

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTIETH DAY — FRIDAY, MAY 6, 2011

The house met at 9:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 789).

Present — Mr. Speaker; 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; 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.

Absent, Excused — Bohac.

The invocation was offered by Micah Davidson, pastor, Real Life Fellowship, Austin.

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of family business:

Bohac on motion of Madden.

REGULAR ORDER OF BUSINESS SUSPENDED

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

LEAVES OF ABSENCE GRANTED

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

Farrar on motion of Burnam.

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

Hernandez Luna on motion of Walle.

Huberty on motion of Schwertner.

**HR 1660 - ADOPTED
(by Straus)**

Representative Larson moved to suspend all necessary rules to take up and consider at this time **HR 1660**.

The motion prevailed.

The following resolution was laid before the house:

HR 1660, Expressing the importance of pedestrian safety and driver awareness and welcoming the American Council of the Blind to the Capitol.

HR 1660 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Larson who introduced representatives of the American Council of the Blind.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, Rick Perry, governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation relating to the reform of civil remedies and procedures in the State of Texas.

Respectfully submitted,
Rick Perry
Governor of Texas

Austin, Texas
May 5, 2011

(L. Taylor in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 22).

HR 1756 - ADOPTED

(by Nash)

Representative Nash moved to suspend all necessary rules to take up and consider at this time **HR 1756**.

The motion prevailed.

The following resolution was laid before the house:

HR 1756, In memory of U.S. Marine Staff Sergeant Jeremy D. Smith of Arlington.

HR 1756 was read and was unanimously adopted by a rising vote.

On motion of Representative Sheets, the names of all the members of the house were added to **HR 1756** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Nash who introduced family members of U.S. Marine Staff Sergeant Jeremy D. Smith.

LEAVES OF ABSENCE GRANTED

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

Hopson on motion of J. Davis.

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

Castro on motion of Anchia.

HR 1681 - ADOPTED

(by Gonzalez and Marquez)

Representative Gonzalez moved to suspend all necessary rules to take up and consider at this time **HR 1681**.

The motion prevailed.

The following resolution was laid before the house:

HR 1681, Honoring Maria Luisa "Tita" Yanar of El Paso for her contributions as an educator and civic leader.

HR 1681 was adopted.

HR 1764 - ADOPTED
(by Gonzalez)

Representative Gonzalez moved to suspend all necessary rules to take up and consider at this time **HR 1764**.

The motion prevailed.

The following resolution was laid before the house:

HR 1764, Commemorating the 2011 El Paso Holocaust Museum and Study Center Yom HaShoah and honoring El Paso Holocaust survivors.

HR 1764 was adopted.

HR 1324 - ADOPTED
(by Scott)

Representative Scott moved to suspend all necessary rules to take up and consider at this time **HR 1324**.

The motion prevailed.

The following resolution was laid before the house:

HR 1324, Affirming the importance of folic acid in the diets of women of childbearing age.

HR 1324 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, at 3 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 3 p.m. today, 3W.15, for a formal meeting, to consider pending business.

LEAVE OF ABSENCE GRANTED

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

Garza on motion of Aliseda.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 11:15 a.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 11:15 a.m. today, 3W.9, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Truitt moved to suspend the five-day posting rule to allow the Committee on Pensions, Investments, and Financial Services to consider **SB 29, SB 155, SB 579, SB 1319, and SB 1810** at 8 a.m. Tuesday, May 10 in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, Investments, and Financial Services, 8 a.m. Tuesday, May 10, E2.014, for a public hearing, to consider **SB 29, SB 155, SB 579, SB 1319, and SB 1810**.

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 **SB 1714** at 9 a.m. Tuesday, May 10 in E1.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Economic and Small Business Development, 9 a.m. Tuesday, May 10, E1.010, for a public hearing, to consider **SB 1714**.

LEAVE OF ABSENCE GRANTED

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

Flynn on motion of Zedler.

(Speaker in the chair)

**HB 1 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS**

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

HB 1, General Appropriations Bill.

Representative Pitts moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1**.

The motion prevailed by (Record 790): 103 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Christian; Cook; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dutton; Eissler; Elkins; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hochberg; Howard, C.; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Martinez; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Davis, Y.; Deshotel; Eiland; Farias; Gonzales, V.; Gonzalez; Howard, D.; King, T.; Lucio; Mallory Caraway; Naishtat; Quintanilla; Strama; Walle.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Coleman; Craddick; Dukes; Gutierrez; Hartnett; Hilderbran; Johnson; Keffer; Lozano; Marquez; Martinez Fischer; McClendon; Miles; Oliveira; Pickett; Reynolds; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 790 was taken, my vote failed to register. I would have voted yes.

Craddick

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

Hartnett

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

Johnson

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted no.

Reynolds

When Record No. 790 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

LEAVES OF ABSENCE GRANTED

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

Anchia on motion of Y. Davis.

Marquez on motion of Gonzalez.

HB 1 - CONFERENCE COMMITTEE INSTRUCTED

Representative S. Miller moved to instruct the Conference Committee on **HB 1** to include in the conference committee report no more than the amount of funding for Strategy B.1.3 on page II-46 of the bill pattern for Department of State Health Services outlined in the engrossed version of **CSHB 1** from the house and to adhere to the reallocation of family planning funds in Amendment Nos. 44, 45, 46, 49, 50, 54, 55, 56, 57, 172, and 173 passed by the house.

The motion to instruct the conferees prevailed by (Record 791): 86 Yeas, 39 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Burnam; Davis, S.; Deshotel; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Harless; Hartnett; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Martinez;

Martinez Fischer; Menendez; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty; Marquez.

Absent — Anderson, R.; Callegari; Coleman; Davis, Y.; Dukes; Dutton; Guillen; Gutierrez; Hilderbran; Kuempel; McClendon; Miles; Pitts; Price.

STATEMENTS OF VOTE

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

Dukes

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

Hilderbran

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

Kuempel

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

McClendon

I was shown voting no on Record No. 791. I intended to vote yes.

Truitt

I was shown voting yes on Record No. 791. I intended to vote no.

Zerwas

HB 1 - CONFERENCE COMMITTEE INSTRUCTED

Representative P. King moved to instruct the Conference Committee on **HB 1** to exclude any language expending funds from the economic stabilization fund from the conference committee report on **HB 1**.

(Anchia now present)

The motion to instruct the Conference Committee on **HB 1** prevailed by (Record 792): 74 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Madden; Miller, D.; Miller, S.;

Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Davis, J.; Davis, Y.; Deshotel; Eiland; Farias; Frullo; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hartnett; Hochberg; Howard, D.; Johnson; King, T.; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Shelton; Smith, T.; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty; Marquez.

Absent — Cain; Callegari; Carter; Coleman; Dukes; Dutton; Gutierrez; Hilderbran; McClendon; Miles; Peña; Pitts.

STATEMENTS OF VOTE

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

Brown

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

Cain

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

Dukes

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

Frullo

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

Harless

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

Legler

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

McClendon

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

Patrick

When Record No. 792 was taken, my vote failed to register. I would have voted yes.

Pitts

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

Shelton

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

Truitt

(Marquez now present)

HB 1 - CONFERENCE COMMITTEE INSTRUCTED

Representative P. King moved to instruct the Conference Committee on **HB 1** to include in the conference committee report on **HB 1** language from Article IX, Sec. 18.09. Fee Revenue Increases Contingent on Legislation (House Floor Amendment No. 244) without change to the substance of that section.

The motion to instruct the conferees prevailed by (Record 793): 89 Yeas, 37 Nays, 3 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Burnam; Davis, J.; Dutton; Eiland; Farias; Gallego; Gonzales, V.; Gonzalez; Gutierrez; Hartnett; Hochberg; Howard, D.; Johnson; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo; Walle; Zerwas.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Aliseda; Callegari; Coleman; Dukes; Elkins; Fletcher; Guillen; King, T.; Lucio; McClendon; Miles; Miller, S.; Raymond.

STATEMENTS OF VOTE

When Record No. 793 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 793 was taken, I was consulting with the director of the Texas Department of Public Safety. I would have voted yes.

Fletcher

When Record No. 793 was taken, I was temporarily out of the house chamber. I would have voted no.

McClendon

I was shown voting no on Record No. 793. I intended to vote yes.

Patrick

When Record No. 793 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

HB 1 - MOTION TO INSTRUCT CONFEREES

Representative P. King moved to instruct the Conference Committee on **HB 1** to include in the conference committee report on **HB 1** language from Article IX, Sec. 3.13. Hiring Freeze, House Engrossed Version (House Floor Amendment Nos. 228, 229, and 230) without change to the substance of that section.

The motion to instruct the conferees was lost by (Record 794): 45 Yeas, 84 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Berman; Bonnen; Burkett; Carter; Chisum; Christian; Eissler; Gonzales, L.; Harper-Brown; Hilderbran; Howard, C.; Hughes; Hunter; Isaac; Keffer; King, P.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Morrison; Murphy; Otto; Parker; Paxton; Peña; Perry; Phillips; Price; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smithee; Taylor, V.; Torres; Weber; White; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Burnam; Button; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Elkins; Farias; Frullo; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hochberg; Howard, D.; Jackson; Johnson; King, S.; King, T.; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miller, D.; Muñoz; Naishtat; Nash; Oliveira; Orr; Patrick; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Sheffield; Smith, W.; Solomons; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Aliseda; Branch; Brown; Cain; Callegari; Coleman; Dukes; Fletcher; McClendon; Miles; Miller, S.; Taylor, L.

STATEMENTS OF VOTE

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

Brown

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

Cain

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

Dukes

When Record No. 794 was taken, I was consulting with the director of the Texas Department of Public Safety. I would have voted yes.

Fletcher

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

McClendon

HB 1 - MOTION TO INSTRUCT CONFEREES

Representative Martinez moved to instruct the Conference Committee on **HB 1** to fully fund public education under the current formulas and to prioritize funding for grant programs such as the teacher incentive pay grants.

The motion to instruct conferees was lost by (Record 795): 45 Yeas, 86 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; 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; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Coleman; Dukes; Harper-Brown; McClendon; Miles; Miller, S.; Simpson.

STATEMENTS OF VOTE

When Record No. 795 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 795 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 1 - MOTION TO INSTRUCT CONFEREES

Representative Gallego moved to instruct the Conference Committee on **HB 1** to fully fund public education under the current formulas and to fund school districts for property tax value losses.

The motion to instruct conferees was lost by (Record 796): 50 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Branch; Burnam; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Peña; Perry; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

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

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Carter; Coleman; Davis, Y.; Jackson; King, S.; Miles; Miller, S.; Orr; Phillips.

HB 1 - MOTION TO INSTRUCT CONFEREES

Representative Walle moved to instruct the Conference Committee on **HB 1** to fully fund public education under the current formulas, including enrollment growth, and to prioritize the funding for prekindergarten programs.

The motion to instruct conferees was lost by (Record 797): 46 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Davis, S.; Deshotel; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Muñoz; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Coleman; Davis, Y.; Geren; King, S.; Lewis; Madden; Martinez Fischer; Miles; Miller, S.; Naishtat; Orr; Truitt; Workman.

STATEMENTS OF VOTE

When Record No. 797 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 797 was taken, I was in the house but away from my desk. I would have voted no.

Madden

When Record No. 797 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 797 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

HB 1 - CONFERENCE COMMITTEE INSTRUCTED

Representative Simpson moved to instruct the Conference Committee on **HB 1** to include in the bill the appropriations and related provisions for the Texas emerging technology fund that were included in the senate version of the bill and to use those funds for public education, nursing homes, and libraries.

HB 1 - REMARKS

REPRESENTATIVE SIMPSON: Members, I have a motion to instruct the conferees on **HB 1**. It states, basically, that we would take the senate version of the Texas emerging technology fund, which is \$0, and our version in the house, I believe it's approximately \$139 million, and we allow these funds to be dispersed by the conferees for the use of public education, nursing homes, and libraries. So again, this is a motion to instruct the conferees to use the funds that in the house version are about \$139 million for the Texas emerging technology fund, and to use instead the senate version, which is \$0, and to use those funds and to spread them between public ed.—

REPRESENTATIVE GALLEGO: Mr. Simpson, are you aware of some of the challenges with the emerging technology fund?

SIMPSON: I'm aware the U.S. Constitution, which we all swore an oath to, says that we should promote the general welfare. I believe this promotes concentrated welfare for particular instances around our state.

GALLEGO: Well, if you look at many of the major newspapers, whether it be in Dallas, or Fort Worth, or Houston, there have been major issues with the emerging technology fund and how that funding has been used in terms of not being a good investment, not being a good rate of return for the taxpayers of Texas.

SIMPSON: And I've heard there have been some accounting issues, that we need more transparency in these funds.

GALLEGO: Mr. Simpson, you are very kind, and very diplomatic by calling them "accounting issues." But, I just want to bring to your attention that not only is it concentrated, but frankly, that fund hasn't served its purpose well, and it probably would be a much better rate of return, over the long term, if it was invested in the items you seek to invest it in.

SIMPSON: Thank you, I agree.

The motion to instruct conferees prevailed by (Record 798): 71 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Berman; Bonnen; Brown; Burnam; Cain; Deshotel; Dukes; Dutton; Eiland; Farias; Fletcher; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hilderbran; Hochberg; Hughes; Johnson; King, T.; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; McClendon; Menendez;

Muñoz; Naishtat; Nash; Orr; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Sheets; Simpson; Smithee; Solomons; Strama; Thompson; Truitt; Turner; Villarreal; Vo; Walle; White.

Nays — Anderson, C.; Aycock; Branch; Burkett; Button; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Frullo; Geren; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Lewis; Madden; Margo; Miller, D.; Morrison; Murphy; Otto; Parker; Paxton; Pitts; Riddle; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Torres; Veasey; Weber; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Christian; Coleman; Davis, Y.; King, S.; Martinez Fischer; Miles; Miller, S.; Oliveira; Patrick; Peña; Taylor, L.

STATEMENTS OF VOTE

I was shown voting no on Record No. 798. I intended to vote yes.

Branch

When Record No. 798 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 798 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

I was shown voting no on Record No. 798. I intended to vote yes.

Zedler

HB 1 - MOTION TO INSTRUCT CONFEREES

Representative Simpson moved to instruct the Conference Committee on **HB 1** to include in the bill the appropriations and related provisions for the Texas enterprise fund that were included in the senate version of the bill and to use those funds for public education, nursing homes, and libraries.

The motion to instruct conferees was lost by (Record 799): 23 Yeas, 104 Nays, 5 Present, not voting.

Yeas — Allen; Alonzo; Burnam; Dutton; Eiland; Farias; Gallego; Gutierrez; Hochberg; Hughes; King, T.; Landtroop; Lozano; Perry; Pickett; Quintanilla; Raymond; Reynolds; Simpson; Veasey; Villarreal; Walle; White.

Nays — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gonzales, V.;

Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Weber; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Dukes; Giddings; McClendon; Menendez.

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Coleman; Davis, Y.; Deshotel; Guillen; Mallory Caraway; Martinez Fischer; Miles; Oliveira; Scott.

STATEMENTS OF VOTE

When Record No. 799 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

I was shown voting no on Record No. 799. I intended to vote yes.

Zedler

HB 1 - MOTION TO INSTRUCT CONFEREES

Representative Simpson moved to instruct the Conference Committee on **HB 1** to include in the bill the appropriations and related provisions for film and music marketing that were included in the senate version of the bill and to use those funds for public education, nursing homes, and libraries.

The motion to instruct conferees was lost by (Record 800): 28 Yeas, 100 Nays, 3 Present, not voting.

Yeas — Bonnen; Burkett; Burnam; Cain; Davis, S.; Davis, Y.; Dutton; Farias; Gooden; Hughes; Johnson; King, S.; King, T.; Landtroop; Laubenberg; Paxton; Peña; Perry; Phillips; Quintanilla; Raymond; Sheets; Simpson; Smithee; Villarreal; Walle; Weber; White.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Button; Carter; Chisum; Christian; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Eiland; Elkins; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Pickett;

Pitts; Price; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Vo; Woolley; Workman; Zerwas.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Coleman; Eissler; Guillen; Martinez Fischer; Menendez; Miles; Oliveira; Smith, W.; Turner; Zedler.

STATEMENT OF VOTE

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

Martinez Fischer

HB 1 - MOTION TO INSTRUCT CONFEREES

Representative Burnam moved to instruct the Conference Committee on **HB 1** to not sign a conference committee report that does not fund Texas nursing homes to FY 2010-11 levels, plus enrollment growth, and that does not fund TEXAS Grants to FY 2010-11 levels, plus enrollment growth.

The motion to instruct conferees was lost by (Record 801): 51 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Burnam; Christian; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hilderbran; Hochberg; Howard, D.; Johnson; King, T.; Kolkhorst; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miller, D.; Muñoz; Naishtat; Nash; Oliveira; Orr; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheffield; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Nays — Aliseda; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Elkins; Fletcher; Frullo; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; 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(C).

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Coleman; Eissler; Geren; Harper-Brown; Martinez Fischer; Miles; Turner.

STATEMENTS OF VOTE

When Record No. 801 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 801 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

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).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, at 1 p.m. today, in 1W.14, to consider **HB 2166**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Natural Resources, 1 p.m. today, 1W.14, for a formal meeting, to consider **HB 2166** and pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 12:25 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 12:25 p.m. today, 3W.9, for a formal meeting, to consider pending business.

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. 23).

HB 1 - (consideration continued)**HB 1 - MOTION TO INSTRUCT CONFEREES**

Representative Veasey moved to instruct the Conference Committee on **HB 1** to not sign a conference committee report that does not fund the TEXAS Grant program for each fiscal year of the state fiscal biennium ending August 31,

2013, at least at the same level the program was funded for the state fiscal year ending August 31, 2011, as adjusted for any change in student enrollment in public institutions of higher education.

The motion to instruct conferees was lost by (Record 802): 46 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Branch; Burnam; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hilderbran; Hochberg; Howard, D.; Johnson; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miller, S.; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Sheffield; Simpson; Strama; Veasey; Villarreal; Vo; Walle; White.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Burkett; Callegari; Carter; Coleman; Farias; Geren; King, T.; Martinez Fischer; Miles; Perry; Rodriguez; Thompson; Turner.

STATEMENTS OF VOTE

When Record No. 802 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 802 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

I was shown voting yes on Record No. 802. I intended to vote no.

S. Miller

HB 1 - CONFERENCE COMMITTEE INSTRUCTED

Representative Perry moved to instruct the Conference Committee on **HB 1** to establish the following priorities for the expenditure of any funds in excess of amounts appropriated by the house version of the bill or amounts reallocated by the senate version of the bill in the conference committee report in proportion to the amounts represented in the senate version of the bill:

- (1) Health and Human Services programs, including nursing homes and other programs under the Department of Aging and Disability Services; and
- (2) Public Education.

The motion to instruct conferees prevailed by (Record 803): 70 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, R.; Beck; Bonnen; Burkett; Burnam; Cain; Carter; Christian; Davis, S.; Dukes; Dutton; Farias; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Harless; Hilderbran; Hochberg; Hughes; Isaac; Jackson; King, S.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Marquez; Martinez; McClendon; Menendez; Muñoz; Naishtat; Nash; Orr; Patrick; Paxton; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Simpson; Smith, T.; Smithee; Strama; Torres; Truitt; Villarreal; Vo; Walle; White; Zedler.

Nays — Alonzo; Anderson, C.; Aycock; Berman; Branch; Brown; Button; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Frullo; Gooden; Gutierrez; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Hunter; Keffer; King, P.; Kleinschmidt; Lewis; Lyne; Madden; Mallory Caraway; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Oliveira; Otto; Parker; Pitts; Riddle; Ritter; Sheffield; Shelton; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Veasey; Woolley; Workman; Zerwas.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Coleman; Geren; Hancock; Johnson; King, T.; Martinez Fischer; Miles; Peña; Thompson; Turner; Weber.

STATEMENTS OF VOTE

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

Geren

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

Martinez Fischer

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

Weber

HB 1 - CONFERENCE COMMITTEE INSTRUCTED

Representative Chisum moved to instruct the Conference Committee on **HB 1** to include in the conference committee report language from Article II, Sec. B.13, House Engrossed Version (House Floor Amendment No. 64) without change to the substance of that section.

The motion to instruct conferees prevailed by (Record 804): 115 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Orr; Otto; Parker; Patrick; 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; Veasey; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Burnam; Creighton; Davis, Y.; Dutton; Gutierrez; Hartnett; Hochberg; Johnson; King, S.; Laubenberg; Nash; Oliveira; Paxton; Reynolds; Turner; Villarreal; Walle.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Callegari; Coleman; Geren; Hancock; Jackson; Martinez Fischer; Miles; Thompson.

STATEMENTS OF VOTE

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

Geren

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

Martinez Fischer

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

Paxton

HB 1 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1**: Pitts, chair; Turner, Zerwas, Otto, and Crownover.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Pitts requested permission for the Conference Committee on **HB 1** to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

Representative Truitt requested permission for the Committee on Pensions, Investments, and Financial Services to meet while the house is in session, at 3 p.m. today, in 3W.9, to consider pending business.

(Bonnen in the chair)

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, Investments, and Financial Services, 3 p.m. today, 3W.9, for a formal meeting, to consider pending business.

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

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

HB 710 ON THIRD READING

(by Walle, Menendez, Naishtat, and Muñoz)

HB 710, A bill to be entitled An Act relating to verification of identity of applicants for benefits under and prevention of duplicate participation in the financial assistance and supplemental nutrition assistance programs.

HB 710 was passed by (Record 805): 106 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, R.; Aycock; Beck; Brown; Burnam; Button; Cain; Chisum; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eissler; Farias; Fletcher; Frullo; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Scott; Sheets;

Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Torres; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Berman; Elkins; Keffer; King, P.; Paxton; Schwertner; Truitt; Zedler.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Aliseda; Anchia; Branch; Burkett; Callegari; Carter; Christian; Coleman; Darby; Davis, Y.; Eiland; Gallego; Geren; Hancock; Johnson; Lucio; Martinez Fischer; Miles; Otto; Pitts; Rodriguez; Solomons; Thompson; Turner; Villarreal.

STATEMENTS OF VOTE

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

Anchia

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

Branch

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

Button

When Record No. 805 was taken, my vote failed to register. I would have voted yes.

Carter

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

Fletcher

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

Geren

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

Johnson

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

Martinez Fischer

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

D. Miller

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

S. Miller

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

Solomons

HB 2610 ON THIRD READING
(by Guillen, Hopson, and Dukes)

HB 2610, A bill to be entitled An Act relating to the establishment of a community-based navigator program to assist individuals applying or seeking to apply through the Internet for certain public assistance benefits programs.

HB 2610 was passed by (Record 806): 64 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Berman; Burnam; Chisum; Crownover; Davis, J.; Deshotel; Dukes; Dutton; Eissler; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hardcastle; Hartnett; Hochberg; Howard, D.; Hughes; Hunter; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Scott; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Torres; Vo; Walle.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Brown; Button; Cain; Cook; Craddick; Creighton; Davis, S.; Driver; Elkins; Fletcher; Frullo; Hamilton; Harless; Harper-Brown; Hilderbran; Howard, C.; Isaac; Jackson; King, P.; King, S.; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Riddle; Ritter; Schwertner; Sheets; Smith, T.; Solomons; Taylor, V.; Truitt; Veasey; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Aliseda; Anchia; Branch; Burkett; Callegari; Carter; Christian; Coleman; Darby; Davis, Y.; Eiland; Farias; Gallego; Geren; Hancock; Johnson; Martinez Fischer; Miles; Rodriguez; Thompson; Turner; Villarreal.

STATEMENTS OF VOTE

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

Anchia

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

Branch

When Record No. 806 was taken, my vote failed to register. I would have voted yes.

Carter

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

Geren

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

Kolkhorst

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

Martinez Fischer

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

W. Smith

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

Zerwas

HB 2704 ON THIRD READING (by Sheffield)

HB 2704, A bill to be entitled An Act relating to a parent's right to object to physical fitness assessment of the parent's child by a school district.

HB 2704 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE R. ANDERSON: Mr. Sheffield, I just heard from the back microphone that there hadn't been parents that have objected to this. Are you aware of parents that have objected to this fitness assessment, also called the Fitnessgram? Okay, I will also join that. One of the things that tend to be lost in this is that many times the children that are being tested are being tested in public.

Are you aware of the anti-bullying legislation we just passed a couple of days ago? It plays a very big role, and as the parent of a child who is overweight—who has eaten everything that my 15-year-old that is as slim as my index, or my little finger—we have been through early childhood intervention, we have been through a pilot program at Children's Medical Center, and yet, when he is subjected to this fitness program in front of fifth-grade boys and girls, and he takes the absolute dejection and the absolute ridicule, I absolutely want the opportunity to opt my child out. Not because I don't care about my child, not because I don't care about the fitness of my child, but because I care about the mental well-being of my child.

And I care about the bullying that happens every single day that this test occurs, and I've been through it, I've lived through it. I've watched my son live through it. That's why I would absolutely like us to get rid of the Fitnessgram on a financial basis, but this is a good start.

REMARKS ORDERED PRINTED

Representative Sheffield moved to print remarks by Representative R. Anderson.

The motion prevailed.

HB 2704 was passed by (Record 807): 119 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Frullo; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Gallego; Gutierrez; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Muñoz; Rodriguez; Thompson; Veasey; Villarreal; Walle.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Giddings; King, T.; Miles.

HB 1418 ON THIRD READING (by Hughes)

HB 1418, A bill to be entitled An Act relating to inmate litigation.

HB 1418 was passed by (Record 808): 130 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Frullo; Gallego; Geren;

Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; 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; Bonnen(C).

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Burnam; Giddings; Guillen; King, T.; Lucio; Miles; Muñoz; Raymond; Scott; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 808. I intended to vote no.

Anchia

I was shown voting yes on Record No. 808. I intended to vote no.

Marquez

HB 1788 ON THIRD READING (by Farias, T. King, Larson, and Gallego)

HB 1788, A bill to be entitled An Act relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.

Representative Farias moved to postpone consideration of **HB 1788** until 1:16 p.m. today.

The motion prevailed.

(P. King in the chair)

HB 2029 ON THIRD READING (by Flynn)

HB 2029, A bill to be entitled An Act relating to the sale of a cemetery plot; providing penalties.

HB 2029 was passed by (Record 809): 114 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias;

Fletcher; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Hughes; Hunter; Isaac; Jackson; Johnson; King, S.; Kleinschmidt; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; White; Woolley; Zedler; Zerwas.

Nays — Carter; Chisum; Elkins; Hilderbran; Howard, D.; Keffer; Kolkhorst; Kuempel; Madden; Miller, S.; Phillips; Sheffield; Taylor, V.; Weber; Workman.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Aycock; Creighton; Giddings; Guillen; King, T.; Lucio; Menendez; Miles; Pitts; Raymond; Turner.

STATEMENT OF VOTE

I was shown voting no on Record No. 809. I intended to vote yes.

D. Howard

HB 2329 ON THIRD READING (by Zedler)

HB 2329, A bill to be entitled An Act relating to the confidentiality of certain information regarding victims of trafficking of persons and to the issuance and enforcement of protective orders to protect victims of trafficking of persons; providing penalties.

(Bonnen in the chair)

HB 2329 was passed by (Record 810): 129 Yeas, 1 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; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Fletcher; Frullo; Gallego; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips;

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

Nays — Torres.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Crownover; Eissler; Elkins; Giddings; Gonzales, V.; King, T.; Lucio; Miles; Pickett; Turner.

STATEMENT OF VOTE

I was shown voting no on Record No. 810. I intended to vote yes.

Torres

HB 3393 ON THIRD READING (by Hughes)

HB 3393, A bill to be entitled An Act relating to the filing by a court reporter of an official transcript of a court proceeding.

HB 3393 was passed by (Record 811): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lozano; 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; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Burnam; Elkins; King, T.; Larson; Lucio; Pickett; Reynolds.

STATEMENT OF VOTE

When Record No. 811 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

**HB 3483 ON THIRD READING
(by Christian)**

HB 3483, A bill to be entitled An Act relating to seller's disclosure regarding the presence of contaminants on residential real property.

HB 3483 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PHILLIPS: Is it your intent by this disclosure—there is no penalty associated, or requirement if it is unknown to the property owner. Is that correct?

REPRESENTATIVE CHRISTIAN: That is correct.

PHILLIPS: And that would be your—the answer to that question would be proper to say is the legislative intent of this legislation?

CHRISTIAN: That is correct. It is just to notify, if it is known that they be notified. I've had several instances where people would buy property, later find out there was contaminants, and wound up going into bankruptcy to take care of a problem with TCEQ that they weren't even aware of when they started. And it's been a horrible situation as people get this property that had old businesses that were there 30 years prior, and yet it is the current owner that is liable for any repair. So, it's been a horrible situation, destroyed a couple of young couples, their entire futures, through areas they didn't even know. So, this just says they must be notified in residential purchases.

REMARKS ORDERED PRINTED

Representative Phillips moved to print remarks between Representative Christian and Representative Phillips.

The motion prevailed.

HB 3483 was passed by (Record 812): 129 Yeas, 7 Nays, 3 Present, not voting.

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

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

Nays — Anchia; Harper-Brown; Miller, S.; Orr; Phillips; Solomons; Strama.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Coleman; King, T.; Lucio.

STATEMENT OF VOTE

I was shown voting yes on Record No. 812. I intended to vote no.

Weber

HB 2678 ON THIRD READING

(by T. Smith)

HB 2678, A bill to be entitled An Act relating to the regulation of driver training schools and instructors.

HB 2678 was passed by (Record 813): 129 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Frullo; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; 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; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Zedler; Zerwas.

Nays — Carter; Isaac; Kolkhorst; Simpson; Workman.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Aycock; Chisum; Geren; King, T.; Laubenberg; Lavender.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 813. I intended to vote no.

Christian

When Record No. 813 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

**HB 2814 ON THIRD READING
(by Hochberg)**

HB 2814, A bill to be entitled An Act relating to electronic voter registration.

Amendment No. 1

Representative Zedler offered the following amendment to **HB 2814**:

Amend **HB 2814** (second reading engrossment), on page 2, between lines 5 and 6, by inserting the following:

(f) The rules adopted under Subsection (e) must require that each Internet website through which a person may complete a voter registration application include a description of the offense described by Section 13.007 in a conspicuous location on the website near the place where the person begins or submits the application.

Amendment No. 1 was adopted.

HB 2814, as amended, was passed by (Record 814): 138 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; 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; White; Woolley; Workman; Zedler; Zerwas.

Nays — Weber.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — King, T.

POSTPONED BUSINESS

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

HB 1788 ON THIRD READING **(by Farias, T. King, Larson, and Gallego)**

HB 1788, A bill to be entitled An Act relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.

HB 1788 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 1788**:

Amend **HB 1788** (second reading engrossment) as follows:

(1) On page 3, lines 14 and 15, strike "Subsections (c) and (d)" and substitute "Subsections (c), (d), and (e)".

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

(e) A person may not use a spotlight attached to a motor vehicle in capturing a reptile or amphibian under Subsection (c).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gallego offered the following amendment to **HB 1788**:

Amend **HB 1788** on third reading on page 2, by striking lines 24-27 and substituting the following:

(2) an employee of the state, a utility, as defined by Section 203.091, Transportation Code, or a power generation company, as defined by Section 31.002, Utilities Code, and is acting in the course and scope of the person's employment with the state, the utility, or the power generation company; or

Amendment No. 2 was adopted.

HB 1788, as amended, was passed by (Record 815): 108 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Branch; Burnam; Button; Carter; Chisum; Coleman; Cook; Craddick; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Howard, C.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Larson; Lavender; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez;

Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Aycock; Beck; Berman; Brown; Burkett; Cain; Callegari; Christian; Creighton; Darby; Fletcher; Frullo; Hartnett; Howard, D.; King, S.; Kuempel; Landtroop; Laubenberg; Legler; Lewis; Madden; Miller, S.; Parker; Paxton; Perry; Riddle; Schwertner; Sheffield; Weber; White; Zedler.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Guillen.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Pickett requested permission for the Committee on Defense and Veterans' Affairs to meet while the house is in session, at 2 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 2:30 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 23).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, 2:30 p.m. today, 1W.14, for a formal meeting, to consider pending business.

Defense and Veterans' Affairs, 2 p.m. today, 3W.15, for a formal meeting, to consider pending business.

GENERAL STATE CALENDAR (consideration continued)

HB 1278 ON THIRD READING (by Coleman)

HB 1278, A bill to be entitled An Act relating to regulation by a property owners' association of certain religious displays.

HB 1278 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KOLKHORST: Chairman Coleman, just a couple of clarifications about your bill. I know I saw some of the testimony and so forth in the committee. The way I'm reading this—I want to clarify that you are saying to property owners, "You cannot prohibit religious symbols." And kind of, in a way, creating a floor. It doesn't mean a property owners association—I mean a homeowners association, or a property owners association can't make and allow bigger religious symbols?

REPRESENTATIVE COLEMAN: They can allow religious symbols of any size. This does not prohibit at all the placement of religious symbols. What it does is it allows a prohibition—doesn't allow a prohibition of a very small religious symbol if someone were to prohibit them.

KOLKHORST: So, what you're trying to get at is keeping someone from—you're allowing a religious—you're saying you have to allow it at least at 25 square inches?

COLEMAN: That's correct.

KOLKHORST: Instead of saying that's all you can do?

COLEMAN: That's correct. It takes the all-or-nothing away and allows for someone to place a religious, a small symbol, if a homeowners' is trying to ban a placement of all religious symbols.

REMARKS ORDERED PRINTED

Representative Kolkhorst moved to print remarks between Representative Coleman and Representative Kolkhorst.

The motion prevailed.

HB 1278 was passed by (Record 816): 129 Yeas, 4 Nays, 2 Present, not voting.

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

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson; Huberty.

Absent — Creighton; King, T.; Kuempel; Martinez; Nash; Pickett; Sheets.

STATEMENTS OF VOTE

I was shown voting no on Record No. 816. I intended to vote yes.

Christian

When Record No. 816 was taken, I was excused because of important business in the district. I would have voted yes.

Huberty

I was shown voting no on Record No. 816. I intended to vote yes.

S. King

When Record No. 816 was taken, I was temporarily out of the house chamber. I would have voted yes.

Sheets

HB 751 ON THIRD READING

(by Lewis)

HB 751, A bill to be entitled An Act relating to the attendance by a quorum of a legislative standing committee at a caucus meeting.

Representative Lewis moved to postpone consideration of **HB 751** until 2:05 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR

SENATE BILLS

THIRD READING

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

SB 1107 ON THIRD READING

(C. Howard - House Sponsor)

SB 1107, A bill to be entitled An Act relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.

(Huberty now present)

(P. King in the chair)

SB 1107 was passed by (Record 817): 122 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Fletcher; Frullo; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; 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.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Peña; Perry; 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; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Berman; Bonnen; Cain; Christian; Elkins; Hancock; Hartnett; Hilderbran; Miller, S.; Orr; Paxton; Phillips; Simpson; Weber.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson.

Absent — Gallego; Gonzales, L.; Hochberg; Lyne; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 817. I intended to vote no.

Harless

I was shown voting no on Record No. 817. I intended to vote yes.

Hilderbran

I was shown voting yes on Record No. 817. I intended to vote no.

Hughes

I was shown voting present, not voting on Record No. 817. I intended to vote no.

P. King

I was shown voting yes on Record No. 817. I intended to vote no.

Landtroop

When Record No. 817 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

SB 132 ON THIRD READING
(Flynn - House Sponsor)

SB 132, A bill to be entitled An Act relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.

Representative Bonnen moved to postpone consideration of **SB 132** until 2:30 p.m. today.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative Simpson moved to print his remarks regarding his motion to instruct conferees on the emerging technology fund.

The motion prevailed.

SB 1168 ON THIRD READING
(Harper-Brown - House Sponsor)

SB 1168, A bill to be entitled An Act relating to the repeal of the certification process for personnel service owners and the regulation of personnel services.

SB 1168 was passed by (Record 818): 135 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; 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; 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.

Nays — Berman; Elkins; Hilderbran; Phillips.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson.

Absent — Hochberg; Lyne.

POSTPONED BUSINESS

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

HB 3473 ON SECOND READING (by Gallego)

HB 3473, A bill to be entitled An Act relating to a defense to prosecution for a child younger than 14 years old for the offense of prostitution.

HB 3473 was read second time on May 4 and was postponed until 7 a.m. today.

HB 3473 was passed to engrossment by (Record 819): 133 Yeas, 0 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **HB 3473** was amended and was passed to engrossment.)

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eissler; Elkins; Farias; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffèr; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; 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; Truitt; Turner; Veasey; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson.

Absent — Allen; Dutton; Eiland; Lyne; Madden; Torres; Villarreal; Vo.

STATEMENT OF VOTE

When Record No. 819 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

CSHB 922 ON SECOND READING (by Riddle, V. Taylor, Carter, et al.)

CSHB 922, A bill to be entitled An Act relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

CSHB 922 was read second time on May 4, postponed until May 5, and was again postponed until 7 a.m. today.

Representative Riddle moved to postpone consideration of **CSHB 922** until 3 p.m. today.

The motion prevailed.

HB 2197 ON SECOND READING
(by Rodriguez)

HB 2197, A bill to be entitled An Act relating to the purchase of property as part of a homestead land bank program.

HB 2197 was read second time on May 4, postponed until May 5, and was again postponed until 7 a.m. today.

HB 2197 was passed to engrossment. (Berman and Flynn recorded voting no.)

CSHB 3375 ON SECOND READING
(by Murphy, Zedler, et al.)

CSHB 3375, A bill to be entitled An Act relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits and to certain criminal procedures involving offenses in general.

CSHB 3375 was read second time on May 4 and was postponed until 7:30 a.m. today.

Representative Murphy moved to postpone consideration of **CSHB 3375** until 2 p.m. today.

The motion prevailed.

CSHB 2963 ON SECOND READING
(by Crownover)

CSHB 2963, A bill to be entitled An Act relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.

CSHB 2963 was read second time on May 3 and was postponed until 8 a.m. today.

Representative Crownover moved to postpone consideration of **CSHB 2963** until 8 a.m. Monday, May 9.

The motion prevailed.

CSHB 1629 ON SECOND READING
(by Anchia)

CSHB 1629, A bill to be entitled An Act relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.

CSHB 1629 was read second time on May 3 and was postponed until 8 a.m. today.

Representative Anchia moved to postpone consideration of **CSHB 1629** until 2:10 p.m. today.

The motion prevailed.

HB 2043 ON SECOND READING
(by Menendez)

HB 2043, A bill to be entitled An Act relating to the taxation of certain tangible personal property located inside a defense base development authority.

HB 2043 was read second time on May 4, postponed until May 5, and was again postponed until 8 a.m. today.

Representative Menendez moved to postpone consideration of **HB 2043** until 8 a.m. Monday, July 4.

The motion prevailed.

HB 3132 ON SECOND READING
(by Geren)

HB 3132, A bill to be entitled An Act relating to the membership, powers, and duties of the State Preservation Board.

HB 3132 was read second time on May 3, postponed until May 4, postponed until May 5, and was again postponed until 8 a.m. today.

Representative Geren moved to postpone consideration of **HB 3132** until 10 a.m. Monday, May 9.

The motion prevailed.

HB 3473 - VOTE RECONSIDERED

Representative Gallego moved to reconsider the vote by which **HB 3473** was passed to engrossment.

The motion to reconsider prevailed.

HB 3473 ON SECOND READING
(by Gallego)

The chair laid before the house, on its second reading and passage to engrossment,

HB 3473, A bill to be entitled An Act relating to a defense to prosecution for a child younger than 14 years old for the offense of prostitution.

HB 3473 was read second time earlier today and was passed to engrossment.

Amendment No. 1

Representative Menendez offered the following amendment to **HB 3473**:

Amend **HB 3473** by adding the following and renumbering the sections appropriately:

SECTION 1. Section 43.02(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if [unless] the actor has previously been convicted one or two times of an offense under this section;

(2) a state jail felony if [~~in which event it is a Class A misdemeanor. #~~] the actor has previously been convicted three or more times of an offense under this section; or

(3) a felony of the third degree if:

(A) the actor is the person who is to pay the fee or who solicits another for hire; and

(B) the person who is to receive the fee or who is solicited to be hired is younger than 17 years of age at the time of the offense [~~the offense is a state jail felony~~].

SECTION 2. Section 43.03(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the actor has previously been convicted of an offense under this section; or

(2) a felony of the third degree if:

(A) the person who provides prostitution services from which the actor receives money or other property is younger than 17 years of age at the time of the offense; or

(B) the actor solicits another to engage in sexual conduct with a person who is younger than 17 years of age.

SECTION 3. Section 43.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree, unless any prostitute that is part of the actor's prostitution enterprise is younger than 17 years of age at the time of the offense, in which event it is a felony of the second degree.

SECTION 4. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c)(3) of that section;

(B-2) a violation of Section 43.03 (Promotion of prostitution), Penal Code, if the offense is punishable under Subsection (b)(2) of that section;

(B-3) a violation of Section 43.04 (Aggravated promotion of prostitution), Penal Code, if the offense is punishable as a felony of the second degree; and

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (B-2), (B-3), (C), (D), (E), (G), or (J), but not if the violation results in a deferred adjudication;

Amendment No. 1 was adopted.

HB 3473, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

SB 1680 ON SECOND READING

(Murphy - House Sponsor)

SB 1680, A bill to be entitled An Act relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits and to certain criminal procedures involving offenses in general.

SB 1680 was considered in lieu of **CSHB 3375**.

SB 1680 was read second time and was passed to third reading.

CSHB 3375 - LAID ON THE TABLE SUBJECT TO CALL

Representative Murphy moved to lay **CSHB 3375** on the table subject to call.

The motion prevailed.

HB 751 ON THIRD READING

(by Lewis)

HB 751, A bill to be entitled An Act relating to the attendance by a quorum of a legislative standing committee at a caucus meeting.

HB 751 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 751**:

Amend **HB 751** (second reading engrossment) on page 1, lines 18 and 19, by striking "lieutenant governor or the governor" and substituting "lieutenant governor, the governor, or a former member of the legislature".

Amendment No. 1 was adopted.

HB 751, as amended, was passed by (Record 820): 136 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; Christian; Coleman; Cook; Craddick; Creighton;

Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; 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; King, P.(C).

Absent, Excused — Bohac; Castro; Farrar; Flynn; Garza; Hernandez Luna; Hopson.

Absent — Bonnen; Chisum; Dutton; Keffer; Nash.

SB 1104 ON SECOND READING
(W. Smith and Legler - House Sponsors)

SB 1104, A bill to be entitled An Act relating to the operation, powers, and duties of ship channel districts.

SB 1104 was considered in lieu of **CSHB 2232**.

SB 1104 was read second time and was passed to third reading.

CSHB 3308 ON SECOND READING
(by Rodriguez)

CSHB 3308, A bill to be entitled An Act relating to the operation of plug-in electric motor vehicles.

CSHB 3308 was read second time on May 5 and was postponed until 8 a.m. today.

Representative Rodriguez moved to postpone consideration of **CSHB 3308** until 7 a.m. tomorrow.

The motion prevailed.

HB 1250 ON SECOND READING
(by Frullo)

HB 1250, A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

HB 1250 was read second time on April 26, postponed until May 3, and was again postponed until 9 a.m. today.

Representative Frullo moved to postpone consideration of **HB 1250** until 9 a.m. Monday, May 9.

The motion prevailed.

SB 1341 ON SECOND READING
(Elkins - House Sponsor)

SB 1341, A bill to be entitled An Act relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

SB 1341 was considered in lieu of **HB 1435**.

SB 1341 was read second time and was passed to third reading.

HB 1435 - LAID ON THE TABLE SUBJECT TO CALL

Representative Elkins moved to lay **HB 1435** on the table subject to call.

The motion prevailed.

HB 1477 ON SECOND READING
(by Allen and Marquez)

HB 1477, A bill to be entitled An Act relating to awarding credit to certain inmates for time between release on and revocation of parole, mandatory supervision, or conditional pardon.

HB 1477 was read second time on May 4, postponed until later that day, and was again postponed until 12 p.m. today.

Representative Allen moved to postpone consideration of **HB 1477** until 12 p.m. Wednesday, June 1.

The motion prevailed.

CSHB 2232 - LAID ON THE TABLE SUBJECT TO CALL

Representative W. Smith moved to lay **CSHB 2232** on the table subject to call.

The motion prevailed.

EMERGENCY CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 12 ON SECOND READING
(by Solomons, Bohac, Harless, et al.)

CSHB 12, A bill to be entitled An Act relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

CSHB 12 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 12** under Rule 4, Section 20(a) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The chair overruled the point of order and had read the following statement:

Representative Martinez Fischer raised a point of order under Rule 4, Section 20. Representative Martinez Fischer has provided one witness affirmation form that has a form left entirely blank on the line entry of a telephone number. Mr. Martinez Fischer states that other forms may contain this same defect.

A similar point was considered in **HB 2292**, 78th Regular Session (2003). In that case, two witness affirmation forms were left entirely blank or had an entry "N/A". The speaker in that case ruled that if there was sufficient information to allow an interested party to contact a witness regarding testimony given by a witness during a committee hearing, the purpose of the rule had been complied with. In this case, as in the ruling on **HB 2292**, the witness provided a complete mailing address that was sufficient for the purpose of the rule to be satisfied. Accordingly, the point of order is respectfully overruled.

(Speaker in the chair)

CSHB 12 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 12** under Rule 4, Section 20(a)(4) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The speaker overruled the point of order.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 3:35 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 3:35 p.m. today, 3W.9, for a formal meeting, to set a calendar.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Ways and Means to meet while the house is in session, at 4 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

Representative S. Miller requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 4:30 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Homeland Security and Public Safety, 4:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Ways and Means, 4 p.m. today, 3W.15, for a formal meeting, to consider pending business.

CSHB 12 - (consideration continued)

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks on **CSHB 12**.

The motion prevailed. [Please refer to the supplement to today's journal for the text of the debate on **CSHB 12**.]

(Castro now present)

Representative V. Gonzales moved to suspend all necessary rules to extend speaking time on **CSHB 12**.

The motion prevailed by (Record 821): 96 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Branch; Brown; Burkett; Burnam; Castro; Chisum; Christian; Cook; Craddick; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harper-Brown; Hartnett; Hochberg; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Lewis; Lozano; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Peña; Phillips; Pickett; Price; Quintanilla; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson, C.; Aycock; Beck; Berman; Bonnen; Button; Carter; Creighton; Fletcher; Harless; Jackson; Kleinschmidt; Legler; Madden; Miller, D.; Miller, S.; Nash; Perry; Riddle; Ritter; Sheffield; Weber; Woolley; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Farrar; Flynn; Garza; Hernandez Luna; Hopson.

Absent — Cain; Callegari; Coleman; Crownover; Elkins; Guillen; Hancock; Hilderbran; Howard, C.; King, P.; King, S.; Laubenberg; Lucio; Lyne; Morrison; Patrick; Paxton; Pitts; Raymond; Solomons; Taylor, L.; White; Zedler.

STATEMENT OF VOTE

When Record No. 821 was taken, I was in the house but away from my desk. I would have voted yes.

Cain

Amendment No. 1

Representative Gutierrez offered the following amendment to **CSHB 12**:
Floor Packet Page No. 2

Amend **CSHB 12** (house committee report) as follows:

(1) On page 1, line 6, strike "Section 370.0031" and substitute "Sections 370.0031 and 370.005".

(2) On page 2, line 3, between "et seq." and the last underlined period, insert the following:

, pursuant to a written agreement with the United States secretary of homeland security and United States Immigration and Customs Enforcement under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357)

(3) On page 2, line 7, between "following" and the underlined colon, insert "pursuant to the written agreement described by Subsection (c)".

(4) At the end of SECTION 1 of the bill (page 4, between lines 14 and 15), insert the following:

Sec. 370.005. PERFORMANCE OF IMMIGRATION OFFICER FUNCTIONS. Notwithstanding any other law, an entity described by Section 370.0031(a) may not enforce state or federal law relating to immigrants or immigration unless the entity has entered into a written agreement with the United States secretary of homeland security and United States Immigration and Customs Enforcement under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357), to:

(1) provide employees of the entity with immigration law training under the supervision of United States Immigration and Customs Enforcement officers; and

(2) authorize employees of the entity to perform a function of an immigration officer.

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).

(L. Taylor in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Homeland Security and Public Safety:

Peña on motion of Aliseda.

CSHB 12 - (consideration continued)

(Hernandez Luna now present)

CSHB 12 - POINT OF ORDER

Representative Martinez raised a point of order against further consideration of **CSHB 12** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the committee report is incorrect.

The chair overruled the point of order.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 5:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 5:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 12 - (consideration continued)

Representative Solomons moved to table Amendment No. 1.

(Speaker in the chair)

The motion to table prevailed by (Record 822): 93 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Sheets; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Farrar; Flynn; Garza; Hopson.

Absent, Excused, Committee Meeting — Peña.

Absent — Callegari; Reynolds; Truitt.

STATEMENT OF VOTE

When Record No. 822 was taken, my vote failed to register. I would have voted yes.

Truitt

Amendment No. 2

Representative Anchia offered the following amendment to **CSHB 12**:
Floor Packet Page No. 3

Amend **CSHB 12** (house committee report) as follows:

(1) On page 1, line 8, strike "This" and substitute "Except as provided by Subsection (b-1), this".

(2) On page 1, between lines 22 and 23, insert the following:

(b-1) This section does not apply to a local law enforcement agency if the chief law enforcement officer for the agency determines that complying with this section would adversely affect:

(1) the amount of time required for the agency to respond to emergency calls from the public; or

(2) the agency's ability to respond to, investigate, or prosecute violent or drug-related crime, including offenses under Title 5, Penal Code, and Chapter 481, Health and Safety Code.

(Peña now present)

Representative Solomons moved to table Amendment No. 2.

The motion to table prevailed by (Record 823): 95 Yeas, 46 Nays, 1 Present, not voting.

Yeas — 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; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez

Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Farrar; Flynn; Garza; Hopson.

Absent — Allen; Oliveira; Torres.

STATEMENTS OF VOTE

When Record No. 823 was taken, I was in the house but away from my desk. I would have voted no.

Allen

When Record No. 823 was taken, I was in the house but away from my desk. I would have voted no.

Oliveira

When Record No. 823 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

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 12 - (consideration continued)

Amendment No. 3

Representative Martinez Fischer offered the following amendment to **CSHB 12**:

Floor Packet Page No. 4

Amend **CSHB 12** (house committee printing) as follows:

(1) On page 1, line 8, strike "This" and substitute "Except as provided by Subsection (b-1), this".

(2) On page 1, between lines 22 and 23, add the following:

(b-1) This section does not apply to a municipality or county or an officer, employee, or other body that is part of a municipality or county, including a sheriff, municipal police department, municipal attorney, or county attorney, as appropriate, if the governing body of the municipality or county adopts, by a vote of at least three-fourths of the members of the governing body, a resolution to opt out of the application of this section to the municipality or county.

Representative Solomons moved to table Amendment No. 3.

The motion to table prevailed by (Record 824): 93 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; 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; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Farrar; Flynn; Garza; Hopson.

Absent — Christian; Huberty; Thompson; Torres.

STATEMENTS OF VOTE

When Record No. 824 was taken, I was in the house but away from my desk. I would have voted yes.

Christian

When Record No. 824 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 824 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

COMMITTEE GRANTED PERMISSION TO MEET

Representative Guillen requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 6:15 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Culture, Recreation, and Tourism, 6:15 p.m. today, 3W.15, for a formal meeting, to consider pending business.

CSHB 12 - (consideration continued)

Amendment No. 4

On behalf of Representative Farrar, Representative Gallego offered the following amendment to **CSHB 12**:

Floor Packet Page No. 5

Amend **CSHB 12** (house committee printing) as follows:

(1) On page 1, line 10, strike "county".

(2) On page 1, line 13, strike "county".

(3) On page 1, lines 14-15, strike "sheriff, municipal police department, municipal attorney, or county attorney" and substitute "municipal police department or municipal attorney".

(4) On page 2, line 26, strike "or county".

Representative Solomons moved to table Amendment No. 4.

The motion to table prevailed by (Record 825): 94 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Farrar; Flynn; Garza; Hopson.

Absent — Brown; Eiland; Torres; Villarreal.

STATEMENTS OF VOTE

When Record No. 825 was taken, I was in the house but away from my desk. I would have voted yes.

Brown

When Record No. 825 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

(Geren in the chair)

Amendment No. 5

Representative Martinez Fischer offered the following amendment to **CSHB 12**:

Floor Packet Page No. 6

Amend **CSHB 12** (house committee printing) as follows:

(1) On page 1, lines 10-11, strike "municipality, county, or special district or authority, subject to Subsection (b)" and substitute "municipality or county".

(2) On page 1, line 13, strike "municipality, county, or special district or authority," and substitute "municipality or county,".

(3) On page 1, strike lines 17-22.

(4) Reletter subsequent subsections accordingly.

(5) On page 2, line 4, strike "(c)" and substitute "(b)".

(6) On page 3, line 4, 6, 11, 17, and 19, strike "(c)" each place it appears and substitute "(b)".

(7) On page 3, line 23, strike "(f)" and substitute "(e)".

(8) On page 4, lines 3, 5, and 6, strike "(c)" each place it appears and substitute "(b)".

(9) On page 4, line 10, strike "(g)" and substitute "(f)".

CSHB 12 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 12** under Rule 4, Section 20(a)(5) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The point of order was withdrawn.

LEAVE OF ABSENCE GRANTED

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

Giddings on motion of Turner.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Truitt requested permission for the Committee on Pensions, Investments, and Financial Services to meet while the house is in session, at 6:45 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, Investments, and Financial Services, 6:45 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 12 - (consideration continued)

CSHB 12 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 12** under Rule 4, Section 20(a)(5) of the House Rules on the grounds that the sworn statement of witnesses is incorrect.

The chair sustained the point of order.

CSHB 12 was returned to the Committee on State Affairs.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

(Speaker in the chair)

CSHB 400 ON SECOND READING

(by Eissler, Aycock, Crownover, Garza, et al.)

CSHB 400, A bill to be entitled An Act relating to flexibility for public schools to administer primary and secondary education efficiently.

Pursuant to Rule 5, Section 28 of the House Rules, Representative Turner requested an extension of speaking time on **CSHB 400**.

The request was granted by (Record 826): 107 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Christian; Coleman; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Morrison; Muñoz; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zedler; Zerwas.

Nays — Crownover; Geren; Legler; Nash; Weber; White.

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

Absent, Excused — Bohac; Farrar; Flynn; Garza; Giddings; Hopson.

Absent — Anderson, C.; Callegari; Castro; Cook; Elkins; Gutierrez; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Hughes; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Miles; Miller, D.; Miller, S.; Murphy; Paxton; Peña; Perry; Pitts; Ritter; Smith, T.; Smith, W.; Turner.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, at 9 p.m. today, in 3W.15, to consider **HB 12**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 9 p.m. today, 3W.15, for a formal meeting, to consider **HB 12**.

CSHB 400 - (consideration continued)

Amendment No. 1

Representatives Eissler, Weber, Shelton, and T. Smith offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee report) as follows:

(1) On page 5, lines 22 and 23, strike "~~the 45th day before~~" and substitute "the 15th [45th] day before".

(2) On page 5, lines 25 and 26, strike "regular mail or prepaid certified mail or by an express delivery service" and substitute "prepaid certified mail".

(3) On page 6, line 13, strike "~~45th day before the~~" and substitute "15th [45th] day before the".

(4) On page 6, lines 17 and 18, strike "regular mail or prepaid certified mail or by an express delivery service" and substitute "prepaid certified mail".

(5) On page 7, line 11, strike "A school" and substitute "Except as provided under Subsection (g), a school".

(6) On page 8, between lines 26 and 27, insert the following subsections:

(f) A plan adopted under Subsection (a) may not provide for an annual salary of a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse that is less than the minimum salary prescribed by Section 21.4033.

(g) A school district that, before the effective date of a law requiring adoption of such a plan, adopted a strategic compensation plan to recruit, reward, and retain effective classroom teachers, librarians, counselors, and nurses is not required to adopt a strategic compensation plan under this section.

(7) Insert the following appropriately numbered SECTION into the bill:

SECTION _____. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.4033 to read as follows:

Sec. 21.4033. MINIMUM SALARY FOR CERTAIN PROFESSIONAL STAFF. A school district shall pay each district classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than an annual salary of \$27,320.

(8) Strike SECTION 14 of the bill (page 9, line 16, through page 10, line 6) and substitute the following appropriately numbered SECTION:

SECTION _____. Section 25.112, Education Code, is amended by amending Subsection (d) and adding Subsections (d-1) and (e-1) to read as follows:

(d) On application of a school district, the commissioner shall ~~may~~ except the district from the limit in Subsection (a), except as provided by Subsection (d-1) [if the commissioner finds the limit works an undue hardship on the district]. An exception expires at the end of the school year for which it is granted.

(d-1) The commissioner may not grant an exception to a school district under Subsection (d) if the exception would:

(1) allow the district to enroll more than 25 students in a class at a grade level subject to the limit in Subsection (a);

(2) result in the district exceeding a district-wide average enrollment of 22 students in classes at grade levels subject to the limit under Subsection (a); or

(3) negatively affect the education of students enrolled in the district or at a district campus, as applicable, as determined by the commissioner.

(e-1) The board of trustees of a school district may adopt a policy authorizing the superintendent of the district to apply on behalf of the district, as needed, for an exception under Subsection (d).

(9) Strike SECTION 15 of the bill (page 10, lines 7-27) and substitute the following appropriately numbered SECTION:

SECTION _____. Section 25.113(a), Education Code, is amended to read as follows:

(a) A campus or district that is granted an exception under Section 25.112(d) from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception or shall post notice of the exception on the district's Internet website. The notice under this subsection must be in conspicuous bold or underlined print or type and:

(1) specify the class for which an exception from the limit imposed by Section 25.112(a) was granted;

(2) state the number of children in the class for which the exception was granted; and

(3) unless posted on the district's Internet website, be included in a regular mailing or other communication from the campus or district, such as information sent home with students.

(10) Strike SECTION 31 of the bill (page 25, lines 13-22) and substitute the following appropriately numbered SECTION:

SECTION _____. This Act applies beginning with the 2011-2012 school year.

(11) Renumber SECTIONS of the bill appropriately.

(Darby in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hamilton requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, at 8:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures, 8:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 400 - (consideration continued)

Amendment No. 2

Representative Phillips offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by Eissler (82R22676) by striking page 1, line 2, through page 3, line 17, of the amendment, and substituting the following appropriately numbered items:

() Strike page 2, line 9, through page 7, line 8, and substitute the following appropriately numbered SECTIONS:

SECTION _____. Section 21.103(a), Education Code, is amended to read as follows:

(a) The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its decision to terminate the employment to the teacher not later than the 30th ~~[45th]~~ day before the last day of instruction required under the contract. The board's decision is final and may not be appealed.

SECTION _____. Section 21.105(a), Education Code, is amended to read as follows:

(a) A teacher employed under a probationary contract for the following school year may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 30th ~~[45th]~~ day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.

SECTION _____. Section 21.160(a), Education Code, is amended to read as follows:

(a) A teacher employed under a continuing contract may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written

resignation not later than the 30th ~~45th~~ day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at time of mailing.

SECTION _____. Section 21.206(a), Education Code, is amended to read as follows:

(a) Not later than the 30th ~~45th~~ day before the last day of instruction in a school year, the board of trustees shall notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract.

SECTION _____. Section 21.210(a), Education Code, is amended to read as follows:

(a) A teacher employed under a term contract with a school district may relinquish the teaching position and leave the employment of the district at the end of a school year without penalty by filing a written resignation with the board of trustees or the board's designee not later than the 30th ~~45th~~ day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.

SECTION _____. Subchapter I, Chapter 21, Education Code, is amended by adding Sections 21.4021, 21.4022, and 21.4023 to read as follows:

Sec. 21.4021. FURLOUGHS. (a) This section applies only to the 2011-2012 and 2012-2013 school years.

(b) Notwithstanding Section 21.401 and subject to Sections 21.4022 and 21.4023, the board of trustees of a school district may, in accordance with district policy, implement a furlough program and reduce the number of days of service otherwise required under Section 21.401 during a school year if the commissioner certifies in accordance with Section 42.009 that the district will be provided with less state and local funding for that year than was provided to the district for the 2010-2011 school year.

(c) The number of furlough days required under the program may not exceed the lesser of:

(1) six days of service; or

(2) the number of days of service that result in a percentage reduction in salaries paid to employees entitled to the salary described by Section 21.402(d) that is equal to the percentage by which the district's state and local funding is reduced for the applicable school year, as certified by the commissioner under Section 42.009.

(d) Notwithstanding Section 21.402(d) but subject to Section 21.4022, the board of trustees may reduce the salary of an employee who is furloughed in proportion to the number of days by which service is reduced, provided that the furlough program is implemented in compliance with this section.

(e) A furlough program must subject all contract personnel to the same number of furlough days, except that, for purposes of providing professional development, the board of trustees may exempt from furloughs or subject to a lesser number of required furlough days contract personnel assigned to a campus that:

(1) does not satisfy performance standards under Section 39.054(e); or

(2) satisfies performance standards under Section 39.054(e) for the current school year but would not satisfy performance standards under Section 39.054(e) if the standards to be used for the following year were applied to the current year.

(f) An educator may not be furloughed on a day that is included in the number of days of instruction required under Section 25.081.

(g) An educator may not use personal, sick, or any other paid leave while the educator is on a furlough.

(h) A furlough imposed under this section does not constitute a break in service for purposes of the Teacher Retirement System of Texas.

(i) Implementation of a furlough program may not result in an increase in the number of required teacher workdays.

(j) If a board of trustees decides to implement a furlough program after the date by which a teacher must give notice of resignation under Section 21.105, 21.160, or 21.210, as applicable, a teacher who subsequently resigns is not subject to sanctions imposed by the State Board for Educator Certification as otherwise authorized by those sections.

(k) Notwithstanding Section 21.157 or 21.211, a school district that implements a furlough program may not, on the basis of financial exigency, discharge an employee entitled to the salary provided by Section 21.402(d).

(l) A decision by the board of trustees to implement a furlough program:

(1) is final and may not be appealed; and

(2) does not create a cause of action or require collective bargaining.

(m) This section expires September 1, 2013.

Sec. 21.4022. SALARY REDUCTION. (a) This section applies only to the 2011-2012 and 2012-2013 school years.

(b) Notwithstanding Section 21.402(d), but subject to Section 21.4023, a school district may, if authorized by the board of trustees, reduce for a school year the monthly salary of employees otherwise entitled to the salary described by Section 21.402(d) if:

(1) the commissioner certifies in accordance with Section 42.009 that the district will be provided with less state and local funding for that year than was provided to the district for the 2010-2011 school year; and

(2) the district implements a furlough program under Section 21.4021 imposing the greatest number of furlough days permitted under that section, and the program does not produce a percentage of salary reduction equal to the percentage by which the district's state and local funding is reduced for the applicable school year, as certified by the commissioner under Section 42.009.

(c) A school district that reduces salaries under this section must subject all contract personnel to the same percentage salary reduction, except that the district may reduce by a greater percentage the salary of an employee not entitled to the salary described by Section 21.402(d).

(d) A school district may not, through the cumulative effect of furloughs under Section 21.4021 and reductions under this section, reduce employees' salaries received for the 2010-2011 school year by more than the percentage by which the district's state and local funding is reduced for the applicable school year, as certified by the commissioner under Section 42.009.

(e) A decision by the board of trustees to authorize a salary reduction:

(1) is final and may not be appealed; and

(2) does not create a cause of action or require collective bargaining.

(f) Notwithstanding Section 21.157 or 21.211, a school district that reduces salaries under this section may not, on the basis of financial exigency, discharge an employee entitled to the salary provided by Section 21.402(d).

(g) This section expires September 1, 2013.

Sec. 21.4023. REQUIRED PROCESS FOR DEVELOPMENT OF FURLOUGH PROGRAM AND OTHER SALARY REDUCTION PROPOSAL.

(a) The board of trustees of a school district may not implement a furlough program under Section 21.4021 and, if applicable, reduce salaries in accordance with Section 21.4022 until the district has complied with this section.

(b) To develop a furlough program and, if applicable, an additional salary reduction proposal, a school district must use a process that:

(1) includes the involvement of the district's professional staff, either through participation of the district's district-level planning and decision-making committee established under Subchapter F, Chapter 11, or through other means; and

(2) provides district employees with the opportunity to express opinions regarding the furlough program and, if applicable, the salary reduction proposal, at the public meeting required by Subsection (c).

(c) The board of trustees must hold a public meeting at which the board and school district administration present:

(1) information regarding the options considered for managing the district's available resources, including use of the district's available fund balance and use of the Guaranteed Yield Program under Subchapter F, Chapter 42; and

(2) an explanation of how the district intends, through implementation of a furlough program under Section 21.4021 and, if applicable, through other salary reductions authorized under Section 21.4022, to limit the number of district employees who will be discharged or whose contracts will not be renewed.

(d) The explanation of the furlough program under Subsection (c)(2) must state the specific number of furlough days proposed to be required.

(e) The public and school district employees must be provided with an opportunity to comment at the public meeting required under Subsection (c).

(f) This section expires September 1, 2013.

(1) On page 7, line 12, strike "shall" and substitute "may".

() Strike page 8, line 27, through page 10, line 27, and substitute the following appropriately numbered SECTION:

SECTION _____. Section 25.112, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) This subsection applies only to the 2011-2012 and 2012-2013 school years. Notwithstanding any other provision of this section, the commissioner, on application of a school district, shall except the district from the limit in Subsection (a) for a school year for which the commissioner certifies in accordance with Section 42.009 that the district will be provided with less state and local funding for that year than was provided to the district for the 2010-2011 school year. This subsection expires September 1, 2013.

() Strike page 11, line 22, through page 12, line 13.

() Strike page 13, line 20, through page 14, line 5, and substitute the following appropriately numbered SECTION:

SECTION _____. Subchapter A, Chapter 42, Education Code, is amended by adding Section 42.009 to read as follows:

Sec. 42.009. DETERMINATION OF FUNDING LEVELS. (a) Not later than June 1 of 2011 and 2012, the commissioner shall determine for each school district whether the estimated amount of state and local funding per student in weighted average daily attendance to be provided to the district under the Foundation School Program for maintenance and operations for the following school year is less than the amount provided to the district for the 2010-2011 school year. If the amount estimated to be provided is less, the commissioner shall certify the percentage decrease in funding to be provided to the district.

(b) In making the determinations regarding funding levels required by Subsection (a), the commissioner shall:

(1) make adjustments as necessary to reflect changes in a school district's maintenance and operations tax rate;

(2) for a district required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level, base the determinations on the district's net funding levels after deducting any amounts required to be expended by the district to comply with Chapter 41; and

(3) determine a district's weighted average daily attendance in accordance with this chapter as it existed on January 1, 2011.

(c) This section expires September 1, 2013.

() Strike page 22, line 12, through page 24, line 25.

() Strike page 25, lines 23-26.

Pursuant to Rule 5, Section 28 of the House Rules, Representative Aycock requested an extension of speaking time on Amendment No. 2.

The request was granted by (Record 827): 126 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Elkins; Farias;

Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; 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; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Veasey; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Callegari; Geren; Hilderbran; Legler; Truitt.

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

Absent, Excused — Bohac; Farrar; Flynn; Garza; Giddings; Hopson.

Absent — Alvarado; Bonnen; Crownover; Eissler; Harless; Landtroop; Ritter; Taylor, L.; Turner; Villarreal; Walle.

STATEMENT OF VOTE

When Record No. 827 was taken, I was attending a committee meeting. I would have voted yes.

Harless

Representative Eissler moved to table Amendment No. 2.

The motion to table prevailed by (Record 828): 74 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Carter; Chisum; Christian; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kuempel; Larson; Laubenberg; Legler; Lyne; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Vo; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anderson, R.; Brown; Burnam; Castro; Craddick; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Frullo; Gallego; Gonzalez; Gooden; Gutierrez; Hamilton; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Johnson; Keffer; Kolkhorst; Landtroop; Lavender; Lewis; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Ritter; Strama; Thompson; Turner; Villarreal; Walle; White.

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

Absent, Excused — Bohac; Farrar; Flynn; Garza; Giddings; Hopson.

Absent — Cain; Callegari; Coleman; Dutton; Farias; Geren; Gonzales, V.; Guillen; King, T.; Margo; Marquez; Menendez; Oliveira; Perry; Rodriguez; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 828. I intended to vote no.

Anchia

When Record No. 828 was taken, I was in the house but away from my desk. I would have voted yes.

Cain

I was shown voting yes on Record No. 828. I intended to vote no.

Carter

When Record No. 828 was taken, I was in the chair and shown voting present, not voting. I intended to vote no.

Darby

When Record No. 828 was taken, I was temporarily out of the house chamber attending a State Affairs Committee meeting. I would have voted no.

Geren

I was shown voting yes on Record No. 828. I intended to vote no.

S. King

When Record No. 828 was taken, my vote failed to register. I would have voted no.

Menendez

When Record No. 828 was taken, I was in the house but away from my desk. I would have voted no.

Oliveira

I was shown voting present, not voting on Record No. 828. I intended to vote no.

Reynolds

I was shown voting yes on Record No. 828. I intended to vote no.

Vo

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on State Affairs:

Cook on motion of Thompson.

Craddick on motion of Thompson.

Fruzzo on motion of Thompson.

Gallego on motion of Thompson.

Geren on motion of Thompson.

Harless on motion of Thompson.

Hilderbran on motion of Thompson.

Menendez on motion of Thompson.

Oliveira on motion of Thompson.

Sheets on motion of Thompson.

Smithee on motion of Thompson.

Solomons on motion of Thompson.

CSHB 400 - (consideration continued)

Amendment No. 3

Representative Patrick offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Eissler to **CSHB 400** (house committee report) as follows:

(1) On page 2 of the amendment, line 20, strike "class" and substitute "general education class".

(2) On page 2 of the amendment, line 22, strike "classes" and substitute "general education classes".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Patrick offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 to **CSHB 400** by Shelton by inserting the following at the end of the amendment:

(c) Any reduction under this section in the amount of the annual salary paid to a classroom teacher, counselor, librarian, school nurse, or campus-level or district-level administrator must be equally distributed over the course of the employee's current contract with the district.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Strama offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Eissler to **CSHB 400** as follows:

(1) On page 2, line 9, of the amendment, between "SECTION ____." and "Section 25.112", insert "Effective September 1, 2011."

(2) On page 2 of the amendment, at the end of line 30, insert "This subsection and Subsection (d-1) expire September 1, 2014.".

- (3) Insert the following item into the amendment, appropriately numbered:
() Add the following appropriately numbered SECTION to the bill:

SECTION _____. Effective September 1, 2014, Section 25.112(d), Education Code, is amended to read as follows:

(d) On application of a school district, the commissioner may except the district from the limit in Subsection (a) if the commissioner finds the limit works an undue hardship on the district. An exception expires at the end of the school year for which it is granted.

(4) On page 2, of the amendment, strike line 31 and substitute the following appropriately numbered item:

() Strike SECTION 15 of the bill (page 10, lines 7-27).

(5) Strike page 3, lines 1-17 of the amendment.

Amendment No. 5 was withdrawn.

(Cook, Craddick, Gallego, Geren, Menendez, and Oliveira now present)

Amendment No. 6

Representative Shelton offered the following amendment to Amendment No. 1:

Amend **CSHB 400** (house committee report) by inserting into the bill the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.4033 to read as follows:

Sec. 21.4033. REDUCTIONS IN SALARIES OF CLASSROOM TEACHERS AND OTHER DISTRICT EMPLOYEES. (a) This section applies only to a widespread reduction in the amount of the annual salaries paid to school district classroom teachers based primarily on district financial conditions rather than on teacher performance.

(b) For any school year in which a school district has reduced the amount of the annual salaries paid to district classroom teachers from the amount paid for the preceding school year, the district shall reduce the amount of the annual salary paid to each district counselor, librarian, school nurse, and school-level or district-level administrator by a percent or fraction of a percent that is equal to the average percent or fraction of a percent by which teacher salaries have been reduced.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Patrick offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Eissler to **CSHB 400** (house committee report) by inserting the following appropriately numbered item to the amendment and renumbering subsequent items in the amendment accordingly:

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

SECTION _____. Section 21.105(a), Education Code, is amended to read as follows:

(a) A teacher employed under a probationary contract for the following school year may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.

SECTION _____. Section 21.160(a), Education Code, is amended to read as follows:

(a) A teacher employed under a continuing contract may relinquish the position and leave the employment of the district at the end of a school year without penalty by filing with the board of trustees or its designee a written resignation not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at time of mailing.

SECTION _____. Section 21.210(a), Education Code, is amended to read as follows:

(a) A teacher employed under a term contract with a school district may relinquish the teaching position and leave the employment of the district at the end of a school year without penalty by filing a written resignation with the board of trustees or the board's designee not later than the 30th [~~45th~~] day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the board of trustees or the board's designee at the post office address of the district is considered filed at the time of mailing.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Strama offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Eissler to **CSHB 400** as follows:

(1) On page 2, line 9, of the amendment, between "SECTION ____." and "Section 25.112", insert "Effective September 1, 2011."

(2) On page 2 of the amendment, at the end of line 30, insert "This subsection and Subsection (d-1) expire September 1, 2014.".

(3) Insert the following item into the amendment, appropriately numbered:

(____) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Effective September 1, 2014, Section 25.112(d), Education Code, is amended to read as follows:

(d) On application of a school district, the commissioner may except the district from the limit in Subsection (a) if the commissioner finds the limit works an undue hardship on the district. An exception expires at the end of the school year for which it is granted.

(4) On page 2, of the amendment, strike line 31 and substitute the following appropriately numbered item:

(____) Strike SECTION 15 of the bill (page 10, lines 7-27).

(5) Strike page 3, lines 1-17 of the amendment.

Amendment No. 8 was adopted.

LEAVE OF ABSENCE GRANTED

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

Coleman on motion of Walle.

(Solomons now present)

CSHB 400 - (consideration continued)

Amendment No. 1, as amended, was adopted.

Amendment No. 9

Representative Farias offered the following amendment to **CSHB 400**:

Amend **CSHB 400** as follows:

1. On page 21, line 8 strike "considers it appropriate" and insert "determines that the district's projected outlays for a fiscal year will exceed the district's projected revenues"

2. On page 21, line 10, between the period and "The", insert "Notice under this subsection must include a statement approved by the board detailing the nature and expected duration of the financial exigency."

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Eissler offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee report) as follows:

(1) On page 24, line 18, strike Subsection (a)(4) and renumber the remaining subdivisions of Subsection (a) accordingly.

(2) Insert the following appropriately numbered SECTION into the bill and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.4031, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) In this section, "service"±

~~[(1) "Salary schedule" means the minimum salary schedule under Section 21.402 or a comparable salary schedule used by a school district that specifies salary amounts based on an employee's level of experience.~~

~~[(2) "Service]~~ record" means a school district document that indicates the total years of service provided to the district by a classroom teacher, librarian, counselor, or nurse.

(c) If a school district fails to provide an individual's service record as required by Subsection (b), the agency shall, to the extent that information is available to the agency, provide the employing school district with the information ~~[sufficient to enable the district to determine proper placement of the individual on the district's salary schedule].~~

(d) The commissioner shall adopt rules for determining the experience as a classroom teacher, librarian, counselor, or nurse for a school district for which an individual is to be given credit for years of service for purposes of a service record. Each district shall maintain service records in accordance with commissioner rules adopted under this subsection. A district is not required to use commissioner rules adopted under this subsection in creating a local compensation plan under Section 21.4032.

Amendment No. 10 was adopted.

Amendment No. 11

Representative White offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) as follows:

(1) On page 6, line 11, strike "21.206(a), Education Code, is amended" and substitute "21.206, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1)".

(2) On page 6, strike lines 13-16, and substitute the following:

(a) Not later than the ~~[45th day before the]~~ last day of instruction in a school year, the board of trustees shall notify in writing each classroom teacher, counselor, nurse or other full-time professional employee who is required to hold a certificate issued under Subchapter B whose contract is about to expire whether the board proposes to renew or not renew the contract. The notice must

(3) On page 6, between lines 21 and 22, insert the following:

(a-1) A school district may not renew the contract of a district-level administrator before all district classroom teachers have been notified as to whether their contracts will be renewed or not renewed. A school district may not renew the contract of a campus-level administrator before all classroom teachers at the campus of the administrator have been notified as to whether their contracts will be renewed or not renewed.

(4) On page 7, lines 14 and 15, strike "and full-time school nurses" and substitute "full-time school nurses, and campus-level and district-level administrators".

(5) On page 8, between lines 26 and 27, insert the following:

(f) In developing a plan under this section, a school district shall form a committee to determine the compensation of the superintendent and each district principal. The committee should include local community leaders, district instructional staff, members of the board of trustees of the district, parents and other people determined by the board. The board of trustees must approve the superintendent's compensation determined under this section.

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Aycock offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) as follows:

(1) Strike SECTION 10 of the bill (page 6, line 22, through page 7, line 8).

(2) Insert into the bill the following appropriately numbered new SECTIONS:

SECTION _____. Subchapter C, Chapter 21, Education Code, is amended by adding Section 21.1041 to read as follows:

Sec. 21.1041. HEARING UNDER PROBATIONARY CONTRACT. A teacher is entitled to:

(1) a hearing as provided by Subchapter F, if the teacher is protesting proposed action under Section 21.104; or

(2) a hearing in a manner provided under Section 21.207 for nonrenewal of a term contract or a hearing provided by Subchapter F, as determined by the board of trustees of the district, if the teacher is protesting proposed action to terminate a probationary contract before the end of the contract period on the basis of a financial exigency declared under Section 44.011 that requires a reduction in personnel.

SECTION _____. Section 21.159(b), Education Code, is amended to read as follows:

(b) A teacher who notifies the board of trustees within the time prescribed by Subsection (a) is entitled to:

(1) a hearing as provided by Subchapter F, if the teacher is protesting proposed action under Section 21.156; or

(2) a hearing in a manner provided under Section 21.207 for nonrenewal of a term contract or a hearing provided by Subchapter F, as determined by the board, if the teacher is protesting proposed action under Section 21.157 or proposed action to terminate a term contract at any time on the basis of a financial exigency declared under Section 44.011 that requires a reduction in personnel.

SECTION _____. Section 21.207, Education Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) The board of trustees may designate an attorney licensed to practice law in this state to hold the hearing on behalf of the board, to create a hearing record for the board's consideration and action, and to recommend an action to the board. The attorney serving as the board's designee may not be employed by a school district and neither the designee nor a law firm with which the designee is associated may be serving as an agent or representative of a school district, of a teacher in a dispute between a district and a teacher, or of an organization of school employees, school administrators, or school boards of trustees. Not later than the 15th day after the completion of the hearing under this subsection, the board's designee shall provide to the board a record of the hearing and the designee's recommendation of whether the contract should be renewed or not renewed. The board shall consider the record of the hearing and the designee's recommendation at the first board meeting for which notice can be posted in compliance with Chapter 551, Government Code, following the receipt of the

record and recommendation from the board's designee, unless the parties agree in writing to a different date. At the meeting, the board shall consider the hearing record and the designee's recommendation and allow each party to present an oral argument to the board. The board by written policy may limit the amount of time for oral argument. The policy must provide equal time for each party. The board may obtain advice concerning legal matters from an attorney who has not been involved in the proceedings. The board may accept, reject, or modify the designee's recommendation. The board shall notify the teacher in writing of the board's decision not later than the 15th day after the date of the meeting.

(c) At the hearing before the board or the board's designee, the teacher may:

- (1) be represented by a representative of the teacher's choice;
- (2) hear the evidence supporting the reason for nonrenewal;
- (3) cross-examine adverse witnesses; and
- (4) present evidence.

SECTION _____. Section 21.251, Education Code, is amended to read as follows:

Sec. 21.251. APPLICABILITY. (a) This subchapter applies if a teacher requests a hearing after receiving notice of the proposed decision to:

(1) terminate the teacher's continuing contract at any time, except as provided by Subsection (b)(3);

(2) terminate the teacher's probationary or term contract before the end of the contract period, except as provided by Subsection (b)(3); or

(3) suspend the teacher without pay.

(b) This subchapter does not apply to:

(1) a decision to terminate a teacher's employment at the end of a probationary contract; ~~[or]~~

(2) a decision not to renew a teacher's term contract, unless the board of trustees of the employing district has decided to use the process prescribed by this subchapter for that purpose; or

(3) a decision, on the basis of a financial exigency declared under Section 44.011 that requires a reduction in personnel, to terminate a probationary or term contract before the end of the contract period or to terminate a continuing contract at any time, unless the board of trustees has decided to use the process prescribed by this subchapter for that purpose.

(3) Renumber SECTIONS of the bill appropriately.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Patrick offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) by striking SECTION 10 of the bill (page 6, line 22 through page 7, line 8) and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 13 was withdrawn.

Amendment No. 14

Representative Zedler offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) on page 8, between lines 26 and 27, by inserting the following:

(f) A plan adopted under Subsection (a) may provide for a classroom teacher, full-time speech pathologist, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse employed by the school district to receive an amount in salary or compensation for a school year that is less than the amount in salary or compensation received by that employee for the preceding school year, if:

(1) the reduction is for the purpose of minimizing the extent of an overall reduction in the number of the district's employees; and

(2) an equal percentage reduction in salary or compensation is imposed on all other school employees, as defined by Section 22.002(a).

Amendment No. 14 was withdrawn.

Amendment No. 15

Representative Veasey offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) on page 8, between lines 26 and 27, by inserting the following:

(f) A plan adopted under Subsection (a) must make public the compensation of the superintendent, including any allotments for transportation, housing, travel, and retirement.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Weber offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) as follows:

(1) On page 9, between lines 7 and 8, insert the following appropriately numbered SECTION into the bill:

SECTION _____. Section 22.0512(a), Education Code, is amended to read as follows:

(a) A professional employee of a school district may not be subject to disciplinary proceedings for the employee's objectively reasonable use of physical force against a student to the extent justified under Section 9.62, Penal Code.

(2) On page 25, between lines 2 and 3, insert the following appropriately numbered SECTION into the bill:

SECTION _____. Section 22.0512(a), Education Code, as amended by this Act, applies only to a school district employee disciplinary proceeding for conduct that occurs on or after September 1, 2011. A school district employee disciplinary proceeding for conduct that occurs before September 1, 2011, is governed by the law in effect on the date the conduct occurs, and that law is continued in effect for that purpose.

(3) Renumber SECTIONS of the bill appropriately.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Walle offered the following amendment to **CSHB 400**:

Amend **CSHB 400** on page 9, line 19, by striking "district-wide" and inserting "campus-wide".

Representative Eissler moved to table Amendment No. 17.

(Frullo, Harless, Hilderbran, and Sheets now present)

The motion to table prevailed by (Record 829): 92 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; 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.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; 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; Darby(C).

Absent, Excused — Bohac; Coleman; Farrar; Flynn; Garza; Giddings; Hopson.

Absent, Excused, Committee Meeting — Smithee.

Absent — Legler; Marquez; Woolley.

STATEMENT OF VOTE

When Record No. 829 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

Amendment No. 18

Representative Martinez offered the following amendment to **CSHB 400**:

Amend **CSHB 400** on page 9, line 21 by striking "25" and substituting "23".

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Martinez offered the following amendment to **CSHB 400**:

Amend **CSHB 400** as follows:

1. Strike SECTION 14 of the bill.
2. On page 10, strike lines 21-22 and renumber accordingly.

Representative Crownover moved to table Amendment No. 19.

The motion to table prevailed by (Record 830): 86 Yeas, 51 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Bohac; Coleman; Farrar; Flynn; Garza; Giddings; Hopson.

Absent, Excused, Committee Meeting — Smithee.

Absent — Branch; Legler; Madden.

STATEMENT OF VOTE

When Record No. 830 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

Amendment No. 20

Representative Martinez offered the following amendment to **CSHB 400**:

Amend **CSHB 400** on page 9, line 21 by striking "25" and substituting "23".

Representative Crownover moved to table Amendment No. 20.

The motion to table prevailed by (Record 831): 90 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; 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.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Bohac; Coleman; Farrar; Flynn; Garza; Giddings; Hopson.

Absent, Excused, Committee Meeting — Smithee.

Absent — Castro; Riddle.

Amendment No. 21

Representative Martinez offered the following amendment to **CSHB 400**:

Amend **CSHB 400** on page 9, line 21 by striking "25" and substituting "24".

Representative Crownover moved to table Amendment No. 21.

(Smithee now present)

The motion to table prevailed by (Record 832): 94 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; 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; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Gallego; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Bohac; Coleman; Farrar; Flynn; Garza; Giddings; Hopson.

Absent — Guillen; King, T.; Pickett.

Amendment No. 22

Representatives Bonnen and R. Anderson offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee report) as follows:

(1) Between page 10, line 27 and page 11, line 1, add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 28.004(k), Education Code, is amended to read as follows:

(k) A school district shall publish in the student handbook and post on the district's Internet website, if the district has an Internet website:

(1) a statement of the policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Section 28.002(1); and

(2) a statement of:

(A) the number of times during the preceding year the district's school health advisory council has met;

(B) whether the district has adopted and enforces policies to ensure that district campuses comply with agency vending machine and food service guidelines for restricting student access to vending machines; and

(C) whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of tobacco products by students and others on school campuses or at school-sponsored or school-related activities~~]; and~~

~~[(3) a statement providing notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year].~~

(2) On page 12, strike lines 14-22.

(3) On page 24, line 23, strike "and".

(4) On page 24, line 24, strike the period and substitute "; and".

(5) On page 24, between lines 24 and 25, insert the following:

(11) Subchapter C, Chapter 38.

(6) Renumber the SECTIONS of the bill accordingly.

Amendment No. 22 was adopted. (Hartnett recorded voting no.)

Amendment No. 23

Representative Farias offered the following amendment to **CSHB 400**:

Amend **CSHB 400** as follows:

1. On page 21, line 8 strike "considers it appropriate" and insert "determines that the district's projected outlays for a fiscal year will exceed the district's projected revenues"

2. On page 21, line 10, between the period and "The", insert "Notice under this subsection must include a statement approved by the board detailing the nature and expected duration of the financial exigency."

Amendment No. 23 was adopted.

Amendment No. 24

Representative Veasey offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 28.002(1-2), Education Code, is amended to read as follows:

(1-2) To encourage school districts to promote physical activity for children through classroom curricula for health and physical education, the agency, in consultation with the Department of State Health Services, shall designate nationally recognized health and physical education program guidelines that a school district shall ~~may~~ use in the health curriculum under Subsection (a)(2)(B) or the physical education curriculum under Subsection (a)(2)(C).

Representative Eissler moved to table Amendment No. 24.

The motion to table prevailed by (Record 833): 99 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; 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; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; 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; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Bohac; Coleman; Farrar; Flynn; Garza; Giddings; Hopson.

Absent — Aycock.

Amendment No. 25

Representative Isaac offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) by inserting the following appropriately numbered SECTIONS into the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 361.425(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A state agency, state court or judicial agency, a university system or institution of higher education, a county, municipality, [~~school district,~~] or special district other than a school district shall:

(1) in cooperation with the comptroller or the commission establish a program for the separation and collection of all recyclable materials generated by the entity's operations, including, at a minimum, aluminum, steel containers, aseptic packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard;

(2) provide procedures for collecting and storing recyclable materials, containers for recyclable materials, and procedures for making contractual or other arrangements with buyers of recyclable materials;

(3) evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled; and

(4) establish educational and incentive programs to encourage maximum employee participation.

(b) The commission by order shall exempt a [~~school district or a~~] municipality with a population of less than 5,000 from compliance with this section if the commission finds that compliance would work a hardship on [~~the district or~~] the municipality. The commission shall adopt rules for administering this subsection.

SECTION _____. Sections 361.426(a) and (d), Health and Safety Code, are amended to read as follows:

(a) A state agency, state court, or judicial agency not subject to Subtitle D, Title 10, Government Code, a county, municipality, ~~[school district,]~~ junior or community college district, or special district other than a school district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality.

(d) The commission by order shall exempt a ~~[school district or a]~~ municipality with a population of less than 5,000 from compliance with this section if the commission finds that compliance would work a hardship on ~~[the district or]~~ the municipality. The commission shall adopt rules for administering this subsection.

Amendment No. 25 was adopted. (Strama recorded voting no.)

(Speaker in the chair)

CSHB 400 - POINT OF ORDER

Representative Miles raised a point of order against further consideration of **CSHB 400** under Rule 4, Section 11, Rule 4, Section 12, and Rule 4, Section 18 of the House Rules on the grounds that proper notice of the committee meeting was not given, the committee meeting was not open to the public, and the committee minutes are incomplete.

The speaker overruled the point of order.

Amendment No. 26

Representative Bonnen offered the following amendment to **CSHB 400**:

Amend **CSHB 400** (house committee printing) as follows:

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

SECTION _____. Section 11.253(d), Education Code, is amended to read as follows:

(d) Each campus improvement plan must:

(1) assess the academic achievement for each student in the school using the student achievement indicator system as described by Section 39.053;

(2) set the campus performance objectives based on the student achievement indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29;

(3) identify how the campus goals will be met for each student;

(4) determine the resources needed to implement the plan;

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;

(7) measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement;

(8) include goals and methods for violence prevention and intervention on campus; and

(9) provide for a program to encourage parental involvement at the campus[; ~~and~~

~~[(10) if the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:~~

~~[(A) student fitness assessment data, including any data from research based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;~~

~~[(B) student academic performance data;~~

~~[(C) student attendance rates;~~

~~[(D) the percentage of students who are educationally disadvantaged;~~

~~[(E) the use and success of any method to ensure that students participate in moderate to vigorous physical activity as required by Section 28.002(1); and~~

~~[(F) any other indicator recommended by the local school health advisory council].~~

SECTION _____. Section 28.004(c), Education Code, is amended to read as follows:

(c) The local school health advisory council's duties include recommending:

(1) the number of hours of instruction to be provided in health education;

(2) curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, and Type 2 diabetes through coordination of:

(A) health education;

(B) physical education and physical activity;

(C) nutrition services;

(D) parental involvement; and

(E) instruction to prevent the use of tobacco; and

(3) appropriate grade levels and methods of instruction for human sexuality instruction[; and

~~[(4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:~~

~~[(A) school health services;~~

~~[(B) counseling and guidance services;~~

~~[(C) a safe and healthy school environment; and~~

~~[(D) school employee wellness].~~

SECTION _____. Section 38.104(c), Education Code, is amended to read as follows:

(c) Not later than September 1 of each year, the agency shall report the findings of the analysis under this section of the results obtained during the preceding school year to the School Health Advisory Committee established under Section 1001.0711, Health and Safety Code, for use by the committee in[:

~~[(1) assessing the effectiveness of coordinated health programs provided by school districts in accordance with Section 38.014; and~~

~~[(2)]~~ developing recommendations for modifications to the health and physical education [coordinated health program requirements or related] curriculum in public schools.

SECTION _____. Section 1001.0711(a), Health and Safety Code, is amended to read as follows:

(a) The commission by rule shall establish a School Health Advisory Committee at the department to provide assistance to the council in establishing a leadership role for the department in support for and delivery of ~~[coordinated school health programs and]~~ school health services.

(2) On page 24, line 23, strike "and".

(3) On page 24, line 24, strike "(10) Section 30.102(b)." and substitute the following:

(10) Section 30.102(b);

(11) Section 38.013; and

(12) Section 38.014.

CSHB 400 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 400** under Rule 4, Section 18(a), Rule 4, Section 40, and Rule 12, Section(1)(a)(1)(A) of the House Rules.

FIVE-DAY POSTING RULE SUSPENDED

Representative Hilderbran moved to suspend the five-day posting rule to allow the Committee on Ways and Means to consider **SB 540** at 2 p.m. or upon final adjournment/recess Monday, May 9 in E2.014.

The motion prevailed.

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 15** upon final adjournment/recess Monday, May 9 in JHR 140.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, 2 p.m. or upon final adjournment/recess Monday, May 9, E2.014, for a public hearing, to consider **SB 540** and the posted agenda.

State Affairs, upon final adjournment/recess Monday, May 9, JHR 140, for a public hearing, to consider **SB 15**.

Criminal Jurisprudence, 8:30 a.m. tomorrow, 3W.9, for a formal meeting, to consider pending business.

ADJOURNMENT

Representative Anchia moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Joe E. Moreno of Houston.

The motion prevailed.

The house accordingly, at 11:29 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 22**HB 558, HB 600, HB 801, HB 1551, HB 1944****House List No. 23****HCR 148****Senate List No. 23****SB 782, SB 894****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

Friday, May 6, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 148

Flynn

SPONSOR: Van de Putte

Requesting that the Governor return House Bill No. 74 to the House of Representatives.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 6, 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:

HB 46 Menendez SPONSOR: Hinojosa
Relating to compensatory time off for certain employees of the Parks and Wildlife Department.

HB 1032 Smithee SPONSOR: Davis
Relating to a rescission period for annuity contracts.

HB 1346 Guillen SPONSOR: Zaffirini
Relating to the consistent use of the term "game warden" throughout the Parks and Wildlife Code.

HB 1625 Brown SPONSOR: Carona
Relating to the renewal of electrical sign apprentice licenses.

SB 1113 Wentworth
Relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

SB 1214 Patrick
Relating to equal opportunity for access by private and parochial school students to certain University Interscholastic League sponsored activities.

SB 1417 Hinojosa
Relating to the limitation of liability of certain landowners.

SB 1543 Wentworth
Relating to the authority of an independent school district to invest in corporate bonds.

SB 1729 Zaffirini
Relating to the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.

SB 1806 Lucio
Relating to timely filing of a surplus lines policy; providing penalties.

SB 1905 Uresti
Relating to the provision of emergency services in certain rural counties using admission fees charged at state parks.

SCR 54 Fraser
In memory of Gregory Mack Simmons.

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

SB 1420
Senate Conferees: Hinojosa - Chair/Hegar/Nelson/Nichols/Williams

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 18 (30 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 6, 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 546 Deuell
Relating to the dispensing of certain drugs by physicians.

SB 1584 Ogden
Relating to state fiscal matters related to natural resources and the environment.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 5

Agriculture and Livestock - **HB 2994, HB 2996, HB 2997, HB 3199, SB 1157**

Business and Industry - **HB 2611**

Corrections - **HB 3829, SB 880, SB 953**

Criminal Jurisprudence - **HB 473, HB 3474, HB 3746, SB 198, SB 316, SB 1024, SB 1680**

Economic and Small Business Development - **SB 1047**

Energy Resources - **HB 3105**

Government Efficiency and Reform - **HB 1982, HB 2291, HB 3168**

Higher Education - **HB 537, HB 1585, HB 3624**

Homeland Security and Public Safety - **HB 1583, SB 132, SB 1065, SB 1378, SB 1400**

Human Services - **SB 77, SB 260, SB 434**

Insurance - **HB 2408, HB 3005, SB 647, SB 1229, SB 1433**

Judiciary and Civil Jurisprudence - **HB 274, HB 2557**

Licensing and Administrative Procedures - **HB 3125**

Natural Resources - **SB 341, SJR 4, SJR 28**

Public Education - **HB 677, SB 54, SB 778, SB 1788**

Public Health - **HB 2369**

State Affairs - **HB 301, HB 2373**

Transportation - **HB 2884, HB 2897, SB 1104**

Urban Affairs - **HB 1684, HB 1818, HB 2076, HB 2082, HB 2601, HB 2852, HB 3559, HB 3736**

Ways and Means - **HB 590, HB 2049, HB 2383, HB 3275**

ENGROSSED

May 5 - HB 8, HB 257, HB 300, HB 442, HB 528, HB 742, HB 961, HB 1009, HB 1389, HB 1395, HB 1720, HB 1723, HB 1942, HB 1992, HB 2077, HB 2366, HB 2470, HB 2599, HB 2663, HB 2671, HB 2735, HB 2761, HB 2826, HB 2902, HB 2940, HB 2949, HB 2969, HB 2973, HB 3096, HB 3182, HB 3311, HB 3346, HB 3395, HB 3468, HB 3506, HB 3573

ENROLLED

May 5 - HB 905, HB 1808, HCR 9, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 111, HCR 112, HCR 113

SENT TO THE GOVERNOR

May 5 - HB 905, HB 1808, HCR 9, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 111, HCR 112, HCR 113

RECOMMENDATIONS FILED WITH THE SPEAKER

May 5 - HB 3857