini

Relating to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.

SB 860

Rodriguez

Relating to the authority of the El Paso County Hospital District to appoint, contract for, or employ physicians, dentists, and other health care providers.

SB 1048

Jackson

Relating to the creation of public and private facilities and infrastructure.

SB 1086

Estes

Relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.

SB 1134

Hegar

Relating to the issuance of permits for certain facilities regulated by the Texas Commission on Environmental Quality.

SB 1217 Estes
Relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

SB 1293 Hegar
Relating to the amounts of administrative, civil, and criminal penalties for violations relating to certain pipelines.

SB 1300 Jackson
Relating to insurer restrictions regarding repair of a motor vehicle covered under an insurance policy.

SB 1638 Davis
Relating to the exception of certain personal information from required disclosure under the public information law.

SB 1733 Van de Putte
Relating to the occupational licensing of spouses of members of the military.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, April 20, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 208 Gallegos
Relating to public notice and forums concerning finalists for the position of superintendent of a school district.

SB 220 Nelson
Relating to guardianships, including the assessment of prospective wards for, and the provision of, guardianship services by the Department of Aging and Disability Services.

SB 434 Nelson
Relating to the establishment of a task force to address the relationship between domestic violence and child abuse and neglect.

SB 635 Nichols

Relating to the authority of the executive director of the Texas Commission on Environmental Quality in relation to establishing water and sewer utility rates.

SB 636 Nichols

Relating to the consolidation of more than one water or sewer system under a single tariff by an investor-owned utility.

SB 1281 Watson

Relating to certain violations of and offenses under The Securities Act; providing penalties.

SB 1331 Watson

Relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

SB 1353 Eltife

Relating to certain claims against persons licensed as real estate brokers and salespersons.

SB 1368 West

Relating to the authority of a co-owner of residential property to encumber the property.

SB 1378 Nichols

Relating to the authority of the Alabama-Coushatta Indian Tribe to commission peace officers.

SB 1393 Seliger

Relating to the use of contracts by local governments to purchase electricity.

SB 1434 Carona

Relating to certain low-income weatherization programs.

SCR 43 Fraser

Recognizing the 50th anniversary of the C-130 Hercules aircraft at Dyess Air Force Base.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, April 20, 2011 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 89

Lucio

Relating to summer nutrition programs provided for by school districts.

SB 511

Van de Putte

Relating to the designated doctor's examination under the workers' compensation system.

SB 601

Rodriguez

Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.

SB 838

Patrick

Relating to the penalty for driving while intoxicated.

SB 1000

Eltife

Relating to the self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

SB 1014

Davis

Relating to the discharge of a prisoner from a county jail.

SB 1216

Estes

Relating to determination of the validity and enforceability of a contract containing an arbitration agreement in suits for dissolution of marriage and certain suits affecting the parent-child relationship.

SB 1291

Hegar

Relating to the budget of certain divisions of the Texas Department of Insurance.

SB 1766

Rodriguez

Relating to the Texas Code of Military Justice.

SCR 44

Whitmire

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, April 21, 2011, and ending on Tuesday, April 26, 2011.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 19

Business and Industry - **HB 972, HB 2328, HB 2761, HB 2846, HB 2869, HB 3040, HB 3116, HB 3244, HB 3573, SB 322, SB 690**

Corrections - **HB 1915**

Criminal Jurisprudence - **HB 25, HB 96, HB 1043, HB 1721, HB 2344, HB 2577, HB 2847, HB 2858, HB 2949**

Culture, Recreation, and Tourism - **HCR 24**

Defense and Veterans' Affairs - **HB 1127**

Economic and Small Business Development - **HB 2432, HB 3140**

Energy Resources - **SB 655**

Environmental Regulation - **HB 1403, HB 1906, HB 3251, SB 493**

Government Efficiency and Reform - **HB 1618, HB 3395**

Higher Education - **HB 1244, HB 1521, SB 28**

Homeland Security and Public Safety - **HB 2466, HB 2470**

Human Services - **HB 945, HB 2109, HB 3051, HB 3531**

Judiciary and Civil Jurisprudence - **HB 1261, HB 1262, SB 483, SB 1846**

Land and Resource Management - **HB 232, HB 1643, HB 2518, HB 2732**

Natural Resources - **HB 3184**

Pensions, Investments, and Financial Services - **HB 2029, HJR 127**

Public Education - **HB 1942**

Public Health - **HB 123, HB 788, HB 1689, HB 2286, HB 2459, HB 2636, HB 2940, HB 3724**

Redistricting - **HB 150**

State Affairs - **HB 1041, HB 1421, HB 2088, HB 2184, HB 2264, HB 2603, HB 2765**

Transportation - **HB 578, HB 890, HB 1274, HB 1276, HB 1724, HB 1736, HB 1737, HB 1898, HB 1899, HB 2073, HB 2080, HB 2232, HB 2255, HB 2327, HB 2396, HB 2574, HB 2671, HB 2675, HB 2783, SB 888, SB 990**

Urban Affairs - **HB 1283**

ENGROSSED

April 19 - HB 44, HB 213, HB 265, HB 345, HB 499, HB 968, HB 1064, HB 1118, HB 1380, HB 1965, HB 2131, HB 2541, HB 2559, HB 2904, HB 3174