

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SIXTH DAY — FRIDAY, MAY 13, 2011

The house met at 12:35 p.m. and, at the request of the speaker, was called to order by Representative Geren.

The roll of the house was called and a quorum was announced present (Record 1043).

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

Absent — Scott.

### **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. 29).

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Jackson requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 2:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**LEAVES OF ABSENCE GRANTED**

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

Veasey on motion of Walle.

(Speaker pro tempore in the chair)

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

Gutierrez on motion of Burnam.

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

**RULES SUSPENDED**

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

The motion prevailed.

**MOTION FOR ONE RECORD VOTE**

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

(Scott now present)

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

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

(Record 1044): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Madden; Mallory Caraway; Margo; 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; Villarreal; Vo; Walle; Weber; White; Woolley(C); Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Gutierrez; Lozano; Marquez; Veasey.

Absent — Lyne.

#### STATEMENT OF VOTE

When Record No. 1044 was taken, I was temporarily out of the house chamber. I would have voted yes.

Lyne

**HB 142** (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kuempel, Phillips, T. Smith, Solomons, Truitt, and White - no) (122 - 22 - 1)

**HB 161** (Aycock, Beck, Harper-Brown, Landtroop, Laubenberg, Madden, Paxton, Perry, Sheets, Sheffield, and Zedler - no) (133 - 11 - 1)

**HB 167** (Cain - no) (143 - 1 - 1)

**HB 427** (Berman, Carter, Craddick, Darby, Flynn, Frullo, Geren, Hamilton, P. King, Legler, Parker, Shelton, V. Taylor, and Zerwas - no) (130 - 14 - 1)

**HB 695** (R. Anderson, Aycock, Bonnen, Brown, Carter, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Paxton, Perry, Phillips, Simpson, T. Smith, Solomons, Truitt, and Zedler - no) (114-30-1)

**HB 737**

**SB 604**

**HB 995** (Beck and Sheffield - no) (142 - 2 - 1)

**HB 1119** (C. Anderson, R. Anderson, Bonnen, Brown, Burkett, Cain, Carter, Chisum, Christian, Cook, J. Davis, Eissler, Frullo, Geren, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Laubenberg, Paxton, Phillips, Simpson, T. Smith, Solomons, Truitt, and Zedler - no) (112 - 32 - 1)

**SB 564**

**HB 1234** (Berman, Burkett, Carter, Flynn, Frullo, Madden, Sheffield, and White - no) (136 - 8 - 1)

**HB 1241**

**SB 248** (White - no) (143 - 1 - 1)

**SB 1121** (Carter, Frullo, Simpson, and White - no) (140 - 4 - 1)

**SB 628**

**HB 1544**

**HB 1563** (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, T. Smith, and Solomons - no) (124 - 20 - 1)

**SB 810**

**HB 1646** (R. Anderson, Beck, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Paxton, Perry, Phillips, T. Smith, Solomons, and Truitt - no) (117 - 27 - 1)

**HB 1745** (Harper-Brown, Simpson, and White - no) (141 - 3 - 1)

**HB 1897**

**HB 1921** (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, T. Smith, Solomons, Truitt, and Zedler - no) (124 - 20 - 1)

**SB 1492**

**HB 1969** (Chisum, J. Davis, Harless, Harper-Brown, Hilderbran, Hopson, Hunter, Kolkhorst, T. Smith, Solomons, Truitt, and Zedler - no) (132 - 12 - 1)

**SB 533**

**SB 1356**

**SB 1357**

**HB 2089**

**HB 2093** (C. Anderson, R. Anderson, Aycock, Beck, Bonnen, Brown, Chisum, Christian, Cook, Craddick, Darby, J. Davis, Eissler, Geren, Hamilton, Hancock, Harless, Hilderbran, Hopson, Huberty, Hunter, Isaac, Keffer, P. King, Kleinschmidt, Kolkhorst, Landtroop, Laubenberg, Legler, Parker, Paxton, Perry, Phillips, Shelton, Simpson, T. Smith, Solomons, Truitt, White, Zedler, and Zerwas - no) (103 - 41 - 1)

**HB 2104**

**HB 2169** (Berman, Bohac, Fletcher, Flynn, Harper-Brown, Laubenberg, Madden, Paxton, Riddle, Schwertner, Sheffield, Simpson, and V. Taylor - no) (131 - 13 - 1)

**SB 1385****SB 1496****HB 2338**

**HB 2369** (Kuempel - no) (143 - 1 - 1)

**HB 2417**

**HB 2446** (R. Anderson, Craddick, Darby, Frullo, Geren, Hamilton, P. King, Legler, Parker, Price, Shelton, and Zerwas - no) (132 - 12 - 1)

**SB 1150** (White - no) (143 - 1 - 1)

**HB 2688** (Laubenberg and Paxton - no) (142 - 2 - 1)

**HB 2729****HB 2788****HB 2819****SB 1433**

**HB 2917** (C. Anderson, R. Anderson, Berman, Bohac, Bonnen, Branch, Brown, Cain, Carter, Chisum, Christian, Cook, Craddick, Darby, J. Davis, Eissler, Fletcher, Flynn, Frullo, Geren, Hamilton, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, P. King, Kleinschmidt, Kolkhorst, Kuempel, Laubenberg, Landtroop, Legler, Madden, Murphy, Parker, Paxton, Perry, Phillips, Riddle, Sheets, Sheffield, Shelton, T. Smith, Solomons, Truitt, White, Zedler, and Zerwas - no) (92 - 52 - 1)

**SB 1608** (Alonzo, C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Phillips, T. Smith, Solomons, and Zedler - no) (121 - 23 - 1)

**HB 3123****HB 3172****HB 3199****HB 3324****HB 3352****HB 3371**

**HB 3410** (Cain - no) (143 - 1 - 1)

**HB 3422** (Harper-Brown - no) (143 - 1 - 1)

**HB 3423**

**SB 1241**

**SB 1242**

**HB 3453** (C. Anderson - no) (143 - 1 - 1)

**SB 1229**

**HB 3462**

**HB 3486** (Sheffield - no) (143 - 1 - 1)

**HB 3488**

**SB 816**

**HB 3578**

**HB 3579**

**HB 3580**

**HB 3589**

**SB 1327**

**HB 3597** (Simpson - no) (143 - 1 - 1)

**HB 3611** (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Laubenberg, Paxton, Phillips, T. Smith, Solomons, and Zedler - no) (120 - 24 - 1)

**HB 3696** (Price - no) (143 - 1 - 1)

**HB 3812** (Berman, Flynn, and Harper-Brown - no) (141 - 3 - 1)

**HB 3813**

**SB 1886**

**HB 3829**

**HB 3837**

**HB 3840**

**HB 3841**

**HB 3842** (Berman, Flynn, Harper-Brown, and V. Taylor - no) (140 - 4 - 1)

**HB 3843**

**HB 3844**

**HB 3845** (Aycock, Berman, Flynn, Harper-Brown, and V. Taylor - no) (139 - 5 - 1)

**HB 3849**

**HB 3852** (Carter and V. Taylor - no) (142 - 2 - 1)

**HB 3856** (Cain and Landtroop - no) (142 - 2 - 1)

**HB 3858**

**HB 3859** (Berman, Flynn, and V. Taylor - no) (141 - 3 - 1)

**HB 3861**

**HB 3862** (V. Taylor - no) (143 - 1 - 1)

**SB 1806** (Carter and V. Taylor - no) (142 - 2 - 1)

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 1044): 144 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

**HCR 55**

**HCR 83**

**HCR 84**

**HCR 117**

**HCR 130**

**HR 243**

**HR 680**

**HR 930** (Simpson - no) (143 - 1 - 1)

#### **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 812**, **SB 1664**, and **SB 1671** at 8 a.m. Tuesday, May 17 in E2.014.

The motion prevailed.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Kleinschmidt requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 2:30 p.m. today, in 3W.15, to consider **SB 1922**.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Pensions, Investments, and Financial Services, 8 a.m. Tuesday, May 17, E2.014, for a public hearing, to consider **SB 812**, **SB 1664**, and **SB 1671**.

Land and Resource Management, 2:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 1922**.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, at 2:30 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Urban Affairs, 2:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**HR 1854 - ADOPTED  
(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 1854**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1854**, Recognizing May 8-14, 2011, as National Hospital Week in Texas.

**HR 1854** was adopted.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative V. Gonzales requested permission for the Committee on Border and Intergovernmental Affairs 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.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Border and Intergovernmental Affairs, 2:30 p.m. today, 1W.14, 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:

S. King on motion of Rodriguez.

**CSHB 2931 ON SECOND READING  
(by Woolley)  
RULES SUSPENDED**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **CSHB 2931**.

The motion prevailed.

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

**CSHB 2931**, A bill to be entitled An Act relating to certain debt cancellation agreements made in connection with retail installment contracts.

**CSHB 2931** was read second time and was passed to engrossment. (Thompson recorded voting no.)



**HB 2931 ON THIRD READING**  
(by Woolley)  
**RULES SUSPENDED**

Representative Thompson moved to suspend all necessary rules to take up and consider, on its third reading and final passage, **HB 2931**.

The motion prevailed.

The chair laid before the house, on its third reading and final passage,

**HB 2931**, A bill to be entitled An Act relating to certain debt cancellation agreements made in connection with retail installment contracts.

**HB 2931** was read third time and was passed by (Record 1045): 137 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Farias; Orr; Strama.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent — Otto.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 1045. I intended to vote no.

Thompson

(Speaker in the chair)

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**THIRD READING**

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

**HB 9 ON THIRD READING****(by Branch, Pitts, L. Taylor, Patrick, Villarreal, et al.)**

**HB 9**, A bill to be entitled An Act relating to student success-based funding for public institutions of higher education.

**HB 9** was passed by (Record 1046): 118 Yeas, 22 Nays, 1 Present, not voting.

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

Nays — Allen; Burnam; Coleman; Deshotel; Dukes; Dutton; Farrar; Giddings; Gonzales, V.; Hernandez Luna; Howard, D.; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Rodriguez; Thompson; Turner; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent — Eiland; Lucio; Oliveira; Scott.

**HB 2594 ON THIRD READING****(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)**

**HB 2594**, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

(Scott in the chair)

**HB 2594** was passed by (Record 1047): 84 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bohac; Branch; Brown; Burnam; Castro; Chisum; Cook; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Jackson; Johnson;

Keffer; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Sheets; Shelton; Smith, T.; Smithee; Strama; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, R.; Beck; Berman; Bonnen; Burkett; Cain; Callegari; Carter; Christian; Craddick; Creighton; Darby; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Gallego; Hamilton; Hardcastle; Hartnett; Howard, C.; Huberty; Hughes; Isaac; King, P.; Landtroop; Laubenberg; Legler; Lewis; Lyne; Miller, S.; Parker; Paxton; Perry; Phillips; Riddle; Sheffield; Simpson; Smith, W.; Solomons; Taylor, V.; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent — Button; Coleman; Crownover; Garza; Hilderbran; King, T.; Lucio; Miller, D.; Taylor, L.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1047. I intended to vote no.

Bohac

I was shown voting no on Record No. 1047. I intended to vote yes.

Callegari

I was shown voting no on Record No. 1047. I intended to vote yes.

Carter

When Record No. 1047 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 1047 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

When Record No. 1047 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

#### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **HB 1**:

Otto on motion of L. Gonzales.

**CONSTITUTIONAL AMENDMENTS CALENDAR  
HOUSE JOINT RESOLUTIONS  
THIRD READING**

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

**HJR 135 ON THIRD READING  
(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)**

**HJR 135**, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

**HJR 135** failed of adoption (not receiving the necessary two-thirds vote) by (Record 1048): 82 Yeas, 32 Nays, 8 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lewis; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Riddle; Sheets; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson, C.; Burnam; Davis, Y.; Farias; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Hernandez Luna; Hopson; Howard, D.; Johnson; King, T.; Lucio; Lyne; Mallory Caraway; Martinez; McClendon; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Sheffield; Smith, W.; Strama; Walle.

Present, not voting — Mr. Speaker; Alvarado; Eiland; Menendez; Scott(C); Thompson; Turner; Villarreal.

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Castro; Christian; Coleman; Davis, J.; Davis, S.; Dukes; Dutton; Farrar; Garza; Keffer; Lavender; Legler; Martinez Fischer; Miles; Miller, D.; Muñoz; Naishtat; Oliveira; Pitts; Schwertner; Torres; Vo.

**STATEMENTS OF VOTE**

When Record No. 1048 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

When Record No. 1048 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1048 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

When Record No. 1048 was taken, I was temporarily out of the house chamber. I would have voted no.

Naishtat

When Record No. 1048 was taken, my vote failed to register. I would have voted yes.

Schwertner

When Record No. 1048 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

### **HJR 135 - REASON FOR VOTE**

While I support the goal and concept of placing the statutory language into the constitution, Representative Geren raised some very legitimate concerns in his comments yesterday. The statutory language has been well litigated and is understood and working well. The proposed constitutional language deviates from the statutory language and, therefore, may subject the language to further litigation. Please see Mr. Geren's comments which further express my concerns.

Eiland

(Kuempel in the chair)

### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider all bills previously posted for Tuesday, May 17 at 9 a.m. Monday, May 16 in JHR 120.

The motion prevailed.

Representative S. Miller moved to suspend the five-day posting rule to allow the Committee on Homeland Security and Public Safety to consider **SB 1529** at 8:30 a.m. Tuesday, May 17 in E1.026.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Criminal Jurisprudence, 9 a.m. Monday, May 16, JHR 120, for a public hearing, to consider bills posted for Tuesday's previously scheduled meeting.

Homeland Security and Public Safety, 8:30 a.m. Tuesday, May 17, E1.026, for a public hearing, to consider **SB 1529** and pending business.

**SB 252 - RECOMMITTED**

Representative Guillen moved to recommit **SB 252** to the Committee on Culture, Recreation, and Tourism.

The motion prevailed.

(Speaker in the chair)

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 359 ON THIRD READING  
(by Allen, Nash, Shelton, Patrick, and Torres)**

**HB 359**, A bill to be entitled An Act relating to the use of corporal punishment in public schools.

(Solomons in the chair)

**HB 359** was passed by (Record 1049): 84 Yeas, 55 Nays, 4 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Branch; Brown; Burkett; Burnam; Carter; Castro; Chisum; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Harless; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Johnson; Keffer; Kleinschmidt; Kolkhorst; Lewis; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Nash; Oliveira; Patrick; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Fletcher; Flynn; Frullo; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Hunter; Jackson; King, P.; King, T.; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lyne; Miller, D.; Miller, S.; Morrison; Orr; Parker; Paxton; Peña; Perry; Phillips; Price; Riddle; Schwertner; Scott; Smithee; Taylor, L.; White; Zedler.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Garza.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1049. I intended to vote no.

Brown

I was shown voting no on Record No. 1049. I intended to vote yes.

S. Davis

I was shown voting yes on Record No. 1049. I intended to vote no.

Madden

I was shown voting yes on Record No. 1049. I intended to vote no.

Patrick

**HB 1244 ON THIRD READING**  
**(by Castro)**

**HB 1244**, A bill to be entitled An Act relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

(Bonnen in the chair)

**HB 1244** was passed by (Record 1050): 125 Yeas, 11 Nays, 2 Present, not voting.

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

Nays — Anderson, C.; Berman; Cain; Flynn; Hughes; King, P.; Miller, S.; Paxton; Taylor, V.; White; Zedler.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Bohac; Creighton; Garza; Keffer; Madden; Sheffield.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 1050. I intended to vote yes.

P. King

**HB 882 ON THIRD READING**

(by Alvarado, Harless, et al.)

**HB 882.** A bill to be entitled An Act relating to the creation of an offense prohibiting certain transactions involving malt liquor containing certain stimulants.

**HB 882** was passed by (Record 1051): 118 Yeas, 17 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Bohac; Cain; Callegari; Carter; Creighton; Flynn; Howard, C.; Hughes; Landtroop; Laubenberg; Madden; Perry; Schwertner; Sheffield; Simpson; White.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Berman; Garza; Lewis; Patrick; Pitts; Reynolds; Zedler.

**STATEMENTS OF VOTE**

When Record No. 1051 was taken, my vote failed to register. I would have voted no.

Berman

I was shown voting no on Record No. 1051. I intended to vote yes.

Bohac

I was shown voting no on Record No. 1051. I intended to vote yes.

Callegari



I was shown voting yes on Record No. 1051. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 1051. I intended to vote no.

Geren

When Record No. 1051 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

### HB 51 ON THIRD READING

(by Lucio, Cook, et al.)

**HB 51**, A bill to be entitled An Act relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain government buildings and facilities.

#### Amendment No. 1

Representative Hancock offered the following amendment to **HB 51**:

Amend Floor Amendment No. 1 to **HB 51** on third reading as follows:

(1) On page 2, strike lines 7-8, and insert the following:

"(A) meet the American Society of Heating, Refrigerating, and Air-Conditioning Engineers energy standards in effect on September 1, 2011, or the International Energy Conservation Code in effect on September 1, 2011, or an updated version of those standards or that code adopted by the State Energy Conservation Office, if applicable; and"

(2) On page 2, line 9, strike ":".

(3) On page 2, line 10, strike "(i)".

(4) On page 2, line 24, after the word "revised", strike ":" and insert "through a nationally recognized consensus-based process or by a municipally owned utility in this state;".

(5) On page 2, strike lines 25-31.

(6) On page 3, strike line 1.

(7) On page 5, line 31, strike ":".

(8) On page 6, line 1, strike "(A)".

(9) On page 6, line 2, strike "; and" and insert ":".

(10) On page 6, strike lines 3-4.

(11) On page 6, line 11, after the word "program", strike all new language on lines 11-16.

Amendment No. 1 was adopted.

#### HB 51 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISAAC: Does this legislation have anything to do with the UN Agenda 21?

REPRESENTATIVE LUCIO: No.

ISAAC: None of this language has been adopted from any of their sustainability programs or what they refer to as "smart growth?"

LUCIO: No, sir.

### REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks between Representative Lucio and Representative Isaac.

The motion prevailed.

**HB 51**, as amended, was passed by (Record 1052): 97 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Bohac; Burkett; Burnam; Button; Carter; Castro; Chisum; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Legler; Lewis; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Nash; Orr; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Brown; Cain; Craddick; Davis, S.; Flynn; Gooden; Harper-Brown; Howard, C.; Hughes; Kolkhorst; Landtroop; Laubenberg; Lavender; Madden; Miller, S.; Murphy; Parker; Patrick; Paxton; Phillips; Sheets; Simpson; Smith, T.; Smith, W.; Taylor, V.; Torres; White; Workman; Zedler.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Berman; Branch; Callegari; Elkins; Geren; Hilderbran; King, P.; Morrison; Oliveira; Perry; Pitts; Smithee.

### STATEMENTS OF VOTE

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted no.

Berman

When Record No. 1052 was taken, my vote failed to register. I would have voted no.

Branch

I was shown voting yes on Record No. 1052. I intended to vote no.

Christian

I was shown voting yes on Record No. 1052. I intended to vote no.

Driver

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 1052 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

I was shown voting yes on Record No. 1052. I intended to vote no.

Orr

I was shown voting yes on Record No. 1052. I intended to vote no.

Sheffield

### **HB 278 ON THIRD READING** **(by Alonzo)**

**HB 278**, A bill to be entitled An Act relating to pretrial hearings in criminal cases.

**HB 278** was passed by (Record 1053): 105 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Coleman; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Patrick; Peña; Perry; Pickett; Quintanilla; Reynolds; Ritter; Rodriguez; Scott; Sheets; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen(C); Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Fletcher; Frullo; Geren; Hamilton; Harper-Brown; Huberty; Kuempel; Legler; Lewis; Miller, S.; Parker; Paxton; Phillips; Price; Riddle; Schwertner; Sheffield; Shelton; Smith, T.; Taylor, V.; White.

Present, not voting — Mr. Speaker.

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Elkins; Hartnett; Morrison; Pitts; Raymond.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1053. I intended to vote no.

Hilderbran

When Record No. 1053 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

### HB 550 ON THIRD READING (by Dutton)

**HB 550**, A bill to be entitled An Act relating to an exemption to the requirement for a fishing license for residents of a certain age.

#### Amendment No. 1

Representative Dutton offered the following amendment to **HB 550**:

Amend **HB 550** on third reading in Section 46.002(a)(1), Parks and Wildlife Code, as amended on second reading by the Dutton amendment, by striking "75" and substituting "70".

Amendment No. 1 was withdrawn.

**HB 550** was passed by (Record 1054): 132 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; 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, T.; Kleinschmidt; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts;

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

Nays — Bonnen(C); Cain; Kolkhorst; Kuempel; Price; Schwertner; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Anderson, C.; Frullo; Guillen; Raymond.

### STATEMENT OF VOTE

When Record No. 1054 was taken, I was in the house but away from my desk. I would have voted no.

Frullo

### HB 940 ON THIRD READING (by Dukes and Zedler)

**HB 940**, A bill to be entitled An Act relating to persons subject to prosecution for improper relationship between educator and student.

#### Amendment No. 1

Representative Y. Davis offered the following amendment to **HB 940**:

Amend **HB 940** on third reading (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 21.006, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A superintendent or director of a school district shall complete an investigation of an educator that is based on reasonable cause to believe the educator may have engaged in misconduct described by Subsection (b)(2)(A), despite the educator's resignation from district employment before completion of the investigation.

SECTION \_\_\_\_\_. Section 21.006(b-1), Education Code, as added by this Act, applies to an investigation of possible public school educator misconduct begun on or after the effective date of this Act, regardless of whether the alleged misconduct occurred before, on, or after the effective date of this Act.

Amendment No. 1 was adopted.

**HB 940**, as amended, was passed by (Record 1055): 138 Yeas, 1 Nays, 2 Present, not voting.

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

Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Eiland.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Gallego; Larson; Lewis.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 1055. I intended to vote yes.

Eiland

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

#### LEAVES OF ABSENCE GRANTED

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

Giddings on motion of Brown.

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **HB 1**:

Turner on motion of Brown.

#### 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).

#### HB 159 ON THIRD READING

(by Raymond)

**HB 159**, A bill to be entitled An Act relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

**HB 159** was passed by (Record 1056): 91 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Bohac; Brown; Burnam; Castro; Chisum; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Lewis; Lucio; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Orr; Patrick; Peña; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Woolley; Workman.

Nays — Aliseda; Anderson, R.; Aycocock; Beck; Berman; Bonnen(C); Branch; Burkett; Button; Cain; Callegari; Carter; Christian; Craddick; Elkins; Flynn; Hamilton; Harless; Harper-Brown; Huberty; Hughes; Isaac; King, P.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lyne; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Parker; Paxton; Phillips; Price; Schwertner; Sheets; Sheffield; Simpson; Smith, W.; Solomons; Taylor, V.; Weber; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Anchia.

### STATEMENTS OF VOTE

When Record No. 1056 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

I was shown voting yes on Record No. 1056. I intended to vote no.

Bohac

I was shown voting yes on Record No. 1056. I intended to vote no.

Brown

I was shown voting yes on Record No. 1056. I intended to vote no.

Driver

I was shown voting yes on Record No. 1056. I intended to vote no.

Geren

I was shown voting yes on Record No. 1056. I intended to vote no.

Nash

I was shown voting yes on Record No. 1056. I intended to vote no.

Patrick

**HB 1476 ON THIRD READING**  
(by Riddle)

**HB 1476**, A bill to be entitled An Act relating to the grounds for revocation of an emergency medical services personnel certification.

**HB 1476** was passed by (Record 1057): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen.

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

Absent, Excused — Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

**HB 1608 ON THIRD READING**  
(by Strama)

**HB 1608**, A bill to be entitled An Act relating to participation in and contributions to the state employee charitable campaign by retired state employees.

**LEAVE OF ABSENCE GRANTED**

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

Geren on motion of Ritter.



**HB 1608 - (consideration continued)**

**HB 1608** was passed by (Record 1058): 134 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Callegari; Miller, S.; Weber.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Kolkhorst.

**STATEMENT OF VOTE**

When Record No. 1058 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

**HB 1677 ON THIRD READING  
(by Rodriguez)**

**HB 1677**, A bill to be entitled An Act relating to the administration and funding of retirement systems for firefighters in certain municipalities.

**HB 1677** failed to pass by (Record 1059): 54 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Chisum; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Harless; Hernandez Luna; Hochberg; Howard, D.; Huberty; Hunter; Johnson; Keffer; King, T.; Lucio; Mallory Caraway;

Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Smith, T.; Solomons; Strama; Thompson; Truitt; Villarreal; Vo; Walle; Workman.

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

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Garza.

#### STATEMENTS OF VOTE

When Record No. 1059 was taken, I was excused because of important business in the district. I would have voted no.

Geren

I was shown voting yes on Record No. 1059. I intended to vote no.

Harless

I was shown voting no on Record No. 1059. I intended to vote yes.

Hilderbran

I was shown voting yes on Record No. 1059. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1059. I intended to vote no.

T. Smith

I was shown voting yes on Record No. 1059. I intended to vote no.

Solomons

#### HB 1793 ON THIRD READING (by Gutierrez)

**HB 1793**, A bill to be entitled An Act relating to the practice of cosmetology.

**HB 1793** was passed by (Record 1060): 135 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Cain; Callegari; White.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Garza.

### **HB 3542 ON THIRD READING**

**(by L. Gonzales, Huberty, McClendon, Strama, Veasey, et al.)**

**HB 3542**, A bill to be entitled An Act relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

**HB 3542** was passed by (Record 1061): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Cain.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Hochberg; Johnson.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 1061. I intended to vote yes.

Cain

I was shown voting yes on Record No. 1061. I intended to vote no.

Chisum

When Record No. 1061 was taken, my vote failed to register. I would have voted yes.

Johnson

I was shown voting yes on Record No. 1061. I intended to vote no.

Weber

### HB 3064 ON THIRD READING (by P. King and Torres)

**HB 3064**, A bill to be entitled An Act relating to preventing the fraudulent issuance and use of disabled parking placards; providing a civil penalty.

#### Amendment No. 1

Representative Shelton offered the following amendment to **HB 3064**:

Amend **HB 3064** on third reading by striking page 2, line 6 through page 3, line 9, and renumbering subsequent SECTIONS accordingly.

Amendment No. 1 was adopted.

**HB 3064**, as amended, was passed by (Record 1062): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Guillen; Oliveira; Raymond.

### **HB 25 ON THIRD READING**

**(by Guillen, Flynn, Peña, V. Gonzales, and White)**

**HB 25**, A bill to be entitled An Act relating to the carrying of certain weapons in a watercraft.

**HB 25** was passed by (Record 1063): 137 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Hunter.

### STATEMENT OF VOTE

When Record No. 1063 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

### HB 254 ON THIRD READING (by Hilderbran and R. Anderson)

**HB 254**, A bill to be entitled An Act relating to establishing the Texas Derbies.

**HB 254** was passed by (Record 1064): 101 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bohac; Branch; Burkett; Cain; Callegari; Castro; Coleman; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Johnson; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Peña; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; White; Woolley; Zerwas.

Nays — Beck; Berman; Brown; Button; Carter; Chisum; Christian; Cook; Craddick; Creighton; Flynn; Frullo; Gooden; Hancock; Hartnett; Huberty; Hughes; Keffer; Landtroop; Laubenberg; Lavender; Parker; Patrick; Paxton; Perry; Phillips; Schwertner; Shelton; Simpson; Smith, T.; Solomons; Weber; Workman; Zedler.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Burnam; Davis, Y.; Pickett; Reynolds.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1064. I intended to vote no.

Burkett

I was shown voting no on Record No. 1064. I intended to vote yes.

Hughes

I was shown voting no on Record No. 1064. I intended to vote yes.

Zedler

**HB 2119 ON THIRD READING**  
**(by Madden)**

**HB 2119**, A bill to be entitled An Act relating to the requirement that the Texas Correctional Office on Offenders with Medical or Mental Impairments provide certain services and programs.

**HB 2119** was passed by (Record 1065): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Coleman; Landtroop; Margo; Peña; Strama.

**STATEMENT OF VOTE**

When Record No. 1065 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

**HB 2357 ON THIRD READING**  
**(by Pickett)**

**HB 2357**, A bill to be entitled An Act relating to motor vehicles; providing penalties.

**Amendment No. 1**

Representative Pickett offered the following amendment to **HB 2357**:

Amend **HB 2357** (second reading engrossment) on third reading as follows:

(1) Strike the first added Subsection (d) in redesignated Section 501.1001, Transportation Code (page 50, line 20 through page 51, line 2).

(2) In added Section 501.176(c), Transportation Code (page 82, line 13), after "accordance", add "with".

(3) In added Section 502.191(d), Transportation Code (page 136, line 18), between "accordance" and "Section", add "with".

(4) Strike SECTION 186 of the bill, amending Section 504.3011(a), Transportation Code (page 203, lines 4 through 12), and renumber subsequent SECTIONS of the bill accordingly.

(5) In SECTION 187 of the bill, in amended Section 504.3011, Transportation Code (page 203), strike lines 22 through 27 and substitute the following:

~~(e)~~ The department shall design military license plates that:

(1) bear a color depiction of the emblem of the appropriate branch of the United States armed forces or a color depiction of the appropriate medal as provided by the United States Department of Defense; and

(2) include the words "Honorably Discharged" for license plates issued to former members of the United States armed forces ~~[to which this section applies in consultation with veterans organizations].~~

(6) In SECTION 254 of the bill, repealing Section 19, Chapter 1136, Acts of the 81st Legislature, Regular Session, 2009 (page 244, lines 20), between the period and "Section" insert "(a)".

(7) In SECTION 254 of the bill, repealing Section 19, Chapter 1136, Acts of the 81st Legislature, Regular Session, 2009 (page 244, between lines 21 and 22), insert the following:

(b) This section takes effect August 31, 2011.

(8) In SECTION 260 of the bill, the effective date (page 246, line 1), strike "This" and substitute "Except as otherwise provided by this Act, this".

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

SECTION \_\_\_\_\_. (a) Section 502.161, Transportation Code, is amended by adding subsection (a-1) to read as follows:

(a-1) For purposes of Subsection (a), a light truck that weighs 6,000 pounds or less is considered a passenger car.

(b) This section takes effect August 31, 2011.

Amendment No. 1 was adopted.

**HB 2357**, as amended, was passed by (Record 1066): 132 Yeas, 4 Nays, 2 Present, not voting.

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



Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Davis, Y.; Murphy; Taylor, V.; Thompson.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Coleman; Margo; Reynolds.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1066. I intended to vote no.

Branch

I was shown voting yes on Record No. 1066. I intended to vote no.

Gooden

I was shown voting yes on Record No. 1066. I intended to vote no.

Harless

I was shown voting yes on Record No. 1066. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1066. I intended to vote no.

Parker

#### HB 2507 ON THIRD READING (by Chisum)

**HB 2507**, A bill to be entitled An Act relating to the offense of installing an irrigation system without a license.

Representative Phillips moved to postpone consideration of **HB 2507** until the end of today's calendar.

The motion prevailed.

**HB 3461 ON THIRD READING****(by Margo)**

**HB 3461**, A bill to be entitled An Act relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.

**HB 3461** was passed by (Record 1067): 99 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bonnen(C); Burkett; Burnam; Cain; Carter; Castro; Chisum; Coleman; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Eiland; Elkins; Farias; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Keffer; Kleinschmidt; Kolkhorst; Landtroop; Larson; Lavender; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Workman; Zerwas.

Nays — Alonzo; Anderson, C.; Berman; Bohac; Brown; Button; Callegari; Christian; Cook; Davis, Y.; Dutton; Eissler; Farrar; Flynn; Frullo; Hancock; Hilderbran; Hochberg; Huberty; Johnson; King, P.; King, T.; Kuempel; Laubenberg; Legler; Miles; Miller, D.; Miller, S.; Patrick; Paxton; Reynolds; Riddle; Schwertner; Weber; White; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hartnett; Solomons.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Branch; Martinez Fischer.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1067. I would have voted no.

Aliseda

When Record No. 1067 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. 1067. I intended to vote no.

Creighton

I was shown voting no on Record No. 1067. I intended to vote yes.

Huberty

I was shown voting no on Record No. 1067. I intended to vote yes.

Johnson

When Record No. 1067 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. 1067. I intended to vote no.

Orr

I was shown voting yes on Record No. 1067. I intended to vote no.

Phillips

### **HB 3691 ON THIRD READING (by Gallego)**

**HB 3691**, A bill to be entitled An Act relating to the provision of certain programs and services by a community supervision and corrections department.

#### **Amendment No. 1**

Representative Allen offered the following amendment to **HB 3691**:

Amend **HB 3691** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 76, Government Code, is amended by adding Section 76.0021 to read as follows:

Sec. 76.0021. SYSTEM OF PROGRESSIVE INTERMEDIATE SANCTIONS. (a) In addition to performing the duties delegated under Section 76.002, the judges described by that section shall, for the district courts and county courts at law in the judicial district that try criminal cases:

(1) adopt a single system of progressive intermediate sanctions for violations of conditions of community supervision that includes:

(A) sanctions for a failure to report, to participate in a program or service, to refrain from the use of alcohol or a controlled substance, or to pay fines, fees, and costs; and

(B) sanctions targeted for special cases or high risk offenders; and

(2) establish a review process to follow in considering a reduction in or early termination of community supervision.

(b) In adopting a system of progressive intermediate sanctions under this section, the judges described by Section 76.002 shall consider and may adopt the model list of intermediate sanctions established under Section 509.017, Government Code.

SECTION \_\_\_\_\_. Section 10, Article 42.12, Code of Criminal Procedure, is amended by amending Subsections (a), (d), and (e) and adding Subsections (d-1) and (d-2) to read as follows:

(a) Only the court in which the defendant was tried may grant community supervision, impose conditions, revoke the community supervision, or discharge the defendant, unless the judge has transferred jurisdiction of the case to another

court with the latter's consent. Except as provided by Subsections (d) and (d-1) of this section, only the judge may alter conditions of community supervision. In a felony case, only the judge who originally sentenced the defendant may suspend execution thereof and place the defendant under community supervision pursuant to Section 6 of this article. If the judge who originally sentenced the defendant is deceased or disabled or if the office is vacant and the judge who originally sentenced the defendant is deceased or disabled or if the office is vacant and a motion is filed in accordance with Section 6 of this article, the clerk of the court shall promptly forward a copy of the motion to the presiding judge of the administrative judicial district for that court, who may deny the motion without a hearing or appoint a judge to hold a hearing on the motion.

(d) A judge that places a defendant on community supervision may authorize the supervision officer supervising the defendant ~~[or a magistrate appointed by the district courts in the county that give preference to criminal cases]~~ to modify the conditions of community supervision for the limited purpose of imposing an intermediate sanction under Subsection (d-1) [transferring the defendant to different programs within the community supervision continuum of programs and sanctions]. Before imposing an intermediate sanction, a supervision officer shall provide written notice to the defendant of the nature of the violation or violations involved, the date on which each violation occurred, and the intermediate sanction to be imposed.

(d-1) The imposition of an intermediate sanction under this section must conform with the system of progressive intermediate sanctions adopted under Section 76.0021, Government Code. On receipt of notice under Subsection (d), the defendant shall immediately accept or object to the imposition of the intermediate sanction. A defendant who objects to the imposition of the intermediate sanction is entitled to an administrative review to be conducted by the community supervision and corrections department supervising the defendant not later than the fifth day after the date the defendant received the notice. At the conclusion of the administrative review, the director of the community supervision and corrections department, or the director's designee, shall dismiss or affirm the imposition of the intermediate sanction. If the director or director's designee, as applicable, affirms the imposition of the intermediate sanction, the intermediate sanction becomes effective immediately. On successful completion of an intermediate sanction, the court may not revoke community supervision, proceed to an adjudication in the case, or impose any other sanction based on the violation for which the intermediate sanction was imposed.

(d-2) A supervision officer may not:

(1) impose an intermediate sanction under Subsection (d) or (d-1) in response to a violation of the terms of community supervision if the violation is based on the commission of a felony offense; or

(2) impose as an intermediate sanction under Subsection (d) or (d-1) any condition extending the term of community supervision, increasing a fine, or placing a defendant in a correctional facility, as defined by Section 1.07, Penal Code.

(e) A ~~[If a]~~ supervision officer who ~~[or magistrate]~~ modifies the conditions of community supervision by imposing an intermediate sanction, ~~the officer or magistrate~~ shall:

(1) deliver a copy of the modified conditions to the defendant;

(2) ~~[, shall]~~ file a copy of the modified conditions with the sentencing court; ~~;~~ and

(3) ~~[shall]~~ note the date of delivery of the copy in the defendant's file. ~~[If the defendant agrees to the modification in writing, the officer or magistrate shall file a copy of the modified conditions with the district clerk and the conditions shall be enforced as modified. If the defendant does not agree to the modification in writing, the supervision officer or magistrate shall refer the case to the judge of the court for modification in the manner provided by Section 22 of this article.]~~

SECTION \_\_\_\_\_. Section 11(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) The judge of the court having jurisdiction of the case shall determine the conditions of community supervision and may, at any time during the period of community supervision, alter or modify the conditions. The judge may impose any reasonable condition that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the defendant. Conditions of community supervision may include, but shall not be limited to, the conditions that the defendant shall:

(1) Commit no offense against the laws of this State or of any other State or of the United States;

(2) Avoid injurious or vicious habits;

(3) Avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;

(4) Report to the supervision officer as directed by the judge or supervision officer, ~~[and]~~ obey all rules and regulations of the community supervision and corrections department, and comply with any intermediate sanction imposed by the supervision officer under Section 10, unless the condition is dismissed by the director of the community supervision and corrections department or by the director's designee;

(5) Permit the supervision officer to visit the defendant at the defendant's home or elsewhere;

(6) Work faithfully at suitable employment as far as possible;

(7) Remain within a specified place;

(8) Pay the defendant's fine, if one is assessed, and all court costs whether a fine is assessed or not, in one or several sums;

(9) Support the defendant's dependents;

(10) Participate, for a time specified by the judge, in any community-based program, including a community-service work program under Section 16 of this article;

(11) Reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending the defendant in the case, if counsel was appointed, or if the defendant was represented by a county-paid public defender, in an amount that would have been paid to an appointed attorney had the county not had a public defender;

(12) Remain under custodial supervision in a community corrections facility, obey all rules and regulations of the facility, and pay a percentage of the defendant's income to the facility for room and board;

(13) Pay a percentage of the defendant's income to the defendant's dependents for their support while under custodial supervision in a community corrections facility;

(14) Submit to testing for alcohol or controlled substances;

(15) Attend counseling sessions for substance abusers or participate in substance abuse treatment services in a program or facility approved or licensed by the Texas Commission on Alcohol and Drug Abuse;

(16) With the consent of the victim of a misdemeanor offense or of any offense under Title 7, Penal Code, participate in victim-defendant mediation;

(17) Submit to electronic monitoring;

(18) Reimburse the compensation to victims of crime fund for any amounts paid from that fund to or on behalf of a victim, as defined by Article 56.32, of the defendant's offense or if no reimbursement is required, make one payment to the compensation to victims of crime fund in an amount not to exceed \$50 if the offense is a misdemeanor or not to exceed \$100 if the offense is a felony;

(19) Reimburse a law enforcement agency for the analysis, storage, or disposal of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with the offense;

(20) Pay all or part of the reasonable and necessary costs incurred by the victim for psychological counseling made necessary by the offense or for counseling and education relating to acquired immune deficiency syndrome or human immunodeficiency virus made necessary by the offense;

(21) Make one payment in an amount not to exceed \$50 to a crime stoppers organization as defined by Section 414.001, Government Code, and as certified by the Texas Crime Stoppers Council;

(22) Submit a DNA sample to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the defendant;

(23) In any manner required by the judge, provide public notice of the offense for which the defendant was placed on community supervision in the county in which the offense was committed; and

(24) Reimburse the county in which the prosecution was instituted for compensation paid to any interpreter in the case.

SECTION \_\_\_\_\_. Chapter 509, Government Code, is amended by adding Section 509.017 to read as follows:

Sec. 509.017. MODEL LIST OF PROGRESSIVE INTERMEDIATE SANCTIONS. The division shall establish a model list of progressive intermediate sanctions that may be adopted in a judicial district under Section 76.0021.

SECTION \_\_\_\_\_. (a) The judges described by Section 76.002, Government Code, shall adopt the system and establish the review process required by Section 76.0021, Government Code, as added by this Act, not later than January 1, 2012.

(b) The community justice assistance division of the Texas Department of Criminal Justice shall adopt the model list of progressive intermediate sanctions as required by Section 509.017, Government Code, as added by this Act, not later than November 1, 2011.

Amendment No. 1 was adopted.

**HB 3691**, as amended, was passed by (Record 1068): 131 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Landtroop; Miller, S.; Perry.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Darby; Davis, S.; Kolkhorst; Quintanilla; Schwertner.

### STATEMENTS OF VOTE

When Record No. 1068 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1068 was taken, my vote failed to register. I would have voted yes.

Schwertner

**HB 804 ON THIRD READING**  
**(by Lewis, Aliseda, Branch, Harless, Peña, et al.)**

**HB 804.** A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

**HB 804** was passed by (Record 1069): 110 Yeas, 16 Nays, 9 Present, not voting.

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

Nays — Alonzo; Alvarado; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Lucio; Mallory Caraway; McClendon; Miles; Reynolds; Rodriguez; Thompson; Walle.

Present, not voting — Mr. Speaker; Anchia; Bonnen(C); Castro; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Strama.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Anderson, R.; Elkins; Gonzales, L.; Kolkhorst; Muñoz; Truitt.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1069. I intended to vote no.

Burnam

I was shown voting yes on Record No. 1069. I intended to vote no.

Hochberg

When Record No. 1069 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst



When Record No. 1069 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Muñoz

I was shown voting yes on Record No. 1069. I intended to vote no.

Raymond

### REASONS FOR VOTE

I and several of my colleagues voted no on **HB 804** because the penalty is now too severe and for related reasons. The penalty is now equal to the penalties for aggravated assault, sexual assault, and other second degree felonies.

Gallego

The reason I voted present, not voting was due to the fact that this legislation created a "false choice." It was clear during the debate that this legislation was a direct attempt at discouraging voter turnout, especially amongst U.S. citizens of Hispanic origin, and aimed at suppressing minority involvement in general. Under current law, there are already penalties and enforcement tools in place to address the issue.

Muñoz

### HB 2884 ON THIRD READING (by Solomons)

**HB 2884**, A bill to be entitled An Act relating to coordinated county transportation authorities; creating an offense.

**HB 2884** was passed by (Record 1070): 133 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; 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.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Taylor, V.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Carter; Coleman; Kolkhorst; Oliveira.

### STATEMENTS OF VOTE

When Record No. 1070 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1070 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

I was shown voting yes on Record No. 1070. I intended to vote no.

Paxton

### HB 189 ON THIRD READING

(by T. Smith, Martinez Fischer, Harless, et al.)

**HB 189**, A bill to be entitled An Act relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.

#### Amendment No. 1

Representative Gallego offered the following amendment to **HB 189**:

Amend **HB 189** on third reading as follows:

(1) On page 2, line 17, between "by" and "adding" insert "amending Subsection (i) and".

(2) On page 2, between lines 17 and 18, insert:

(i) If a person convicted of an offense under Sections 49.04-49.08, Penal Code, is placed on community supervision, the court may require as a condition of community supervision that the defendant have a device installed, on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant, that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator and that the defendant not operate any motor vehicle that is not equipped with that device. The deep-lung breath analysis mechanism described by this subsection must have technology to provide continuous monitoring of the operator of the motor vehicle to prevent fraudulent manipulation or circumvention of the device that would allow operation of the motor vehicle by a person who has recently consumed ethyl alcohol. If it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, or if the person is convicted of an offense under Sections 49.04-49.06, Penal Code, and punished under Section 49.09(a) or

(b), Penal Code, or of a second or subsequent offense under Section 49.07 or 49.08, Penal Code, and the person after conviction of either offense is placed on community supervision, the court shall require as a condition of community supervision that the defendant have the device installed on the appropriate vehicle and that the defendant not operate any motor vehicle unless the vehicle is equipped with that device. Before placing on community supervision a person convicted of an offense under Sections 49.04-49.08, Penal Code, the court shall determine from criminal history record information maintained by the Department of Public Safety whether the person has one or more previous convictions under Sections 49.04-49.08, Penal Code, or has one previous conviction under Sections 49.04-49.07, Penal Code, or one previous conviction under Section 49.08, Penal Code. If it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, or if the court determines that the person has one or more such previous convictions, the court shall require as a condition of community supervision that the defendant have that device installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant and that the defendant not operate any motor vehicle unless the vehicle is equipped with the device described in this subsection. The court shall require the defendant to obtain the device at the defendant's own cost before the 30th day after the date of conviction unless the court finds that to do so would not be in the best interest of justice and enters its findings on record. The court shall require the defendant to provide evidence to the court within the 30-day period that the device has been installed on the appropriate vehicle and order the device to remain installed on that vehicle for a period not less than 50 percent of the supervision period. If the court determines the offender is unable to pay for the device, the court may impose a reasonable payment schedule not to exceed twice the period of the court's order. The Department of Public Safety shall approve devices for use under this subsection. Section 521.247, Transportation Code, applies to the approval of a device under this subsection and the consequences of that approval. Notwithstanding the provisions of this section, if a person is required to operate a motor vehicle in the course and scope of the person's employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified of that driving privilege restriction and if proof of that notification is with the vehicle. This employment exemption does not apply, however, if the business entity that owns the vehicle is owned or controlled by the person whose driving privilege has been restricted. A previous conviction may not be used for purposes of restricting a person to the operation of a motor vehicle equipped with an interlock ignition device under this subsection if:

- (1) the previous conviction was a final conviction under Section 49.04, 49.045, 49.05, 49.06, 49.07, or 49.08, Penal Code, and was for an offense committed more than 10 years before the instant offense for which the person was convicted and placed on community supervision; and

(2) the person has not been convicted of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.07, or 49.08 of that code, committed within 10 years before the date on which the instant offense for which the person was convicted and placed on community supervision.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Gallego offered the following amendment to **HB 189**:

Amend **HB 189** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter F, Chapter 521, Transportation Code, is amended by adding Section 521.127 to read as follows:

Sec. 521.127. DRIVER'S LICENSE FOR PERSONS CONVICTED OF CERTAIN INTOXICATED DRIVING OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Notwithstanding Section 521.347, a court in which a person is convicted of an offense relating to the operating of a motor vehicle while intoxicated shall require the person to surrender to the court the person's driver's license. This section applies to a person who has been convicted of four or more offenses relating to the operation of a motor vehicle while intoxicated.

(c) A court that requires a person to surrender the person's driver's license under Subsection (b) shall send to the department:

(1) a record of the person's conviction; and

(2) an indication that the driver's license issued to the person is subject to the requirements of this section.

(d) A person who is required to surrender the person's driver's license to the court under Subsection (b) may apply to the department for the issuance of a new or duplicate license provided that any applicable suspension period has expired.

(e) On the payment of all required fees, the department shall issue to a person who applies for a new or duplicate license under Subsection (d) a driver's license that includes a distinctive symbol or marking on the face of the license identifying the license holder as a person who has been convicted of an offense relating to the operating of a motor vehicle while intoxicated. The department by rule shall specify the symbol or marking required by this subsection.

(f) A driver's license issued under this section must include the symbol or marking required by Subsection (e) for the following time periods:

(1) if the person to whom the license is issued has been convicted four times of an offense relating to the operating of a motor vehicle while intoxicated, until the fifth anniversary of the later of:

(A) the date of that conviction; or

(B) the expiration of the period of suspension of the person's license as a result of the conviction;

(2) if the person to whom the license is issued has been convicted five times of an offense relating to the operating of a motor vehicle while intoxicated, until the tenth anniversary of the later of:

(A) the date of the person's most recent conviction of an offense relating to the operating of a motor vehicle while intoxicated; or

(B) the expiration of the period of suspension of the person's license as a result of that conviction; or

(3) if the person to whom the license is issued has been convicted six or more times of an offense relating to the operating of a motor vehicle while intoxicated, permanently.

(g) The symbol or marking required by Subsection (e) is in addition to any other information on the person's driver's license required by this chapter or the department.

(h) On or after the expiration of the time period specified by Subsection (f)(1) or (2), as applicable, a person issued a driver's license under Subsection (e) may apply to the department for a license that does not include the distinctive symbol or marking.

SECTION \_\_\_\_\_. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.429 to read as follows:

Sec. 545.429. CONVICTION FOR DRIVING WHILE INTOXICATED; IMPOUNDMENT OR IMMOBILIZATION OF VEHICLE. (a) A court that convicts a person for a third or subsequent offense under Section 49.04, Penal Code, may order the sheriff of the county in which the court has jurisdiction to impound or immobilize the motor vehicle operated by the person at the time of the offense for a period not to exceed seven days beginning on the day after the date the court enters the conviction if the person:

(1) was an owner of the motor vehicle at the time of the offense;

(2) is an owner of the motor vehicle on the date the court enters the conviction; and

(3) is the primary operator of the motor vehicle on the date the court enters the conviction.

(b) A sheriff acting under a court order issued under Subsection (a) may require that the motor vehicle, prior to immobilization, be taken to:

(1) a garage or other place of safety; or

(2) a garage designated or maintained by the county.

(c) Subsection (b) shall not apply if the owner of the vehicle:

(1) designates, with permission of the sheriff, the location where such vehicle shall be garaged or stored; and

(2) agrees to hold the sheriff and the county free of any and all liability for any damage to the vehicle while such vehicle is immobilized.

(d) Notwithstanding Article 18.23, Code of Criminal Procedure, the person convicted of a third or subsequent offense under Section 49.04, Penal Code, is liable for all removal and storage fees incurred as a result of the impoundment or immobilization of the motor vehicle and is not entitled to take possession of the vehicle until those fees are paid.

SECTION \_\_\_\_\_. Sections 521.127 and 545.429, Transportation Code, as added by this Act, apply only to a person who is convicted of an offense on or after the effective date of this Act. A person who was convicted of an offense before the effective date of this Act is governed by the law in effect when the person was convicted, and the former law is continued in effect for that purpose.

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

**HB 189**, as amended, was passed by (Record 1071): 125 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Castro; Chisum; Christian; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Carter; King, T.; Kleinschmidt; Landtroop; Miller, S.; Perry; Phillips; Schwertner; Simpson; Taylor, V.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Callegari; Coleman; Hancock.

#### STATEMENTS OF VOTE

When Record No. 1071 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting yes on Record No. 1071. I intended to vote no.

Madden

I was shown voting yes on Record No. 1071. I intended to vote no.

Paxton

I was shown voting yes on Record No. 1071. I intended to vote no.

Sheffield

**HB 31 ON THIRD READING**  
**(by Guillen)**

**HB 31**, A bill to be entitled An Act relating to the period of license suspension after moving violations for a holder of a provisional driver's license.

**Amendment No. 1**

Representative Guillen offered the following amendment to **HB 31**:

Amend **HB 31** on third reading as follows:

(1) Strike SECTION 1 of the bill amending Section 521.025, Transportation Code (second reading engrossment, page 1 line 8, through page 3, line 4).

(2) Strike SECTIONS 3, 4, 5, 6, and 7 of the bill amending the heading to Subchapter J, Chapter 601, Transportation Code, and Sections 601.291, 601.293(b), 601.296, and 708.104(a), Transportation Code (second reading engrossment, page 3 line 17, through page 5, line 5).

(3) Strike SECTION 8 of the bill repealing Section 521.021, Transportation Code (second reading engrossment, page 5, lines 6-7).

(4) Strike SECTION 9 of the bill (second reading engrossment, page 5 lines 8-15).

Amendment No. 1 was adopted.

**HB 31**, as amended, was passed by (Record 1072): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Coleman.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1072. I intended to vote no.

Burnam

I was shown voting yes on Record No. 1072. I intended to vote no.

Madden

I was shown voting yes on Record No. 1072. I intended to vote no.

Sheffield

### HB 3275 ON THIRD READING (by Coleman)

**HB 3275**, A bill to be entitled An Act relating to the operation and governance of tax increment financing reinvestment zones.

**HB 3275** was passed by (Record 1073): 134 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Miller, S.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Gonzales, V.; Larson; Lewis; Madden.



**HB 2408 ON THIRD READING**  
**(by Darby, et al.)**

**HB 2408**, A bill to be entitled An Act relating to the regulation of the title insurance industry.

**Amendment No. 1**

Representative Darby offered the following amendment to **HB 2408**:

Amend **HB 2408** on third reading by striking all below the enacting clause and substituting the following:

SECTION 1. Section 2502.055(a), Insurance Code, is amended to read as follows:

(a) The activities described in this section are not rebates. Nothing in this subchapter prohibits a title insurance company or a title insurance agent from:

(1) engaging in ~~legal~~ promotional and educational activities that are not conditioned on the referral of title insurance business;

(2) purchasing advertising promoting the title insurance company or the title insurance agent at market rates from any person in any publication, event, or media;

(3) delivering to a party in the transaction or the party's representative legal documents or funds which are directly or indirectly related to a transaction closed by the title insurance company or title insurance agent; ~~or~~

(4) participating in an association of attorneys, builders, developers, realtors, or other real estate practitioners provided that the level of such participation does not exceed normal participation of a volunteer member of the association and is not activity that would ordinarily be performed by paid staff of an association; or

(5) providing continuing education courses at market rates, regardless of whether participants receive credit hours.

SECTION 2. Section 2651.007, Insurance Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) Not later than the 20th business day after the date the department receives a renewal application, the department shall notify the applicant in writing of any deficiencies in the application that render the renewal application incomplete.

(e) Not later than the fifth business day after the date the renewal application is complete, the department shall notify the applicant in writing of the date that the renewal application is complete.

(f) A renewal application is automatically approved on the 30th business day after the date the renewal application is complete, unless on or before that date the department notifies the applicant in writing of the factual grounds on which the department proposes to deny the license under Section 2651.301.

(g) The department may provide a notice required under this section by e-mail.

SECTION 3. Section 2651.009, Insurance Code, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) Not later than the 20th business day after the date the department receives a notice under Subsection (b), the department shall notify the title insurance agent and appointing title insurance company in writing of any deficiencies in the notice that render the notice incomplete. A notice under Subsection (b) is considered complete on the date the department receives the notice, unless the department provides notice of the deficiencies under this section.

(c-1) Not later than the fifth business day after the date the notice under Subsection (b) is complete, the department shall notify the title insurance agent and appointing title insurance company in writing of the date that the notice under Subsection (b) is complete.

(c-2) The appointment is effective on the eighth business day following the date ~~[the department receives]~~ the ~~[completed]~~ notice of appointment is complete and the department receives the fee, unless the department proposes to reject ~~[rejects]~~ the appointment. If the department proposes to reject ~~[rejects]~~ the appointment, the department shall notify the title insurance agent and the appointing title insurance company ~~[state]~~ in writing of the factual grounds on which the department proposes to reject the appointment ~~[reasons for rejection]~~ not later than the seventh business day after the date on which the ~~[department receives the completed]~~ notice of appointment is complete.

(c-3) The department may provide a notice required under this section by e-mail.

SECTION 4. Subchapter G, Chapter 2651, Insurance Code, is amended by adding Sections 2651.3015 and 2651.303 to read as follows:

Sec. 2651.3015. PROHIBITED GROUNDS FOR REJECTION, DELAY, OR DENIAL. (a) The department may not reject or delay a notice of appointment under Section 2651.009 based wholly or partly on a pending department audit or complaint investigation or a pending disciplinary action against a title insurance agent or appointing title insurance company that has not been closed or finally adjudicated on or before the date on which the notice is received by the department.

(b) The department may not delay or deny a license application under Section 2651.002 or a renewal application under Section 2651.007 based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, an applicant or license holder that is pending and has not been finally closed or adjudicated on or before the date on which the application is filed.

Sec. 2651.303. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder in writing of a disciplinary or enforcement action against the license holder not later than the 60th business day after the date the department assigns a file number to the action.

(b) A notice required by Subsection (a) may be provided by e-mail and must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) This section does not apply to an action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department has made a good faith determination, based on credible suspicion, that a person who is the subject of the action is committing ongoing acts of fraud.

SECTION 5. Subchapter B, Chapter 2652, Insurance Code, is amended by adding Section 2652.059 to read as follows:

Sec. 2652.059. DENIAL OF LICENSE APPLICATION OR LICENSE RENEWAL; APPROVAL. (a) Not later than the 20th business day after the date the department receives a license application or a license renewal under this chapter, the department shall notify the applicant or license holder in writing of any deficiencies in the application that render the application incomplete.

(b) Not later than the fifth business day after the date the application is complete, the department shall notify the applicant or license holder in writing of the date that the license application or license renewal is complete.

(c) An application is automatically approved on the 30th business day after the date the application is complete, unless on or before that date the department notifies the applicant or license holder in writing of the factual grounds on which the department proposes to deny the application.

(d) The department may provide a notice required under this section by e-mail.

SECTION 6. Subchapter E, Chapter 2652, Insurance Code, is amended by adding Sections 2652.2015 and 2652.203 to read as follows:

Sec. 2652.2015. PROHIBITED GROUNDS FOR DELAY OR DENIAL. The department may not delay or deny a license application or a license renewal based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, a license holder or applicant that is pending and has not been closed or finally adjudicated on or before the date on which the initial or renewal application is filed.

Sec. 2652.203. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder of a disciplinary action or enforcement action against the license holder not later than the 60th business day after the date the department assigns a file number to the action.

(b) A notice required by Subsection (a) must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) This section does not apply to an action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department has made a good faith determination, based on credible suspicion, that a person who is the subject of the action is committing ongoing acts of fraud.

SECTION 7. Section 2703.153, Insurance Code, is amended by amending Subsection (d) and adding Subsections (h) and (i) to read as follows:

(d) A title insurance company or a title insurance agent aggrieved by a department requirement concerning the submission of information may bring a suit in a district court in Travis County alleging that the request for information:

(1) is unduly burdensome; or

(2) is not a request for information material to fixing and promulgating premium rates or another matter that may be the subject of the periodic ~~biennial~~ hearing and is not a request reasonably designed to lead to the discovery of that information.

(h) The contents of the statistical report, including any amendments to the statistical report, must be established in a rulemaking hearing under Subchapter B, Chapter 2001, Government Code.

(i) An amendment to the contents of the statistical report may not apply retroactively.

SECTION 8. Section 2703.202, Insurance Code, is amended by amending Subsections (b) and (d) and adding Subsections (g), (h), (i), (j), (k), (l), (m), (n), and (o) to read as follows:

(b) The commissioner shall order a public hearing to consider changing a premium rate, including fixing a new premium rate, in response to a written [At the] request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel[; ~~the commissioner shall order a public hearing to consider changing a premium rate.~~]

(d) Notwithstanding Subsection (c), [at the request of a title insurance company or the public insurance counsel,] a public hearing held under Subsection (a) or under Section 2703.206 must be conducted by the commissioner as a contested case hearing under Subchapters C through H and Subchapter Z, Chapter 2001, Government Code, at the request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel.

(g) If a hearing held under Subsection (a) is not conducted as a contested case hearing, the commissioner shall render a decision and issue a final order not later than the 120th day after the date the commissioner receives a written request under Subsection (b).

(h) If a hearing held under Subsection (a) is conducted as a contested case hearing:

(1) not later than the 30th day after the date the commissioner receives a request for a public hearing under Subsection (b), the commissioner shall issue a notice of call for items to be considered at the hearing;

(2) the commissioner may not require responses to the notice of call before the 60th day after the date the commissioner issues the notice of call;

(3) the commissioner shall issue a notice of public hearing requested under Subsection (d) not later than the 30th day after the date responses to the notice of call are required under Subdivision (2);

(4) the commissioner shall commence the public hearing not earlier than the 120th day after the date the commissioner issues a notice of hearing under Subdivision (3);

(5) the commissioner shall close the public hearing not later than the 150th day after the date the commissioner issues the notice of hearing under Subdivision (3); and

(6) the commissioner shall render a decision and issue a final order not later than the 60th day after the record made in the public hearing is closed under Subdivision (5).

(i) A party's presentation of relevant, admissible oral testimony in a hearing under this section may not be limited.

(j) The commissioner shall consider each matter presented in a hearing under this section and announce in a public hearing all decisions on all matters considered.

(k) A party described by Subsection (b) may petition a district court in Travis County to enter an order requiring the commissioner to comply with the deadlines described by this section if the commissioner fails to meet a requirement in Subsection (g) or (h).

(l) Subject to Subsection (m), if the commissioner fails to comply with the requirements under Subsection (g) or (h)(6), a combination of at least three associations, persons, or entities listed in Subsection (b) may jointly petition a district court of Travis County to adopt a rate based on the record made in the hearing before the commissioner under this section.

(m) If the record made in the hearing before the commissioner is not complete before the request for the court to adopt a premium rate under Subsection (l), the court shall hold an evidentiary hearing to establish a record before adopting the premium rate.

(n) After a petition has been filed under Subsection (l), the commissioner may not issue findings or an order related to the subject matter of the petition until after the date the court enters a final judgment.

(o) A district court may appoint a magistrate to adopt a rate under this section.

SECTION 9. Section 2703.203, Insurance Code, is amended to read as follows:

Sec. 2703.203. PERIODIC ~~[BIENNIAL]~~ HEARING. The commissioner shall hold a ~~[biennial]~~ public hearing not earlier than July 1 after the fifth anniversary of the closing of a hearing held under this chapter ~~[of each even-numbered year]~~ to consider adoption of premium rates and other matters relating to regulating the business of title insurance that an association, title insurance company, title insurance agent, or member of the public admitted as a party under Section 2703.204 requests to be considered or that the commissioner determines necessary to consider.

SECTION 10. Section 2703.204, Insurance Code, is amended to read as follows:

Sec. 2703.204. ADMISSION AS PARTY TO PERIODIC ~~[BIENNIAL]~~ HEARING. (a) Subject to this section, a trade association whose membership is composed of at least 20 percent of the members of an industry or group represented by a trade association, an association, a person or entity described by Section 2703.202(b), or department staff ~~[an individual or association or other entity recommending adoption of a premium rate or another matter relating to regulating the business of title insurance]~~ shall be admitted as a party to the periodic ~~[biennial]~~ hearing under Section 2703.203.

(b) A party to any portion of the periodic ~~[the ratemaking phase of the biennial]~~ hearing relating to ratemaking may request that the commissioner remove any other party to that portion of ~~[the ratemaking phase of]~~ the hearing on the grounds that the other party does not have a substantial interest in title insurance. A decision of the commission to deny or grant the request is final and subject to appeal in accordance with Section 36.202.

SECTION 11. Section 2703.207, Insurance Code, is amended to read as follows:

Sec. 2703.207. NOTICE OF CERTAIN HEARINGS. Not later than the 60th day before the date of a hearing under Section 2703.202, 2703.203, or 2703.206, notice of the hearing and of each item to be considered at the hearing shall be:

(1) sent directly to all parties to the previous hearing conducted under Section 2703.202, 2703.203, or 2703.206, if the hearing was conducted as a contested case hearing ~~[title insurance companies and title insurance agents]; and~~

(2) published in the Texas Register and on the department's Internet website ~~[provided to the public in a manner that gives fair notice concerning the hearing].~~

SECTION 12. Section 2703.205, Insurance Code, is repealed.

SECTION 13. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

**HB 2408 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE DARBY: For legislative intent purposes, I would like to state for the record that it is not the intent of this bill to change the longstanding meaning of Section 2502.055(a)(1).

**REMARKS ORDERED PRINTED**

Representative Darby moved to print his remarks on **HB 2408**.

The motion prevailed.

**HB 2408**, as amended, was passed by (Record 1074): 134 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Dutton; Patrick; Woolley.

**HB 963 ON THIRD READING**  
(by Hartnett)

**HB 963**, A bill to be entitled An Act relating to the costs associated with proceedings regarding cruelly treated animals.

**HB 963** was passed by (Record 1075): 122 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Cook; Creighton; Crownover;

Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; 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; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Aycock; Beck; Cain; Craddick; Flynn; Frullo; Gooden; Hughes; Landtroop; Lavender; Paxton; Perry; Phillips; Simpson; White.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Coleman; Pickett.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1075. I intended to vote no.

Berman

I was shown voting yes on Record No. 1075. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1075. I intended to vote no.

Driver

I was shown voting yes on Record No. 1075. I intended to vote no.

S. Miller

I was shown voting yes on Record No. 1075. I intended to vote no.

Orr

### HB 2060 ON THIRD READING

(by Peña, Aliseda, Torres, L. Gonzales, and Garza)

**HB 2060**, A bill to be entitled An Act relating to the confidentiality of certain information regarding state election inspectors.

**HB 2060** was passed by (Record 1076): 130 Yeas, 7 Nays, 2 Present, not voting.



Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; 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.; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anchia; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Naishtat; Thompson.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Hartnett; Oliveira.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1076. I intended to vote no.

Burnam

I was shown voting yes on Record No. 1076. I intended to vote no.

Martinez Fischer

I was shown voting yes on Record No. 1076. I intended to vote no.

Rodriguez

When Record No. 1076 was taken, I was excused because of a meeting of the Conference Committee on **HB 1**. I would have voted no.

Turner

### HB 2722 ON THIRD READING (by Perry)

**HB 2722**, A bill to be entitled An Act relating to the state Medicaid program as the payor of last resort.

**HB 2722** was passed by (Record 1077): 121 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Margo; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Creighton; Farrar; Gonzalez; Madden; Mallory Caraway; Sheffield; Smith, T.; Thompson; Vo.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Dukes; Farias; McClendon; Oliveira; Phillips; Villarreal; Walle.

### STATEMENTS OF VOTE

When Record No. 1077 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1077 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. 1077. I intended to vote yes.

Thompson

### HB 677 ON THIRD READING (by Lucio, et al.)

**HB 677**, A bill to be entitled An Act relating to cognitive-linguistic or neurocognitive assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

**HB 677** was passed by (Record 1078): 94 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Bohac; Branch; Burkett; Burnam; Callegari; Carter; Castro; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Orr; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Smithee; Strama; Taylor, L.; Thompson; Torres; Villarreal; Vo; Walle; Weber; White; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen(C); Brown; Button; Cain; Chisum; Craddick; Davis, J.; Flynn; Frullo; Hamilton; Hilderbran; Howard, C.; King, P.; Landtroop; Laubenberg; Lavender; Legler; Lewis; Miller, D.; Miller, S.; Morrison; Nash; Parker; Paxton; Perry; Phillips; Schwertner; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, V.; Truitt; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Hartnett; Hughes; Shelton.

### **HB 197 ON THIRD READING** **(by Solomons, et al.)**

**HB 197**, A bill to be entitled An Act relating to the provision of certain documentation before a person may engage in a licensed occupation; providing a criminal penalty.

**HB 197** was passed by (Record 1079): 111 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla;

Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Burnam; Castro; Coleman; Dutton; Farias; Farrar; Gonzales, V.; Hernandez Luna; Howard, D.; Johnson; Menendez; Miles; Muñoz; Naishtat; Rodriguez; Simpson; Thompson; Vo; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Hilderbran; King, T.; Lyne; Oliveira; Villarreal.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1079. I intended to vote no.

Anchia

I was shown voting yes on Record No. 1079. I intended to vote no.

Martinez Fischer

I was shown voting yes on Record No. 1079. I intended to vote no.

Paxton

### HB 2560 ON THIRD READING (by Sheffield, Driver, Legler, et al.)

**HB 2560**, A bill to be entitled An Act relating to transporting a foster child in a vehicle where a handgun is in the possession of a foster parent licensed to carry a concealed handgun.

**HB 2560** was passed by (Record 1080): 134 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Davis, Y.; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Villarreal.

### 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).

### HB 2990 ON THIRD READING (by Deshotel)

**HB 2990**, A bill to be entitled An Act relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.

**HB 2990** was passed by (Record 1081): 114 Yeas, 22 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Aycoc; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lucio; Madden; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Berman; Bonnen(C); Cain; Elkins; Flynn; Gooden; Hancock; Hughes; Landtroop; Laubenberg; Lyne; Mallory Caraway; Miller, S.; Paxton; Perry; Price; Simpson; Solomons; Weber.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Harper-Brown; Villarreal.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1081. I intended to vote no.

Creighton

I was shown voting yes on Record No. 1081. I intended to vote no.

Frullo

When Record No. 1081 was taken, I was excused because of important business in the district. I would have voted no.

Geren

When Record No. 1081 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 1081. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 1081. I intended to vote no.

White

I was shown voting yes on Record No. 1081. I intended to vote no.

Zedler

### HB 3030 ON THIRD READING (by McClendon)

**HB 3030**, A bill to be entitled An Act relating to the funding of projects in the boundaries of an intermunicipal commuter rail district.

#### Amendment No. 1

Representative McClendon offered the following amendment to **HB 3030**:

Amend **HB 3030** on third reading as follows:

(1) Strike page 1, lines 9-10, and substitute:

SECTION 2. Section 173.256, Transportation Code, is amended by amending Subsections (b) and (d) and adding Subsection (d-1) to read as follows:

(2) Strike page 1, line 16, through page 2, line 12, and substitute:

(d) The agreement may establish one or more transportation infrastructure zones. The district and the local government may agree that, at one or more specified times, the local government will pay to the district an amount that is calculated on the basis of increased ad valorem tax collections in a zone that are attributable to increased values of property located in the zone resulting from an infrastructure project. Except as provided by Subsection (d-1), the [The] amount may not exceed an amount that is equal to 30 percent of the increase in ad valorem tax collections for the specified period.

(d-1) A transportation infrastructure zone of a district established before January 1, 2005, may consist of a contiguous or noncontiguous geographic area in the territory of one or more local governments and must include a commuter rail facility or the site of a proposed commuter rail facility. The amount paid by a local government under Subsection (d) to a district established before January 1, 2005, may not exceed an amount that is equal to the increase in ad valorem tax collections in the zone for the specified period.

(3) On page 2, strike line 17 and substitute:

INFRASTRUCTURE ZONE IN CERTAIN DISTRICTS. A district established before January 1, 2005, that creates a transportation infrastructure zone shall establish a tax increment

(4) On page 2, strike line 25 and substitute:

GOVERNMENT MEMBER IN CERTAIN DISTRICTS. (a) This section applies only to a district created before January 1, 2005.

(b) A local government member of a district

(5) On page 3, line 6, strike "(b)" and substitute "(c)".

(6) On page 3, line 17, strike "(c)" and substitute "(d)".

(7) On page 3, line 22, strike "(d)" and substitute "(e)".

(8) On page 4, line 3, strike "(e)" and substitute "(f)".

Amendment No. 1 was adopted.

**HB 3030**, as amended, was passed by (Record 1082): 84 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, R.; Branch; Burnam; Button; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Larson; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Smithee; Strama; Taylor, L.; Thompson; Torres; Truitt; Vo; Walle; Workman.

Nays — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen(C); Brown; Burkett; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Hamilton; Hancock; Howard, C.; Huberty; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Miller, S.; Parker; Paxton; Perry; Price; Riddle; Schwertner; Sheffield; Shelton; Simpson; Smith, T.; Taylor, V.; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Crownover; Garza; Smith, W.; Solomons; Villarreal.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1082. I intended to vote no.

Driver

I was shown voting yes on Record No. 1082. I intended to vote no.

Orr

When Record No. 1082 was taken, I was in the house but away from my desk. I would have voted no.

Solomons

### HB 3237 ON THIRD READING (by Hernandez Luna, Alvarado, and Gonzalez)

**HB 3237**, A bill to be entitled An Act relating to the establishment and operation of the Texas Women Veterans Program.

**HB 3237** was passed by (Record 1083): 116 Yeas, 17 Nays, 1 Present, not voting.

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

Nays — Anderson, C.; Beck; Bonnen(C); Button; Cain; Callegari; Carter; Craddick; Darby; Frullo; Isaac; Lavender; Miller, D.; Miller, S.; Price; Schwertner; Simpson.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Brown; Garza; Harper-Brown; Pickett; Taylor, L.; Villarreal.



**STATEMENTS OF VOTE**

When Record No. 1083 was taken, I was in the house but away from my desk. I would have voted yes.

Brown

When Record No. 1083 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

I was shown voting yes on Record No. 1083. I intended to vote no.

Hilderbran

When Record No. 1083 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

**HB 3439 ON THIRD READING**  
**(by Raymond)**

**HB 3439**, A bill to be entitled An Act relating to missing children; providing a criminal penalty.

**HB 3439** was passed by (Record 1084): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Dukes; Garza; McClendon; Villarreal.

### STATEMENTS OF VOTE

When Record No. 1084 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1084 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

### HB 3474 ON THIRD READING (by Gallego)

**HB 3474**, A bill to be entitled An Act relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

#### Amendment No. 1

Representative Gallego offered the following amendment to **HB 3474**:

Amend **HB 3474** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 106.04(e), Alcoholic Beverage Code, strike "It is an exception to the application of Subsection (a) that the minor" and substitute "Subsection (a) does not apply to a minor who".

(2) In SECTION 2 of the bill, in added Section 106.05(d), Alcoholic Beverage Code, strike "It is an exception to the application of Subsection (a) that the minor" and substitute "Subsection (a) does not apply to a minor who".

Amendment No. 1 was adopted.

**HB 3474**, as amended, was passed by (Record 1085): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Villarreal.

**HB 3624 ON THIRD READING**  
**(by Hochberg)**

**HB 3624**, A bill to be entitled An Act relating to the eligibility of educational aides for tuition exemptions at public institutions of higher education.

**HB 3624** was passed by (Record 1086): 134 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Anchia; Huberty; Hunter; Villarreal.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1086. I intended to vote no.

Fletcher

When Record No. 1086 was taken, I was excused because of important business in the district. I would have voted no.

Geren

When Record No. 1086 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 1086. I intended to vote no.

Kolkhorst

**HB 19 ON THIRD READING**  
**(by Riddle, Murphy, Fletcher, et al.)**

**HB 19**, A bill to be entitled An Act relating to the prosecution and punishment of a person operating a motor vehicle without a license.

**HB 19** was passed by (Record 1087): 115 Yeas, 20 Nays, 2 Present, not voting.

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

Nays — Alonzo; Anchia; Burnam; Castro; Coleman; Dukes; Farias; Gonzales, V.; Hernandez Luna; Howard, D.; Isaac; Johnson; Mallory Caraway; Martinez Fischer; McClendon; Muñoz; Naishtat; Strama; Vo; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Guillen; Raymond; Villarreal.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 1087. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 1087. I intended to vote no.

Rodriguez

**HB 3018 ON THIRD READING**  
**(by Gutierrez and Hartnett)**

**HB 3018**, A bill to be entitled An Act relating to a policy of a school district concerning possession of a telecommunications device by a student.

**Amendment No. 1**

Representative Workman offered the following amendment to **HB 3018**:

Amend **HB 3018** on third reading as follows:

(1) In amended Section 37.082(a), Education Code (second reading engrossment, page 1, line 9), strike "prohibiting a student from possessing" and substitute "relating to the possession or use by a student of [~~prohibiting a student from possessing~~]".

(2) In amended Section 37.082(a), Education Code (second reading engrossment, page 1, line 13), strike "prohibition" and substitute "policy [~~prohibition~~]".

(3) In amended Section 37.082(b), Education Code (second reading engrossment, page 1, line 21), strike "and any [~~the~~] company whose name and address or telephone number appear on the device" and substitute "[and the company whose name and address or telephone number appear on the device]".

(4) In amended Section 37.082(b), Education Code (second reading engrossment, page 1, line 24), strike "this section" and substitute "district policy".

(5) In amended Section 37.082, Education Code (second reading engrossment, page 2, lines 2-12), strike Subsection (b-1).

(6) In proposed Section 37.082(b-2), Education Code (second reading engrossment, page 2, line 13), strike "(b-2) A school district may [~~;~~ and (2)]" and substitute "(b-1) A school district may [~~The notice shall include the serial number of the device and may be made by telephone, telegraph, or in writing; and (2)]".~~

(7) In proposed Section 37.082(b-2), Education Code (second reading engrossment, page 2, line 15), strike "not to exceed \$15 before the district [~~it~~] releases the device" and substitute " [~~not to exceed \$15 before it releases the device~~]".

Amendment No. 1 was adopted.

**HB 3018**, as amended, was passed by (Record 1088): 134 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez

Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson; Weber.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Madden; Villarreal.

### **HB 2365 ON THIRD READING**

**(by Eissler)**

**HB 2365**, A bill to be entitled An Act relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

#### **HB 2365 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE KOLKHORST: Chairman Eissler, just a couple of questions. I know we've been working on this bill a little bit, and for the body to understand, how long have we had these ERCs?

REPRESENTATIVE EISSLER: I think '06? ERCs—Education Resource Centers.

KOLKHORST: Two years, I think.

EISSLER: No, it's been a little longer than that. They've been operating about two years; I think we put them in **HB 1** in—

KOLKHORST: So, there are three that are going to operate, am I correct?

EISSLER: They've been operating, yes. UT Dallas, A&M, and here at UT Austin.

KOLKHORST: So, here's the main question, or concern that we have is that the information—I know it goes from agency to agency, from TEA to Higher Education Coordinating Board, and then to ERCs, and then the concern would be that as that information is aggregated, who uses that information after that?

EISSLER: It's used in projects by people in research, and there's a board that decides what projects are to be used, so they allow the data to be used. And it has to be stored in Texas; there's no access outside other than some of the reciprocal agreements for higher ed. For example, Texas kids are in California, and they will let Texas use that and vice versa.

KOLKHORST: Let me ask you a couple of questions. People that get that information, is it for sale?

EISSLER: No.

KOLKHORST: Okay. Help me with that; expound on that a little bit.

EISSLER: The ERCs have to be self-sufficient, so they do get paid to provide data for certain research projects. That's how they stay in business at no cost to the state. They don't sell data. They have access to data.

KOLKHORST: Do companies, like, maybe companies that are going to create tests that we pay hundreds of millions of dollars for, are they able to get that information?

EISSLER: No, not really. You mean like Pearson, people like that? I mean, why do they need that?

KOLKHORST: I don't know. We just want to make sure, and I think there's a couple of people behind me.

EISSLER: Pearson is the ones that has it, they're the ones giving the test.

KOLKHORST: So, the real question is, and I think Representative Hochberg, if you want to address some of my questions, as we had that conversation, is the people that are getting this are purely research and that it's not for sale?

EISSLER: Correct.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

#### Amendment No. 1

Representatives Kolkhorst and Strama offered the following amendment to **HB 2365**:

Amend **HB 2365** on third reading as follows:

(1) On page 1 of the 2nd reading engrossment, line 6 and 7, strike "(l) and (m)" and substitute "(g-1), (l), and (m)".

(2) On page 2, between lines 5 and 6, insert the following:

(g-1) Confidential information provided to a center by the Texas Education Agency or the coordinating board must be protected by procedures to ensure that any unique identifying number is not traceable to any individual. The procedures must be maintained as confidential by the Texas Education Agency and the coordinating board. The procedures may not be shared with a center or used for any purpose other than for purposes of this section. Social security numbers, names, and birthdates may not be accessed for the purpose of research at a center.

Amendment No. 1 was adopted.

**HB 2365**, as amended, was passed by (Record 1089): 115 Yeas, 19 Nays, 3 Present, not voting.

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

Nays — Anderson, C.; Berman; Brown; Cain; Craddick; Flynn; Frullo; Hamilton; Hughes; Isaac; Landtroop; Laubenberg; Paxton; Perry; Phillips; Price; Simpson; Taylor, V.; White.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Creighton; Garza; Villarreal.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1089. I intended to vote no.

Aliseda

When Record No. 1089 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 1089 was taken, I was excused because of important business in the district. I would have voted no.

Geren

I was shown voting yes on Record No. 1089. I intended to vote no.

Kolkhorst

I was shown voting present, not voting on Record No. 1089. I intended to vote yes.

Patrick



**HB 59 ON THIRD READING**  
**(by Martinez)**

**HB 59**, A bill to be entitled An Act relating to recipients of financial assistance administered by the Texas Department of Housing and Community Affairs.

**Amendment No. 1**

Representative Menendez offered the following amendment to **HB 59**:

Amend **HB 59** by adding the following section and renumbering the sections accordingly:

SECTION 1. Subchapter K, Chapter 2306, Government Code, is amended by adding Section 2306.2585 to read as follows:

Sec. 2306.2585. HOMELESS HOUSING AND SERVICES PROGRAM.

(a) The department may administer a homeless housing and services program in each municipality in this state with a population of 285,500 or more to:

(1) provide for the construction, development, or procurement of housing for homeless persons; and

(2) provide local programs to prevent and eliminate homelessness.

(b) If the department implements the homeless housing and services program under Subsection (a), the department shall adopt rules to govern the program, including rules that:

(1) provide for the allocation of any available funding; and

(2) provide detailed guidelines as to the scope of the local programs in the municipalities described by Subsection (a).

(c) The department may use any available revenue, including legislative appropriations, and shall solicit and accept gifts and grants for the purposes of this section. The department shall use gifts and grants received for the purposes of this section before using any other revenue.

Amendment No. 1 was adopted.

**HB 59**, as amended, failed to pass by (Record 1090): 60 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Jackson; Johnson; King, T.; Larson; Lewis; Lucio; Lyne; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Simpson; Smith, W.; Strama; Thompson; Torres; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Harper-Brown; Hilderbran; Howard, C.; Huberty; Hughes; Isaac; Keffer; King,

P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Paxton; Peña; Perry; Phillips; Price; Riddle; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1090. I intended to vote no.

Driver

I was shown voting yes on Record No. 1090. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1090. I intended to vote no.

Patrick

### HB 773 ON THIRD READING

(by Anchia)

**HB 773**, A bill to be entitled An Act relating to creating an energy efficiency council to coordinate administration of energy efficiency programs.

#### Amendment No. 1

Representative Anchia offered the following amendment to **HB 773**:

Amend **HB 773** on third reading on page 7, between lines 21 and 22 by inserting the following:

Sec. 470.014. EXPIRATION OF CHAPTER. This chapter expires August 31, 2013.

Amendment No. 1 was adopted.

**HB 773**, as amended, failed to pass by (Record 1091): 65 Yeas, 70 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Chisum; Christian; Coleman; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Johnson; Keffer; King, T.; Kolkhorst; Lewis; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Smith, W.; Smithee; Strama; Thompson; Torres; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Cook; Craddick; Creighton; Darby; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hamilton; Hancock; Hilderbran; Hughes; Isaac; Jackson; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Riddle; Schwertner; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Hardcastle; Harper-Brown.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1091. I intended to vote no.

Driver

When Record No. 1091 was taken, I was excused because of important business in the district. I would have voted no.

Geren

I was shown voting yes on Record No. 1091. I intended to vote no.

Harless

When Record No. 1091 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 1091. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1091. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 1091. I intended to vote no.

Lewis

I was shown voting yes on Record No. 1091. I intended to vote no.

W. Smith

### HB 892 ON THIRD READING

(by C. Howard, et al.)

**HB 892**, A bill to be entitled An Act relating to the creation of the offense of unlawful transport of an illegal alien.

**HB 892** was passed by (Record 1092): 122 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; 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; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Lucio; Martinez Fischer; Naishtat; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Coleman; Farias; Garza; Villarreal.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1092. I intended to vote no.

Rodriguez

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

### HB 1046 ON THIRD READING (by Fletcher)

**HB 1046**, A bill to be entitled An Act relating to the confidentiality of certain personal information concerning current and former employees of certain divisions of the office of attorney general.

**HB 1046** was passed by (Record 1093): 131 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland;

Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Davis, Y.; Garza; Kolkhorst; Mallory Caraway; Naishtat; Villarreal.

### STATEMENTS OF VOTE

When Record No. 1093 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1093 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

### HB 1429 ON THIRD READING (by Deshotel)

**HB 1429**, A bill to be entitled An Act relating to rights and remedies of certain residential tenants and landlords; providing civil penalties.

**HB 1429** was passed by (Record 1094): 117 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Aycock; Beck; Bohac; Branch; Burkett; Burnam; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kolkhorst; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon;

Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Berman; Brown; Cain; Carter; Creighton; Flynn; Gooden; Kleinschmidt; Kuempel; Laubenberg; Sheets; Sheffield; Simpson; Weber; White; Zedler.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Aliseda; Allen; Garza; Harper-Brown.

### STATEMENT OF VOTE

When Record No. 1094 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

### HB 875 ON THIRD READING

(by C. Howard, et al.)

**HB 875**, A bill to be entitled An Act relating to the identification of certain defendants as foreign nationals who were not lawfully admitted to the United States or whose lawful status has expired and to their release on bail.

**HB 875** was passed by (Record 1095): 124 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Burnam; Coleman; Farias; McClendon.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Dukes; Garza; Martinez Fischer; Muñoz; Quintanilla; Sheffield; Villarreal; Walle.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1095. I intended to vote no.

Castro

When Record No. 1095 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1095 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. 1095. I intended to vote no.

Rodriguez

When Record No. 1095 was taken, I was in the house but away from my desk. I would have voted yes.

Sheffield

### HB 1386 ON THIRD READING (by Coleman, Farrar, Marquez, et al.)

**HB 1386**, A bill to be entitled An Act relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, and bullying.

#### Amendment No. 1

Representative Coleman offered the following amendment to **HB 1386**:

Amend **HB 1386** on third reading as follows:

Strike SECTION 5, SECTION 6, SECTION 7, SECTION 8, SECTION 9, SECTION 10.

Amendment No. 1 was adopted.

**HB 1386**, as amended, was passed by (Record 1096): 107 Yeas, 29 Nays, 3 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Castro; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle;

Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; King, P.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson, C.; Berman; Button; Cain; Carter; Chisum; Creighton; Elkins; Fletcher; Flynn; Hartnett; Hughes; Keffer; Kleinschmidt; Laubenberg; Miller, D.; Miller, S.; Paxton; Price; Riddle; Schwertner; Sheets; Sheffield; Smith, T.; Taylor, V.; Weber; White; Workman; Zedler.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Callegari.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1096. I intended to vote no.

Brown

I was shown voting no on Record No. 1096. I intended to vote yes.

Carter

I was shown voting yes on Record No. 1096. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 1096. I intended to vote no.

C. Howard

I was shown voting yes on Record No. 1096. I intended to vote no.

Madden

I was shown voting yes on Record No. 1096. I intended to vote no.

Orr

I was shown voting present, not voting on Record No. 1096. I intended to vote no.

Patrick

I was shown voting yes on Record No. 1096. I intended to vote no.

Phillips

I was shown voting no on Record No. 1096. I intended to vote yes.

Sheets



**HB 2449 ON THIRD READING**  
**(by Aliseda, Peña, et al.)**

**HB 2449**, A bill to be entitled An Act relating to the illegal possession of another person's ballot to be voted by mail.

**HB 2449** was passed by (Record 1097): 112 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Castro; Farias; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Lucio; Mallory Caraway; Menendez; Naishtat; Pickett; Strama; Thompson; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Alvarado; Anderson, C.; Carter; Coleman; Deshotel; Hochberg; Hopson; Muñoz; Phillips; Villarreal.

**STATEMENTS OF VOTE**

When Record No. 1097 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 1097 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

I was shown voting yes on Record No. 1097. I intended to vote no.

Burnam

When Record No. 1097 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1097 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting yes on Record No. 1097. I intended to vote no.

Farrar

When Record No. 1097 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hopson

I was shown voting yes on Record No. 1097. I intended to vote no.

Martinez Fischer

When Record No. 1097 was taken, my vote failed to register. I would have voted no.

Phillips

I was shown voting yes on Record No. 1097. I intended to vote no.

Rodriguez

**HB 3736 ON THIRD READING**  
(by Martinez)

**HB 3736**, A bill to be entitled An Act relating to appointment of a department head of a fire or police department in certain municipalities.

**HB 3736** failed to pass by (Record 1098): 36 Yeas, 78 Nays, 17 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Quintanilla; Reynolds; Ritter; Rodriguez; Smithee; Strama; Thompson; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Hamilton; Hancock; Hartnett; Hopson; Howard, C.; Hughes; Jackson; Keffer; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Pitts; Price; Riddle; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Bonnen(C); Cook; Eiland; Eissler; Gonzalez; Gooden; Hardcastle; Harless; Hilderbran; Huberty; Hunter; Isaac; King, T.; Scott; Simpson; Truitt.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Deshotel; Dukes; Garza; Guillen; Harper-Brown; Kolkhorst; Mallory Caraway; Pickett; Raymond.

### STATEMENTS OF VOTE

When Record No. 1098 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1098 was taken, I was excused because of important business in the district. I would have voted no.

Geren

When Record No. 1098 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

## GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

### SB 141 ON THIRD READING (Anchia - House Sponsor)

**SB 141**, A bill to be entitled An Act relating to debt management services and the regulation of debt management services providers.

**SB 141** was passed by (Record 1099): 114 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Aycocock; Beck; Bohac; Branch; Burkett; Burnam; Button; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets;

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

Nays — Aliseda; Anderson, R.; Berman; Brown; Cain; Callegari; Carter; Flynn; Harper-Brown; Laubenberg; Martinez Fischer; Miller, S.; Paxton; Riddle; Simpson; Taylor, V.; Weber; Zedler.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Anchia; Crownover; Garza; Jackson; Kolkhorst; Sheffield.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1099. I intended to vote no.

C. Anderson

I was shown voting no on Record No. 1099. I intended to vote yes.

Berman

I was shown voting yes on Record No. 1099. I intended to vote no.

Bohac

When Record No. 1099 was taken, I was excused because of important business in the district. I would have voted no.

Geren

I was shown voting yes on Record No. 1099. I intended to vote no.

Gooden

I was shown voting yes on Record No. 1099. I intended to vote no.

Harless

When Record No. 1099 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

I was shown voting yes on Record No. 1099. I intended to vote no.

Lewis

I was shown voting yes on Record No. 1099. I intended to vote no.

Parker

I was shown voting yes on Record No. 1099. I intended to vote no.

Phillips

When Record No. 1099 was taken, I was in the house but away from my desk. I would have voted no.

Sheffield

I was shown voting yes on Record No. 1099. I intended to vote no.

White

**SB 1431 ON THIRD READING**  
**(Smithee - House Sponsor)**

**SB 1431**, A bill to be entitled An Act relating to the functions of insurance holding company systems.

**Amendment No. 1**

Representative Smithee offered the following amendment to **SB 1431**:

Amend **SB 1431** on third reading by striking all below the enacting clause and substituting the following:

SECTION 1. Section 823.002, Insurance Code, is amended by adding Subdivisions (3-a), (3-b), and (4-a) and amending Subdivision (6) to read as follows:

(3-a) "Divesting person" means a person who has control of a domestic insurer and who intends to divest control of the domestic insurer.

(3-b) "Divestiture" means an abandonment of control of a domestic insurer by a divesting person that does not result in the transfer of control to another person.

(4-a) "Enterprise risk" means any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect on the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including anything:

(A) that would cause the insurer's risk-based capital to fall into company action level; or

(B) that would cause the insurer to be in hazardous financial condition.

(6) "Insurer" means any insurance company organized under the laws of this state, a commercially domiciled insurer, or an insurer authorized to engage in the business of insurance in this state. The term includes a capital stock company, mutual company, farm mutual insurance company, title insurance company, fraternal benefit society, local mutual aid association, statewide mutual assessment company, county mutual insurance company, Lloyd's plan, reciprocal or interinsurance exchange, stipulated premium insurance company, and group hospital service corporation. The term does not include an agency, authority, or instrumentality of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state~~, or an agency, authority, instrumentality,~~ or political subdivision of a state.

SECTION 2. Section 823.010, Insurance Code, is amended by amending Subsections (c) and (d) and adding Subsections (e), (f), (g), and (h) to read as follows:

(c) Except as provided by Subsection (d), [After] the disclaimer shall be deemed to have been allowed unless, not later than 60 days after the receipt of a complete disclaimer, [is filed:

[(1) ~~the insurer is not required to register or report under Subchapter B because of a duty that arises out of the insurer's relationship with the person unless~~ the commissioner notifies the filing party that ~~[disallows]~~ the disclaimer is disallowed~~]; in which event the duty to register or report begins on the date of the disallowance; and~~

[(2) ~~the person is not required to comply with Sections 823.154, 823.155, 823.159, and 823.160 unless the commissioner disallows the disclaimer]~~.

(d) Notwithstanding Subsection (c), if the commissioner at any time determines that the information disclosed in the disclaimer is incomplete or inaccurate or is no longer accurate, the [The] commissioner may disallow the disclaimer [only after:

[(1) ~~providing to each party in interest notice of and the opportunity to be heard on the disallowance; and~~

[(2) ~~making specific findings of fact to support the disallowance]~~.

(e) If the commissioner disallows a disclaimer, the party who filed the disclaimer may request an administrative hearing. The commissioner shall grant the request for the hearing.

(f) Except as provided by Subsection (h), if the commissioner allows a disclaimer:

(1) the insurer is not required to register or report under Subchapter B due to a duty arising from the insurer's relationship with the party who filed the disclaimer; and

(2) the party who filed the disclaimer is not required to comply with Section 823.154, 823.155, 823.159, or 823.160.

(g) If the commissioner allows a disclaimer, the commissioner at the same time may also waive another provision of this chapter with relation to the party who filed the disclaimer. The commissioner may require reasonable controls and safeguards that are consistent with the purposes of this chapter in granting a waiver under this subsection.

(h) If the commissioner disallows a disclaimer under Subsection (d):

(1) effective on the date of the disallowance, the insurer shall register and report as required by Subchapter B; and

(2) the party who filed the disclaimer shall comply with Sections 823.154, 823.155, 823.159, and 823.160.

SECTION 3. Section 823.011, Insurance Code, is amended by amending Subsections (a), (b) and (d) and adding Subsections (e), (f), (g), (h), and (i) to read as follows:

(a) This section applies only to information, including documents and copies of documents, that is:

(1) reported under Subchapter B; [✗]  
(2) disclosed to the commissioner under Section 823.010; or  
(3) obtained by or disclosed to the commissioner or another person in the course of an examination or investigation under Subchapter H.

(b) The information shall be confidential and privileged for all purposes [treated confidentially and is not subject to subpoena]. Except as provided by Subsections (c) and (d), the information may not be disclosed without the prior written consent of the insurer to which it pertains.

(d) Except as provided by Subsection (e), if the recipient of documents or other information agrees in writing to maintain the confidential and privileged status of the documents or other information, and verifies in writing the legal authority to maintain the confidential and privileged status of the documents or information, the [The] commissioner or another person may disclose the information to any of the following entities functioning in an official capacity:

(1) a commissioner of insurance or an insurance department of another state;

(2) an authorized law enforcement official;

(3) a district attorney of this state;

(4) the attorney general; [✗]

(5) a grand jury;

(6) members of a supervisory college described by Section 823.0145;

or

(7) the National Association of Insurance Commissioners and its affiliates and subsidiaries.

(e) Notwithstanding Subsection (d), the commissioner may share confidential and privileged information reported under Section 823.0595 only with the commissioner of insurance of a state that has a statute or rule substantially similar to Subsection (d) who agrees in writing not to disclose the information.

(f) Information described by Subsection (a), including information in the possession of the National Association of Insurance Commissioners under this section, is confidential and privileged for all purposes, including for purposes of:

(1) Chapter 552, Government Code;

(2) a response to a subpoena; or

(3) discovery or admissibility in evidence in a civil action.

(g) The commissioner shall enter into written agreements with the National Association of Insurance Commissioners that comply with the requirements of Subsection (d) regarding the sharing and use of information provided under this chapter. An agreement entered into under this subsection must:

(1) specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under this chapter, including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, or international regulators;

(2) specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under this chapter remains with the commissioner, and that use of the information by the National Association of Insurance Commissioners is subject to the direction of the commissioner;

(3) require prompt notice to an insurer whose confidential information is in the possession of the National Association of Insurance Commissioners under this chapter that the information is subject to a request or subpoena to the National Association of Insurance Commissioners for disclosure or production; and

(4) require the National Association of Insurance Commissioners and its affiliates and subsidiaries to give consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under this chapter.

(h) This section may not be construed to prevent the commissioner from using information described by Subsection (a) for any purpose with respect to which the commissioner or the attorney general is otherwise authorized to act, including a regulatory or other legal action.

(i) The commissioner remains solely responsible for the administration, execution, and enforcement of this chapter, and the commissioner's sharing of information does not constitute a delegation of regulatory or rulemaking authority.

SECTION 4. Subchapter A, Chapter 823, Insurance Code, is amended by adding Section 823.0145 to read as follows:

Sec. 823.0145. SUPERVISORY COLLEGES. (a) With respect to any insurer registered under Subchapter B, and in accordance with Subsection (c), the commissioner may participate in a supervisory college for a domestic insurer that is part of an insurance holding company system with international operations in order to determine the insurer's compliance with this chapter. The commissioner may:

(1) initiate the establishment of a supervisory college;

(2) clarify the membership and participation of other entities in the supervisory college;

(3) clarify the functions of the supervisory college and the role of other entities in the supervisory college;

(4) establish a group-wide supervisor;

(5) coordinate the ongoing activities of the supervisory college, including meetings, regulatory activities, and processes for information sharing; and

(6) establish a crisis management plan.

(b) In order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management and governance processes, and as part of the examination of individual insurers under Subchapter H, the commissioner may participate in a supervisory college with other entities that



regulate the insurer or its affiliates, including other state, federal, and international regulatory entities. The commissioner may enter into agreements under Section 823.011 to cooperate with other regulatory entities. Nothing in this section shall be construed as delegating to the supervisory college the commissioner's authority to regulate the insurer or its affiliates.

(c) A registered insurer subject to this section shall pay the reasonable expenses, including reasonable travel expenses, of the commissioner's participation in a supervisory college under Subsection (b). For purposes of this section, a supervisory college may be convened as either a temporary or permanent forum for communication and cooperation between the entities that regulate the insurer or its affiliates, and the commissioner may establish a regular assessment to the insurer for the payment of expenses related to the regulation of the insurer.

SECTION 5. Section 823.052, Insurance Code, is amended by amending Subsections (b) and (c) and adding Subsections (c-1) and (c-2) to read as follows:

(b) The registration statement must be in a format prescribed by the National Association of Insurance Commissioners or adopted by rule of the commissioner and contain current information about:

(1) the identity and relationship of each affiliate in the insurance holding company system of which the insurer is a part;

(2) the capital structure, general financial condition, and ownership and management of the insurer, the insurer's holding company, the insurer's subsidiaries, and, if the commissioner considers the information necessary, any of the insurer's other affiliates; and

(3) any pledge of stock of the insurer or a subsidiary or controlling affiliate of the insurer for a loan made to a member of the insurer's insurance holding company system.

(c) The registration statement must also contain information about:

(1) each outstanding loan the insurer makes to an affiliate of the insurer or an affiliate makes to the insurer;

(2) each purchase, sale, or exchange of securities or other investment between the insurer and an affiliate of the insurer;

(3) each purchase, sale, or exchange of assets between the insurer and an affiliate of the insurer;

(4) each management and service contract or cost-sharing arrangement between the insurer and an affiliate of the insurer;

(5) each reinsurance agreement between the insurer and an affiliate of the insurer that covers one or more lines of insurance of the ceding company;

(6) each agreement between the insurer and an affiliate of the insurer to consolidate federal income tax returns;

(7) each transaction between the insurer and an affiliated financial institution;

(8) each transaction between the insurer and an affiliate of the insurer that is not in the ordinary course of business;

(9) each guarantee or undertaking, other than an insurance contract entered into in the ordinary course of the insurer's business, for the benefit of an affiliate of the insurer that results in a contingent exposure of the insurer's assets to liability;

(10) each dividend or distribution to the insurer's shareholders; ~~and~~

(11) each transaction between the insurer and an affiliate of the insurer not specified by this subsection that is subject to Section 823.102, 823.103, or 823.104;

(12) the corporate governance and internal control responsibilities of the insurer's board of directors, including a statement that:

(A) the insurer's senior management or officers have approved and implemented, and continue to maintain and monitor, corporate governance and internal control procedures; and

(B) the insurer's board of directors oversees corporate governance and internal controls; and

(13) any other information that the commissioner requires by rule.

(c-1) On request of the commissioner, an insurer shall include with the statement a copy of all financial statements for the insurance holding company system and all affiliates of the holding company system, including annual audited financial statements filed with the United States Securities and Exchange Commission pursuant to the Securities Act of 1933 (15 U.S.C. Section 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.). An insurer may not be required to submit financial statements for an affiliate that is privately owned by not more than five security holders, each of whom is an individual, unless the commissioner determines that the operations of the affiliate may materially affect the operations, management, or financial condition of an insurer in a holding company system. An affiliate may seek judicial review of a request for financial statements under this subsection.

(c-2) An insurer required by the commissioner to submit financial statements under this section, Section 823.201, or Section 823.351 may satisfy the requirement by submitting to the commissioner:

(1) the financial statements that the insurer's parent corporation most recently filed with the Securities and Exchange Commission; and

(2) if the insurer is required to submit financial statements for an affiliate, the financial statements that the affiliate most recently filed with an agency that regulates the affiliate.

SECTION 6. Subchapter B, Chapter 823, Insurance Code, is amended by adding Section 823.0595 to read as follows:

Sec. 823.0595. ENTERPRISE RISK REPORT. (a) Except as provided by Subsections (d) and (f), the ultimate controlling person, as defined by Section 823.055, of each insurer required to file an annual registration shall file with the registration an annual enterprise risk report. The report must, to the best of the ultimate controlling person's knowledge, identify the material risks within the insurance holding company system that may pose enterprise risk to the insurer. The report must be filed with the lead state commissioner of the insurance

holding company system, as determined by the commissioner. In determining the lead state commissioner, the commissioner shall consider the procedures adopted by the National Association of Insurance Commissioners.

(b) The ultimate controlling person of an insurer shall file the first enterprise risk report required by this section with the first annual registration statement due after:

(1) January 1, 2013, if the total direct or assumed annual premiums of the insurer were \$5 billion or more during the preceding 12-month period;

(2) January 1, 2014, if the total direct or assumed annual premiums of the insurer were more than \$1 billion but less than \$5 billion during the preceding 12-month period;

(3) January 1, 2015, if the total direct or assumed annual premiums of the insurer were more than \$500 million but less than \$1 billion during the preceding 12-month period; or

(4) January 1, 2016, if the total direct or assumed annual premiums of the insurer were \$300 million or more but less than \$500 million during the preceding 12-month period.

(c) Subsection (b) and this subsection expire January 2, 2015.

(d) Except as provided by Subsection (e), the ultimate controlling person of an insurer with total direct or assumed annual premiums of less than \$300 million is not required to submit an enterprise risk report under Subsection (a).

(e) Regardless of total direct or assumed annual premium, the ultimate controlling person of an insurer that is not in compliance with applicable risk-based capital standards or that is otherwise in hazardous condition, as determined by the commissioner, shall file an enterprise risk report required by Subsection (a) as directed by the commissioner.

(f) An insurer or health maintenance organization that in the preceding calendar year had direct written and assumed premiums of more than \$300 million but less than \$500 million may request an exemption from the reporting requirements of Subsection (a) by filing with the commissioner a written statement describing the undue financial or organizational hardship the insurer or health maintenance organization would suffer as a result of complying with Subsection (a). The commissioner may grant the exemption if the commissioner finds that compliance with Subsection (a) would impose an undue financial or organizational hardship on the insurer or health maintenance organization.

(g) The ultimate controlling person of an insurance holding company system is not required to submit an enterprise risk report under Subsection (a) if:

(1) the ultimate controlling person:

(A) has owned a controlling interest in the voting securities of an insurer described by Subdivision (2) since September 1, 1991, or before;

(B) is a charitable foundation, trust, or both; and

(C) has not filed or received a disclaimer under Section 823.010;

and

(2) the insurer in which the ultimate controlling person owns a controlling interest:

(A) was organized under the laws of this state before January 1, 1910;

(B) is registered under Subchapter B;

(C) has issued equity shares of stock registered under Section 12, Securities Exchange Act of 1934 (15 U.S.C. Section 781);

(D) on September 1, 2011, owns or controls an insurance company subsidiary that is party of the same insurance holding company system as the insurer; and

(E) files with the commissioner all registration statements and information relating to material changes of the insurance holding company system required under Subchapter B, including the financial statements of the ultimate controlling person described by Subdivision (1).

(h) An exemption under Subsection (g) applies only for the period during which the ultimate controlling person described by Subsection (g)(1) satisfies the requirements of Subsection (g) and expires on the date of a change in control of the insurer described by Subsection (g)(2) involving at least 50 percent of the voting securities of the insurer. An insurance holding company system may reapply for an exemption under Subsection (g) after the change in control if the system continues to meet the requirements of Subsection (g).

(i) An ultimate controlling person described by Subsection (g)(1) and an insurer described by Subsection (g)(2) shall respond to reasonable inquiries from the department related to the administration of Chapter 404.

SECTION 7. Section 823.060, Insurance Code, is amended to read as follows:

Sec. 823.060. VIOLATION OF SUBCHAPTER. The failure to file a registration statement or an amendment to a registration statement, or an enterprise risk report, within the time specified for filing the statement, ~~or~~ amendment, or report, as required by this subchapter, is a violation of this subchapter.

SECTION 8. The heading to Section 823.101, Insurance Code, is amended to read as follows:

Sec. 823.101. STANDARDS FOR TRANSACTION WITHIN AN INSURANCE HOLDING COMPANY SYSTEM ~~[WITH AFFILIATE]~~.

SECTION 9. Section 823.101, Insurance Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) This section applies only to a material transaction within an insurance holding company system to which an [between a registered insurer and an affiliate of the] insurer subject to a registration under Section 843.052 is a party.

(b-1) An agreement, including an agreement for cost-sharing, services, or management, must include all provisions required by rule of the commissioner.

SECTION 10. Section 823.102, Insurance Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) This section applies only to a sale, purchase, exchange, loan or other extension of credit, or investment between a domestic insurer and any person in the insurer's insurance holding company system, including an amendment or modification of an affiliate agreement previously filed under this section, that

involves more than the lesser of 5 percent of the insurer's admitted assets or 25 percent of the insurer's surplus, as of December 31 of the year preceding the year in which the transaction occurs.

(d) The notice described by Subsection (c) must include:

- (1) the reasons for entering into or changing the transaction; and
- (2) the financial impact of the transaction on the domestic insurer.

(e) Not later than the 30th day after the termination of a previously filed agreement, the domestic insurer shall give notice of the termination to the commissioner.

SECTION 11. Section 823.103, Insurance Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) This section applies only to:

(1) a sale, purchase, exchange, loan or other extension of credit, or investment between a domestic insurer and any person in the insurer's insurance holding company system, including an amendment or modification of an affiliate agreement previously filed under this section:

(A) that involves more than the lesser of one-half of one percent of the insurer's admitted assets or five percent of the insurer's surplus, as of December 31 of the year preceding the year in which the transaction occurs; and

(B) the approval of which is not required under Section 823.102;

(2) a reinsurance agreement, including a reinsurance treaty or pooling agreement, or an amendment or modification of an agreement previously filed under this section, between a domestic insurer and any person in the insurer's holding company system [~~or a modification of such an agreement~~];

(3) a rendering of services between a domestic insurer and any person in the insurer's holding company system on a regular or systematic basis, including a tax-allocation agreement, or an amendment or modification of an agreement previously filed under this section; or

(4) any material transaction between a domestic insurer and any person in the insurer's holding company system that is specified by rule and that the commissioner determines may adversely affect the interests of the insurer's policyholders or of the public, including an amendment or modification of an agreement previously filed under this section.

(e) The notice described by Subsection (c) must include:

- (1) the reasons for entering into or changing the transaction; and
- (2) the financial impact of the transaction on the domestic insurer.

(f) Not later than the 30th day after the termination of a previously filed agreement, the domestic insurer shall give notice of the termination to the commissioner.

SECTION 12. Section 823.154, Insurance Code, is amended to read as follows:

Sec. 823.154. REQUIREMENTS FOR ACQUISITION OR EXERCISE OF CONTROL OR DIVESTITURE OF DOMESTIC INSURER. (a) Before a person who directly or indirectly controls, or after the acquisition would directly or indirectly control, a domestic insurer may in any manner acquire a voting

security of a domestic insurer or before a person may otherwise acquire control of a domestic insurer or exercise any control over a domestic insurer, or before a person may initiate a divestiture of control of a domestic insurer:

(1) the acquiring person shall file with the commissioner a statement that satisfies the requirements of Subchapter E; ~~and~~

(2) the acquisition or divestiture of control must be approved by the commissioner in accordance with this subchapter; and

(3) if the person is initiating a divestiture of control, the divesting person shall file with the commissioner a notice of divestiture on a form adopted by the National Association of Insurance Commissioners or adopted by the commissioner by rule.

(b) The acquiring person or divesting person shall send a copy of the statement filed under this section to the domestic insurer.

(c) A statement or notice filed under this section must be filed not later than the 60th day before the proposed effective date of the acquisition or change of control or divestiture and is subject to public inspection at the office of the commissioner.

(d) Notwithstanding Subsection (a), a divesting person is not required to provide the commissioner with notice of divestiture required by Subsection (a)(3) if an acquiring person submits the statement required by Subsection (a)(1) and that acquisition is approved by the commissioner.

SECTION 13. Section 823.157, Insurance Code, is amended to read as follows:

Sec. 823.157. APPROVAL OF ACQUISITION, CHANGE, OR DIVESTITURE OF CONTROL. (a) The commissioner shall approve or deny an acquisition, ~~or~~ change, or divestiture of control for which a statement or notice is filed under Section 823.154 not later than the 60th day after the date the statement required by that section is filed. The 60-day period may be waived by the person filing the statement or notice required by Section 823.154 and the domestic insurer. On the request of either the person filing the statement or notice required by Section 823.154, or the domestic insurer, the commissioner shall hold a hearing on a denial.

(b) In considering whether to approve or deny, the commissioner shall consider whether:

(1) immediately on the acquisition, ~~or~~ change, or divestiture of control the domestic insurer would not be able to satisfy the requirements for the issuance of a new certificate of authority to write the line or lines of insurance for which the insurer holds a certificate of authority;

(2) the effect of the acquisition, ~~or~~ change, or divestiture of control would be substantially to lessen competition in a line or subclassification lines of insurance in this state or tend to create a monopoly in a line or subclassification lines of insurance in this state;

(3) the financial condition of the acquiring person may jeopardize the financial stability of the domestic insurer or prejudice the interest of the domestic insurer's policyholders;

(4) the acquiring person has a plan or proposal to liquidate the domestic insurer or cause the insurer to declare dividends or make distributions, sell any of its assets, consolidate or merge with any person, make a material change in its business or corporate structure or management, or enter into a material agreement, arrangement, or transaction of any kind with any person, and that the plan or proposal is unfair, prejudicial, hazardous, or unreasonable to the insurer's policyholders and not in the public interest;

(5) due to a lack of competence, trustworthiness, experience, and integrity of the persons who would control the operation of the domestic insurer, the acquisition or change of control would not be in the interest of the insurer's policyholders and the public;

(5-a) the divestiture of control may jeopardize the financial stability of the domestic insurer or prejudice the interest of the domestic insurer's policyholders and other claimants; or

(6) the acquisition, ~~or~~ change, or divestiture of control would violate the law of this or another state or the United States.

(c) If a proposed acquisition, change, or divestiture of control will require the approval of more than one commissioner, the commissioner may participate in a public hearing referred to in this chapter held on a consolidated basis on request of the person filing the statement required by Section 823.154. The person filing the statement under Section 823.154 shall file the statement with the National Association of Insurance Commissioners within five days of making the request for a public hearing. A hearing conducted on a consolidated basis shall be public and shall be held within the United States before the commissioners of the states in which the insurers are domiciled. The commissioners shall hear and receive evidence at the hearing. The commissioner may attend the hearing in person or by telecommunication.

(d) This section does not require the commissioner to hold a hearing before approving or denying an acquisition, change, or divestiture of control.

SECTION 14. Section 823.201, Insurance Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The acquiring person shall agree to provide the annual enterprise risk report required by Section 823.0595 for as long as the acquiring person maintains control of the insurer.

(e) The acquiring person and all subsidiaries within the acquiring person's control in the insurance holding company system shall provide information to the commissioner on request of the commissioner as the commissioner deems necessary to evaluate enterprise risk to the insurer.

SECTION 15. Section 823.205, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) An insurer required to file information under Section 823.154 may satisfy the requirement of Section 823.052(c-1) by providing the commissioner with the most recently filed parent corporation reports that have been filed with the United States Securities and Exchange Commission, if required by the commissioner.

SECTION 16. Section 823.351, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1) to read as follows:

(a) Subject to Section 823.352, the commissioner may order an insurer registered under Subchapter B to produce records, books, or other information papers in the possession of the insurer or an affiliate of the insurer that are necessary to ascertain the financial condition or legality of conduct of the insurer, including the enterprise risk to the insurer by the ultimate controlling party, or by any entity or combination of entities within the insurance holding company system, or by the insurance holding company system on a consolidated basis.

(a-1) To determine compliance with this chapter, the commissioner may order any insurer registered under Subchapter B to produce information not in the possession of the insurer if the insurer can obtain access to the information pursuant to contractual relationships, statutory obligations, or other methods. In the event that the insurer is unable to obtain the information requested by the commissioner, the insurer shall provide the commissioner with a detailed explanation of the reason why the insurer is unable to obtain the information, and the identity of the holder of information. If it appears to the commissioner that the insurer's explanation is without merit, the commissioner may after notice and hearing:

(1) require the insurer to pay a penalty of not less than \$100 for each day the insurer delays producing the information; or

(2) suspend or revoke the insurer's license.

(b) If an insurer fails to comply with an order under this section [~~Subsection (a)~~], the commissioner by order may require the examination of each holding company of the insurer and each controlled person or affiliate in the insurer's insurance holding company system if the commissioner has cause to believe that:

(1) the operations of that person may materially affect the operations, management, or financial condition of any controlled insurer in that system; and

(2) the commissioner is unable to obtain relevant information from the controlled insurer.

(b-1) The commissioner may issue subpoenas, administer oaths, and examine under oath any person for purposes of determining compliance with this section. On the failure or refusal of a person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and on proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order is punishable as contempt of court. A person shall attend as a witness at the place specified in the subpoena, when subpoenaed, at any location in this state. The person is entitled to the same fees and mileage, if claimed, as a witness in district court. Fees, mileage, and actual expenses necessarily incurred in securing the attendance of a witness shall be itemized and charged against, and be paid by, the insurer being examined.

SECTION 17. Section 823.452, Insurance Code, is amended by adding Subsection (a-1) to read as follows:



(a-1) If it appears to the commissioner that a person has committed a violation of Subchapter D that prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for issuing an order under Chapter 404 or Chapter 441.

SECTION 18. (a) Subject to Subsection (b) of this section, the Texas Department of Insurance may not implement Section 823.0595, Insurance Code, as added by this Act, until the date that the commissioner determines that the National Association of Insurance Commissioners has completed an enterprise risk form and has proposed a master confidentiality agreement and places notice of that determination in the Texas Register.

(b) An insurer is not required to file an enterprise risk report under Section 823.0595, Insurance Code, as added by this Act, until January 1, 2014.

SECTION 19. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

### **SB 1431 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BRANCH: Just one quick question, John—and I appreciate your expertise and knowledge in this area and your hard work—but, how many page amendment is this?

REPRESENTATIVE SMITHEE: It's a long amendment. Basically it's a rewrite of the bill. It's the same substance of the bill, we just had to rewrite it to get some of these provisions where they needed to be in there.

BRANCH: But are you making any major substantive changes?

SMITHEE: No, it just tweaks some edges that—because of the stakeholders in the process—it doesn't impose any new regulation. It really doesn't have a material impact on the original bill that was filed and I don't know of anyone who opposes it.

**SB 1431**, as amended, was passed by (Record 1100): 124 Yeas, 3 Nays, 4 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets;

Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Hamilton; Pitts; Weber.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Alonzo; Davis, Y.; Dukes; Garza; King, T.; Lewis; McClendon; Ritter; Smith, W.

### STATEMENTS OF VOTE

When Record No. 1100 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1100 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

(Speaker in the chair)

### HB 2380 ON THIRD READING (by Shelton and Reynolds)

**HB 2380**, A bill to be entitled An Act relating to employment by school districts of certain persons under probationary contracts.

**HB 2380** was passed by (Record 1101): 134 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Callegari; Garza; Villarreal.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1101. I intended to vote no.

Simpson

### REMARKS ORDERED PRINTED

Representative Murphy moved to print remarks between Representative Branch and Representative Smithee on **SB 1431**.

The motion prevailed.

### POSTPONED BUSINESS

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

#### **HB 2507 ON THIRD READING**

(by Chisum)

**HB 2507**, A bill to be entitled An Act relating to the offense of installing an irrigation system without a license.

**HB 2507** was read third time earlier today and was postponed until this time.

**HB 2507** was passed by (Record 1102): 125 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; 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; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Vo; Weber; Woolley; Zedler; Zerwas.

Nays — Berman; Bonnen; Cain; Flynn; Hughes; Paxton; Riddle; Simpson; Walle; White; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Callegari; Garza; Isaac; Villarreal.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1102. I intended to vote no.

Branch

I was shown voting yes on Record No. 1102. I intended to vote no.

Zedler

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 5:10 p.m. today, in 1W.14, to consider **SB 7** and pending bills.

Permission to meet was granted.

### FIVE-DAY POSTING RULE SUSPENDED

Representative Gooden moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HB 3832**, **SB 303**, **SB 1906**, and pending business at 9:45 a.m. Monday, May 16 in E2.030.

The motion prevailed.

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 205** and **SB 471** at 8 a.m. Tuesday, May 17 in E2.036.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 9:45 a.m. Monday, May 16, E2.030, for a public hearing, to consider **HB 3832**, **SB 303**, **SB 1906**, and pending business.

### MOTION FOR ONE RECORD VOTE

On motion of Representatives Farrar and L. Taylor and by unanimous consent, the house suspended all necessary rules and agreed to use the first record vote taken on the bills remaining on today's calendar on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

The following bills which were considered on second reading on May 12 were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following the caption).

(Record 1103): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Garza; Villarreal.

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

**HB 680** (by Schwertner and Torres), A bill to be entitled An Act relating to complaints filed with the Texas Medical Board. (Burnam recorded voting no.) (137 - 1 - 1)

**HB 1122** (by Weber, Gallego, Creighton, Martinez Fischer, Thompson, et al.), A bill to be entitled An Act relating to the trafficking of persons.

**HB 1129** (by Kolkhorst), A bill to be entitled An Act relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies. (Burnam recorded voting no.) (137 - 1 - 1)

**HB 1856** (by Woolley), A bill to be entitled An Act relating to the prosecution of and punishment for the offense of tampering with a witness.

**HB 2120** (by D. Miller, Button, McClendon, Chisum, et al.), A bill to be entitled An Act relating to the composition of the board of trustees of the Teacher Retirement System of Texas.

**HB 2496** (by Gonzalez, V. Gonzales, Lucio, Madden, Dukes, et al.), A bill to be entitled An Act relating to creating a teen dating violence court program and the deferral of adjudication and dismissal of certain dating violence cases. (Aliseda recorded voting no.) (137 - 1 - 1)

**HB 3268** (by Lyne), A bill to be entitled An Act relating to permits for air contaminant emissions of stationary natural gas engines used in combined heating and power systems.

**HB 3167** (by Callegari), A bill to be entitled An Act relating to the abolishment of the state regulation of talent agencies and personnel services.

**HB 3746** (by Frullo, Gallego, Menendez, Branch, et al.), A bill to be entitled An Act relating to investigations of certain offenses involving the Internet-based sexual exploitation of a minor; creating the Internet crimes against children account to support those activities.

**HB 3747** (by McClendon, D. Miller, and Lozano), A bill to be entitled An Act relating to the selection of and requirements for serving as a member of the board of trustees of the Teacher Retirement System of Texas. (Fletcher and Price recorded voting no.) (136 - 2 - 1)

**HB 2383** (by Geren), A bill to be entitled An Act relating to a study regarding the reenactment of the franchise tax credit or providing other incentives for certain research and development activities.

**HB 1036** (by Legler), A bill to be entitled An Act relating to eligibility to file a sworn complaint with the Texas Ethics Commission. (V. Gonzales, D. Howard, Martinez Fischer, Rodriguez, and Turner recorded voting no.) (133 - 5 - 1)

### STATEMENT OF VOTE

When the vote was taken on **HB 1036**, I was excused for important business in the district. I would have voted no.

Giddings

**HB 2032** (by Darby), A bill to be entitled An Act relating to performance and payment security for certain comprehensive development agreements.

**HB 452** (by Lucio, Raymond, et al.), A bill to be entitled An Act relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services. (Geren, Kolkhorst, and Patrick recorded voting no.) (135 - 3 - 1)

**HB 599** (by Jackson), A bill to be entitled An Act relating to the release of certain criminal history record information subject to an order of nondisclosure.

**HB 629** (by Pickett), A bill to be entitled An Act relating to the use of municipal or county sales tax increment financing for a transportation reinvestment zone. (Geren, Kolkhorst, and Simpson recorded voting no.) (135 - 3 - 1)

**HB 1547** (by Larson), A bill to be entitled An Act relating to the desired future conditions of groundwater resources within groundwater management areas.

**HB 2292** (by Hunter and Hopson), A bill to be entitled An Act relating to payment of claims to pharmacies and pharmacists.

**HB 2493** (by Torres, et al.), A bill to be entitled An Act relating to authorizing enterprise project half designations and quarter designations under the enterprise zone program. (Berman, Button, Carter, Driver, Flynn, D. Miller, and Simpson recorded voting no.) (131 - 7 - 1)

#### REASON FOR VOTE

I voted against this bill only because of the projected cost to the state comptroller's office in a stagnant economy.

Carter

**HB 2525** (by Harper-Brown), A bill to be entitled An Act relating to a mechanic's, contractor's, or materialman's lien for landscaping. (Price recorded voting no.) (137 - 1 - 1)

**HB 2603** (by Smithee), A bill to be entitled An Act relating to the distribution of universal service funds to certain small and rural local exchange companies.

**HB 1937** (by Simpson, Rodriguez, Menendez, Kolkhorst, Chisum, et al.), A bill to be entitled An Act relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

**HB 3320** (by Hunter), A bill to be entitled An Act relating to costs related to the towing and storage of a motor vehicle for certain law enforcement purposes.

**HB 1681** (by Harless, C. Anderson, Legler, and Nash), A bill to be entitled An Act relating to the composition of the Finance Commission of Texas. (V. Gonzales and D. Howard recorded voting no.) (136 - 2 - 1)

**HB 3754** (by Hilderbran), A bill to be entitled An Act relating to powers and duties of the Office of Public Utility Counsel to represent residential and small commercial consumers in certain water or sewer utility service matters before the Texas Commission on Environmental Quality.

**HB 3833** (by Phillips), A bill to be entitled An Act relating to the adoption of a uniform collaborative law Act in regard to family law matters.

**HB 96** (by Fletcher and Burkett), A bill to be entitled An Act relating to the exclusion of certain witnesses during a criminal proceeding.

**HB 326** (by Guillen), A bill to be entitled An Act relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.

**HB 230** (by Phillips), A bill to be entitled An Act relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty. (Carter recorded voting no.) (137 - 1 - 1)

**HB 720** (by Hartnett, et al.), A bill to be entitled An Act relating to the designation of a person as a vexatious litigant.

**HB 1363** (by McClendon and Harper-Brown), A bill to be entitled An Act relating to the transfer of permit procedures and enforcement related to oversize and overweight vehicles from the Texas Department of Transportation to the Texas Department of Motor Vehicles.

**HB 1408** (by Flynn), A bill to be entitled An Act relating to combination resident hunting and fishing licenses for military personnel.

**HB 2443** (by Price), A bill to be entitled An Act relating to the offense of remaining, parking vehicles, or erecting structures on certain state property.

**HB 3390** (by Lavender), A bill to be entitled An Act relating to money allocated under the federal-aid highway program.

**SB 331** (Madden, Gallego, Bonnen, Coleman, Rodriguez, et al. - House Sponsors), A bill to be entitled An Act relating to designating certain synthetic cannabinoids as controlled substances under the Texas Controlled Substances Act; providing penalties and establishing certain criminal consequences or procedures.

**SB 356** (Kleinschmidt - House Sponsor), A bill to be entitled An Act relating to awards for certain members of the state military forces inducted into federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

**SB 1353** (Solomons, Thompson, Phillips, Hartnett, L. Gonzales, et al. - House Sponsors), A bill to be entitled An Act relating to certain claims against persons licensed as real estate brokers and salespersons.

**SB 690** (S. Miller - House Sponsor), A bill to be entitled An Act relating to the enforcement of a self-service storage facility lien; providing a penalty.

**SB 1217** (Hilderbran - House Sponsor), A bill to be entitled An Act relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

**SB 403** (Murphy - House Sponsor), A bill to be entitled An Act relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility. (Geren and Kolkhorst recorded voting no.) (136 - 2 - 1)

**SB 1140** (Hartnett - House Sponsor), A bill to be entitled An Act relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

**SB 509** (Lozano - House Sponsor), A bill to be entitled An Act relating to the validation of a home-rule charter for certain municipalities.

**SB 1165** (Truitt - House Sponsor), A bill to be entitled An Act relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

#### ADJOURNMENT

Representative Orr moved that the house adjourn until 11 a.m. Monday, May 16.

The motion prevailed.

The house accordingly, at 5:08 p.m., adjourned until 11 a.m. Monday, May 16.

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#### ADDENDUM

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#### SIGNED BY THE SPEAKER

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



**House List No. 29****HCR 161****MESSAGES FROM THE SENATE**

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

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 13, 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 92** Cook SPONSOR: Estes  
Relating to the regulation of slaughterers by certain counties.  
(Committee Substitute/Amended)

**HB 205** Pickett SPONSOR: Rodriguez  
Relating to the imposition by certain municipalities and municipal transit departments of the local sales and use tax in certain federal military installations.

**HB 328** Guillen SPONSOR: Zaffirini  
Relating to information provided to a person applying for a state tax permit or license.

**HB 848** Guillen SPONSOR: Zaffirini  
Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.  
(Committee Substitute/Amended)

**HB 1254** Pickett SPONSOR: Rodriguez  
Relating to consideration of the consolidation of school district employment of peace officers and security personnel in certain counties.

**HB 1286** Howard, Donna SPONSOR: Davis  
Relating to adoption of rules by the University Interscholastic League.  
(Amended)

**HB 1401** Laubenberg SPONSOR: Estes  
Relating to who may participate in certain local option elections to prohibit or authorize the sale of alcoholic beverages.

**HB 1450** Guillen SPONSOR: Zaffirini  
Relating to a study regarding tort liability arising from a volunteer's operation of a Parks and Wildlife Department vehicle.

**HB 1789** Farias SPONSOR: Van de Putte  
Relating to the payment of state funds directly to an entity that conducts a primary election under contract in certain counties.

**HB 1840** Phillips SPONSOR: Estes

Relating to the creation and functions of the Texas Grain Producer Indemnity Board.  
(Amended)

**HB 1936** Gutierrez SPONSOR: Lucio  
Relating to importation and shipment of alcoholic beverages for personal consumption.

**HB 2002** Marquez SPONSOR: Rodriguez  
Relating to the county ethics commission for certain counties.

**HB 2014** Thompson SPONSOR: Van de Putte  
Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.  
(Committee Substitute)

**HB 2067** Callegari SPONSOR: Seliger  
Relating to the regulation of the practice of engineering by individuals engaged in the evaluation of oil and gas resources.

**HB 2403** Otto SPONSOR: West  
Relating to retailers engaged in business in this state for purposes of sales and use taxes.

**HB 2468** Phillips SPONSOR: Seliger  
Relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

**HB 2936** Castro SPONSOR: Zaffirini  
Relating to the administration of district courts in Bexar County.

**HB 3000** Thompson SPONSOR: Van de Putte  
Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.

**HB 3487** Taylor, Van SPONSOR: Carona  
Relating to regulations concerning certain service animals; providing a criminal penalty.  
(Amended)

**HCR 127** Naishtat SPONSOR: Watson  
Designating the year 2012 as the Lady Bird Johnson Centennial Year.

**SB 1696** Williams  
Relating to the creation of an automatic license plate reader pilot program.

**SB 1697** Williams  
Relating to duties and restrictions regarding the special Texas Rangers.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 13, 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 1424** Wentworth  
Relating to the issuance of cease and desist orders by the Texas Medical Board.

**SB 1520** Uresti  
Relating to the consideration of applications for permits for certain commercial solid waste processing or treatment facilities.

**SB 1652** Watson  
Relating to the implementation of new processes for the purposes of budget transparency, fiscal responsibility, and open government.

**SB 1695** Williams  
Relating to penalties for engaging in organized criminal activity.

**SB 1698** Williams  
Relating to reporting concerning inmates who are confined in county jails and subject to federal immigration detainers.

**SB 1699** Williams  
Relating to authorizing the use of an image verification system to determine whether an applicant for a driver's license or personal identification certificate is a fugitive from justice.

**SB 1826** Gallegos  
Relating to the definition in the open meetings law of the term "deliberation."

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 13, 2011 - 4

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 1658** Hinojosa  
Relating to the duties of and investigations conducted by the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to Sam Houston State University, and the accreditation of criminal laboratories by the Department of Public Safety of the State of Texas.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**


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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 12**

Business and Industry - **SB 767**

Corrections - **SB 315, SB 1055, SB 1208**

Criminal Jurisprudence - **SB 122, SB 144, SB 496, SB 1098, SB 1681, SB 1702**

Culture, Recreation, and Tourism - **HCR 124, SB 252**

Energy Resources - **SB 1134**

Higher Education - **SB 489, SB 851, SB 1564**

Human Services - **SB 219, SB 264, SB 436, SB 957, SB 993, SB 1154**

Insurance - **SB 554, SB 735, SB 859, SB 1806**

Natural Resources - **HB 3848**

Pensions, Investments, and Financial Services - **SB 642, SB 1667, SB 1668, SB 1669**

State Affairs - **SB 943**

Transportation - **SB 182, SB 246, SB 959, SB 1057, SB 1386, SB 1719**

Urban Affairs - **SB 577, SB 992, SB 1184, SB 1255**

**ENGROSSED**

**May 12 - HB 13, HB 14, HB 36, HB 242, HB 272, HB 335, HB 351, HB 590, HB 628, HB 738, HB 748, HB 1043, HB 1128, HB 1205, HB 1228, HB 1355, HB 1359, HB 1528, HB 1576, HB 1580, HB 1689, HB 1728, HB 1766, HB 1776, HB 1784, HB 1797, HB 1871, HB 1872, HB 1886, HB 1951, HB 1994, HB 2006, HB 2096, HB 2102, HB 2103, HB 2190, HB 2194, HB 2233, HB 2247, HB 2316, HB 2359, HB 2363, HB 2382, HB 2425, HB 2460, HB 2492, HB 2510, HB 2589, HB 2592, HB 2595, HB 2649, HB 2702, HB 2707, HB 2728, HB 2746, HB 2960, HB 2975, HB 2982, HB 2994, HB 2996, HB 2997, HB 3001, HB 3036, HB 3079, HB 3111, HB 3125, HB 3152, HB 3216, HB 3283, HB 3326, HB 3328, HB 3341, HB 3369, HB 3387, HB 3399, HB 3475, HB 3595, HB 3647, HB 3723, HB 3730, HB 3797, HJR 48, HJR 109**

**ENROLLED**

**May 12 - HB 11, HB 564, HB 734, HB 965, HB 994, HB 1064, HB 1251, HB 1300, HB 1889, HB 1901, HB 1952, HB 1953, HB 2131, HB 2503, HB 2831, HCR 157**

**SIGNED BY THE GOVERNOR**

**May 12 - HB 314, HB 367, HB 861, HB 1409, HB 1510, HCR 73, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 111, HCR 112, HCR 113, HCR 140**